

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Tuesday, August 5, 2014**

Members present: T. Oberhaus, P. Kanter, C. Dundon, M. Tagtow, B. Cooley, E. Kranick, G. Reich
Also present: T. Barbeau, *Town Engineer*, 7 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 July 1, 2014

A motion was made by Mr. Kranick, seconded by Ms. Dundon, to approve the July 1, 2014 minutes as presented. Motion Carried.

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

Fourth order of business: Unfinished Business
A. None

Fifth order of business: New Business:

- A. Thomas and Polly Kranick, owner, by Matt Neumann, Neumann Properties, Inc., agent, Re: Consideration and possible action on a request for approval of the following:
 - 1. Certified Survey Map
 - 2. Declaration of Restrictions
 - 3. Landscape Plan

Mr. Kranick recused himself from the meeting room.

Certified Survey Map:

Engineer Barbeau stated all technical corrections have been made. No County comments have been received yet. The primary environmental corridor is depicted on the CSM. It also includes road dedication for lands that abut Maple Avenue and for a dedication of land along Franciscan Road where the paved surface currently goes outside of the right of way. Since Lot 3 does not abut a public road, Engineer Barbeau requested that the developer and the Kranicks provide a permanent easement to that parcel in accordance with the requirements in the zoning code. He has requested confirmation that all lots can be served by public sanitary sewer and has made additional technical comments. Some barns and silos on the property are to be razed and removed. Since the lots are not uniform and do not meet the general lot configuration expressed in Chapter 18.06 (6), the developer has requested an exception to said section as allowed by the code.

Plan Commission members confirmed that all owners will be required to sign the signature page. They also requested that the easement to Lot 3 be on Lot 2.

A motion was made by Ms. Dundon, seconded by Mr. Reich, to recommend to the Town Board the approval of the exception to the lot configuration standards and approval of the CSM for the Kranick property, subject to incorporation of any review comments from Waukesha County Parks and Land Use, execution of a private driveway agreement document which records an easement for Lot 3 on Lot 2, and conformance to all conditions of the Conditional Use Permit.

Declaration of Restrictions:

Both Attorney Larson and Engineer Barbeau have reviewed the document and have provided comments on portions that relate to Town codes and access to common lands and stormwater facilities for maintenance. The blue line copy mailed to the Plan Commission members contains the latest recommendations.

Plan Commission members requested that on page 7 Item 2.3 (c) be changed to read: "The Town of Delafield open space requirements in effect at the time of construction must be followed. As of the date of this Declaration, the Town has an open space provision that requires lots that are 30,000 sf or larger, to have a minimum of 75% open space as defined by the Town of Delafield Zoning Code."

Plan Commission members questioned the phrase "or better" under page 8 Item 2.5 (b). Mr. Neumann stated he retains architectural control until every home is built but to be sure this item is understood he will give homeowners written examples of the shingles which are acceptable.

After discussion of page 19 Item 9.1, Engineer Barbeau was directed to add protections for the Town in future Conditional Use Permits for subdivisions in case of the need for an environmental clean-up. Of particular concern is wording allowing the Town to assess properties involved for the clean-up without any liability for the Town. Engineer Barbeau will discuss this with Attorney Larson. Mr. Neumann stated this could be added at the time he returns for approval of the final plat.

A motion was made by Mr. Cooley, seconded by Ms. Dundon, to recommend to the Town Board the acceptance of the Declaration of Covenants, Conditions and Restrictions of Woodridge Estates Subdivision as amended in page 7, Item 2.3 (c) to read: "The Town of Delafield open space requirements in effect at the time of construction must be followed. As of the date of this Declaration, the Town has an open space provision that requires lots that are 30,000 sf or larger, to have a minimum of 75% open space as defined by the Town of Delafield Zoning Code." and incorporations of the changes noted on the blue line draft document. Motion approved.

Landscape Plan

Engineer Barbeau stated the Landscape Plan encompasses the entrance off of CTH KE and the outlots of Phase 1. Recommendations have been made regarding the tree choices. Mr. Neumann showed drawings of the entrance feature items.

A motion was made by Ms. Dundon, seconded by Mr. Cooley, to approve the Landscape Plan for Phase 1 of the Woodridge Estates Subdivision.

After discussion regarding the walking path, trees, signage, and environmental corridor, **a motion to amend the end of the motion to read "only as it relates to the document presented dated May, 2014" was made by Mr. Reich, seconded by Mr. Kanter. Motion carried.**

The Plan Commission then voted on the amended motion to approve the Landscape Plan for Phase 1 of the Woodridge Estates Subdivision only as it relates to the document presented dated May, 2014. Motion Carried.

Mr. Kranick returned to the meeting.

- B. Michael McWilliams, 1909 Tallgrass Circle, Waukesha, WI, Re: Consideration and possible action on a request for approval of a Certified Survey Map to combine two properties into one property located at W304 N2472 Maple Avenue (former Lloyd's Never Inn).

Engineer Barbeau explained the history of the two lots. Both parcels have been sold to the McWilliams who propose to remove the buildings on the lots and construct one single family home. This will correct a non-conforming property. The CSM combines the properties. He suggests requiring a letter of credit to cover demolition of buildings.

Keith Kindred, associate senior land surveyor for SEH YAGGY, stated the County requires the buildings to be removed. A letter of credit should list the Town of Delafield.

A motion was made by Mr. Kanter, seconded by Mr. Kranick, to recommend to the Town Board approval of the Certified Survey Map to combine two properties into one property located at W304N2472 Maple Avenue (former Lloyd's Never Inn) conditioned upon providing a letter of credit for the removal of all structures save for one dwelling unit on the combined lot and conditioned upon the recording of a deed restriction which commits this property to following all Town of Delafield ordinances from now into perpetuity. Motion Carried.

- C. Jim Horneck, owner, W314 N720 STH 83, Re: Consideration and possible action on a request for modification of his Conditional Use Permit related to hours of operation and site plan.

The Plan Commission determined that this request is a substantial alteration to the Conditional Use Permit due to the expansion of the parking lot. Since a Public Hearing will be held, the hearing should be about both the hours of operation and the site plan.

A motion was made by Mr. Kanter, seconded by Ms. Dundon, to Table this item and schedule it for a public hearing. Motion Carried. Item Tabled.

- D. Jim Horneck, owner, W314 N720 STH 83, Re: Consideration and possible action to approve a plan of operation for the following businesses to be located in the Pathways of Light Wellness Center, W314 N720 STH 83:

1. Creating Balance, Maureen Pohle

Ms. Pohle is a psychotherapist/mental health therapist. She usually sees one client/couple/family at a time. She does not sell anything (Item 23). She uses a portable labyrinth for meditation purposes. Clients use quiet music during the meditation and could use an iPod with headphones so there will be no impact on the neighbors. Hours requested: M-F 8a.m.-6 p.m., Sat. 8 a.m.-5 p.m., Sun. 8 a.m.-8 p.m. She has an occasional appointment until 10 p.m.

A motion was made by Ms. Dundon, seconded by Mr. Reich, to approve the Plan of Operation for Creating Balance, Maureen Pohle, subject to the current Conditional Use Permit and the future amendment of the Conditional Use Permit, and removal of Item 23. Motion Carried.

2. Soulflower Wisdom, LLC, Laura Dodge

Ms. Dodge provides energy healing, guided meditation, laying on of hands, intuitive readings for spiritual growth and guidance. She looks at patterns of behavior that are non-physical. Her services are spiritual but not religious. She'd like to offer classes in the evenings 3 to 4 times per year for 4-6 people at a time. She is currently available 7 days-a-week.

A motion was made by Mr. Kanter, seconded by Mr. Kranick, to approve the Plan of Operation for Soulflower Wisdom, LLC, Laura Dodge, subject to the current Conditional Use Permit and the future amendment of the Conditional Use Permit. Motion Carried.

3. Brilliant Life, LLC, Cynthia Wysocki

Ms. Wysocki was unable to attend so Ms. Witthun spoke on her behalf. Ms. Wysocki provides massage therapy 2-3 days per week by appointment between 10 a.m. and 7 p.m. She is a licensed massage therapist.

A motion was made by Mr. Kanter, seconded by Mr. Kranick, to approve the Plan of Operation for Soulflower Wisdom, LLC, Laura Dodge, subject to the current Conditional Use Permit and the future amendment of the Conditional Use Permit. Motion Carried.

4. Celestial Sounds and Energy Healing, Wendy Kohlhaas

Ms. Kohlhaas works with advanced energy and acupressure points, celestial sounds, Tibetan singing bowls, and meditation. She works elsewhere full-time so this is a part-time business which is open weekday evenings and provides group sessions on weekends.

A motion was made by Mr. Kranick, seconded by Ms. Dundon, to approve the Plan of Operation for Celestial Sounds and Energy Healing, Wendy Kohlhaas, subject to the current Conditional Use Permit and the future amendment of the Conditional Use Permit. Motion Carried.

It was noted that there are five businesses in the building currently. Lisa Witthun's Plan of Operation was previously approved.

Sixth order of business: Discussion:

A. None

Seventh order of business: Announcements and Planning Items:

Next meeting -Tuesday, September 2, 2014

Eighth order of business: Adjournment

A motion was made by Mr. Tagtow and seconded by Mr. Kranick to adjourn at 8:38 p.m. Motion Carried.

Respectfully submitted,
Lauren Beale

Minutes approved on: September 2, 2014