

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Tuesday, September 3, 2013**

Members present: T. Oberhaus, P. Kanter, C. Dundon, M. Tagtow, B. Cooley, G. Reich, Edward Kranick

Also present: T. Barbeau, *Town Engineer*, P. Kozlowski, *Fire Chief*, 16 citizens

Prior to the start of the scheduled Plan Commission meeting there will be a public hearing in front of the Plan Commission and possibly a quorum of the Town Board to solicit public input on a request by Pat Leverence, N47 W28270 Lynndale Road on a request for a Conditional Use permit to operate a wedding, meeting and banquet facility in the easternmost barn located at N47 W28270 Lynndale Road. The Plan Commission meeting will begin immediately following the conclusion of the public hearing. Chairman Oberhaus called the Public Hearing to order at 7:00 p.m. and the Town Clerk read the Notice.

Pat Leverence stated her proposal to use the existing white barn to hold wedding receptions, family reunions, holiday parties, business meetings, club meetings and banquets. Outdoor ceremonies would either be held north of the existing farmhouse and west of the existing brick barn or by the existing circle driveway. She stated that the wedding receptions will be held on both the first and second levels of the barn. The proposal includes installation of bathrooms on the first and second levels, an access drive to the second level with a turnaround for emergency vehicles and a doorway on the east side of the second level of the building. The approximate capacity will be 150 to begin and 200 once another parking lot is installed. The requested hours of operation are Noon to 1:00 a.m., 7 days a week. All food will be catered by an off-site caterer. She is proposing to provide bar service, so she we will apply for a liquor license. There will be Indoor music. Pat stated that based on a recent testing, loud music could not be heard even with the barn doors open. If a party wishes to have music at an outdoor wedding, it would be very simple. All traffic will enter on the east driveway and exit on the west driveway.

Wendy Proebsting, N49W28184 Maryanns Way, stated that she lives directly behind the existing barn. She is concerned about possible noise issues, the increased traffic, safety concerns, and lighting issues. Her daughter eats a gluten free diet and if there are corporate events held during the day, will she have to walk a "country mile" to the Molly's Gluten Free Bakery due to lack of parking.

Pat Leverence stated that she would like to continue to be a good neighbor to the Town of Delafield and will do everything to keep the peace.

The Public Hearing closed at 7:25 p.m.

First order of business: Call to Order
Chairman Oberhaus called the meeting to order at 7:25 p.m.

Second order of business: Approval of the minutes of July 2, 2013
MOTION MADE BY MR. REICH, SECONDED BY MR. TAGTOW TO APPROVE. MOTION CARRIED.

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

Fourth order of business: Unfinished Business
A. Casey Masterson, Halen Homes, Re: Consideration and possible action to allow the owner of Lot 1 Grandhaven subdivision to grade beyond the 20 foot limitation required on the subdivision plat.

MOTION MADE BY MR. KANTER, SECONDED BY MR. COOLEY TO APPROVE THE REQUEST FROM THE OWNER OF LOT 1 GRANDHAVEN SUBDIVISION TO GRADE BEYOND THE 20 FOOT LIMITATION REQUIRED ON THE SUBDIVISION PLAT IN ACCORDANCE WITH THE PLAN SUBMITTED. MOTION CARRIED.

- B. Pat Leverence, N47 W28270 Lynndale Road, Re: Consideration and possible action on a request for a Conditional Use permit under section 17.05 5. AC. Other Uses, to operate a wedding, meeting and banquet facility in the easternmost barn located at N47 W28270 Lynndale Road, and approval of the site plan, plan of operation and site signage plan.

The Plan Commission stated the following: The Conditional Use Permit should address the concerns presented by the neighbor, resolve parking issues and install a small kitchen facility. It was suggested that the hours of operation be revised from Noon to 10:30 a.m. to allow for set up of events.

Chief Kozlowski stated the following concerns: Parking obstructs the means of egress from the first floor of barn one; the 10% slope at the access drive East of barn one may be difficult to navigate; the 15 x 15 T-turnaround is too small (ambulance is 25'6" Long by 8'6" Wide); parking near intersections appear to obstruct our ability to navigate the access roads; angle parking and parallel parking West of barn one does not allow the fire department ample room to use the access roads; the circle drive West of the residence should prohibit parking in order to allow vehicles to turn around; when determining maximum capacity of the building, make sure that stairwells, bathrooms, storage rooms, HVAC areas, bar, DJ space, employee work areas, etc. are subtracted from the total square footage; and, make sure table placement does not obstruct the means of egress.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. REICH TO DIRECT THE TOWN ENGINEER TO MOVE FORWARD WITH DRAFTING THE CONDITIONAL USE PERMIT. MOTION CARRIED.

- C. Schoenstadt Sisters of Mary, W284 N404 Cherry Lane, Re: Consideration and possible action on the approval of a revised site plan and grading plan for the previously approved Mission Center.

Engineer Barbeau stated that when the engineer in charge of the proposed project applied for a stormwater permit, Waukesha County informed him that there is a wetland in the area of the site grading plan where an artificial wetland was to be created. The wetland was delineated and shown on the updated site plan. The roadway west of the building had to be shifted approximately 20 ft. to the northeast from the previous plan. Engineer Barbeau stated the need to incorporate the date of the new site plan (8/27/13) into the Conditional Use document.

MOTION MADE BY MR. KANTER, SECONDED BY MR. REICH TO RECOMMEND APPROVAL OF THE REVISED SITE PLAN FOR THE PREVIOUSLY APPROVED MISSION CENTER USE TO THE TOWN BOARD, ELIMINATE THE GRADING PLAN DATE FROM THE CONDITIONAL USE DOCUMENT AND REFER TO STAFF FOR FINAL APPROVAL OF THE GRADING PLAN PRIOR TO ISSUING A ZONING PERMIT. MOTION CARRIED.

- D. Town of Delafield, Re: Consideration, review and recommendation to the Town Board on vacation rentals of homes on Pewaukee Lake and in the Town (referred from Town Board 8/13/13).

Mr. Kanter stated that although the letter included in the packet was the impetus for the item being on the Town Board Agenda, this is not the only property of concern that have been brought to the attention of the Town. It is time to address this issue. The Town Board felt it was appropriate to

refer short term rentals to the Plan Commission, as this is a land use issue. How do we define "short term rental"? This could be handled as a conditional use permit, requiring the applicant to submit a plan of operation. The suggestion was made to research the areas of Door County, Wisconsin Dells, Lake Geneva for ideas on rentals.

Sean Jochims, N24W30762 Fairway Ct., stated that he did not buy this property as a business. He bought it for his family to enjoy. He then realized that there were many expenses owning a property on the lake. This is not a huge money maker, and he is just trying to pay the bills. He never received any complaints about his property and always tried to do everything right not to disturb his neighbors. His neighbor does not like his property being used as a rental. He and his wife sought legal counsel before renting their property. They have not created a nuisance.

Peter Buerosse, W291N2152 Elmhurst Drive, stated that the Jochims were previously running a business out of their home without a permit. At the end of every quarter, the parking was an issue. Trespassing has occurred, and a fence should be addressed for this type of rental. The quality of life for the neighbors is being compromised. Noise is an issue. Different families have been shifting in and out of the subject property. Mr. Buerosse stated that he is not trying to intrude on the Jochims, but he has a right to a reasonable quality of life.

Mary Buerosse, W291N2152 Elmhurst Drive, stated that she was at the Town Board Meeting when this was discussed. There are two or three homes on the street that are rented out, but the people that own the homes live in them. The Jochims have never lived there. The problem with parking makes it difficult for emergency traffic to come through. The curve of the road does not permit excess parking. She is opposed to him running a business without a conditional permit.

Mary Gram, N22W29150 Elmhurst Drive, stated that Madison is having the same problem on Badger weekends. If multiple families are renting a home, it is no longer a single family. She suggested that the Town contact Madison and ask how they are handling the situation.

The Plan Commission discussed requiring a Conditional Use Permit for any rental less than 1 month. The Conditional Use permit should address occupancy numbers, parking issues, trespassing and frequency of turnover, i.e., if you're going to rent for 1 mo. or less and turn it over to a sub-lessee more than 1 time per year, you will be required to get a Conditional Use permit.

MOTION MADE BY MR. KANTER, SECONDED BY MS. DUNDON TO DIRECT ENGINEER BARBEAU TO MEET WITH THE TOWN ATTORNEY AND WORK TOWARD DEVELOPING A CONDITIONAL USE PERMIT AMENDMENT TO THE ZONING CODE. MOTION CARRIED.

Sixth order of business: Discussion

None

Seventh order of business: Announcements and Planning Items:

Next meeting – Tuesday, September 17, 2013

Eighth order of business: Adjournment

**MOTION BY MR. TAGTOW, SECONDED BY MR. KRANICK TO ADJOURN AT 9:25 P.M.
MOTION CARRIED.**

Respectfully submitted,

Mary T. Elsner, CMC, WCMC

Town Clerk/Treasurer

Minutes approved on October 1, 2013