

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Tuesday, November 5, 2013**

Members present: T. Oberhaus, P. Kanter, C. Dundon, M. Tagtow, B. Cooley, G. Reich, E. Kranick
Also present: T. Barbeau, *Town Engineer*, L. Krause, P. Van Horn, P. Kozlowski, *Fire Chief*, 10 citizens

Prior to the start of the scheduled Plan Commission meeting there were two public hearings in front of the Plan Commission and the Town Board. The first hearing was in consideration of an ordinance to repeal and recreate Section 17.05 (5) (M) of the Town of Delafield Municipal Code related to wireless telecommunications mobile service facilities. The second was at the request of Pat Leverence, at N47 W28270 Lynndale Road for a Conditional Use permit to operate a wedding, meeting and banquet facility in the westernmost barn located at N47 W28270 Lynndale Road.

Chairman Oberhaus called the first public hearing to order at 7:00 p.m. and the Town Clerk read the Notice.

Telecommunications Hearing - Engineer Barbeau presented a brief description of the changes to this ordinance that was drafted by Attorney Larson. The reason for this ordinance is to comply with recently amended State and Federal laws and regulations. There were no questions from the Town Board or the Plan Commission.

There was no public comment. Chairman Oberhaus called the public hearing to close at 7:05 p.m.

Pat Leverence Hearing - Mr. Paul Leverence stated that they would like to amend their application for a conditional use by proposing to make the 2nd and 3rd floor of Barn 2, the bar with the silo closest to Lynndale Road. There were no questions from the engineer. Mr. Van Horn questioned the parking and holding tank. All parking is on site, and the facility is served by a holding tank which may have to be enlarged. Mr. Krause questioned the number of parking stalls. There will be a total of 84. He also questioned about access to the facility. Paul Leverence responded, stating that lighting would be added by the entrance and the exit. Waukesha County has not looked at the latest plans. Their approval for access is addressed in the conditions. Waukesha County will deem it necessary or unnecessary for accel and decel lanes or by-pass lanes. Bakery and Gluten Free uses will remain. Running water is available in the barn. The loft will be used for additional seating. A restroom is present in the building, but it will need to be remodeled.

There was no public comment. Chairman Oberhaus called the public hearing to close at 7:12 p.m.

First order of business: Call to Order

Chairman Oberhaus called the meeting to order at 7:13 p.m. and led all in the Pledge of Allegiance.

Second order of business: Approval of the minutes of October 1, 2013.

MOTION BY MR. COOLEY, SECONDED BY MS. DUNDON, TO APPROVE AS PREPARED. MOTION CARRIED.

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

Waukesha County Department of Parks and Land Use (10/15/13) Staff Review and Decision Sheet for Schoenstatt Sisters of Mary.

Discussion: Permits were picked up last week. Work on project has started.

Fourth Order of Business: Unfinished Business

None

Fifth Order of Business: New Business

- A. Frank & Shirley Lovek, 1614 Legend Drive, Waukesha, WI, Re: Consideration and possible action on a request for a land split via a Certified Survey Map on lands located at the southeast corner of CTH C and Government Hill Road.

The lot meets Suburban II density requirements of the Town Land Use Plan. Both lots have soils that indicate high groundwater in some areas of the land based off maps from the County. The Surveyor has made all technical corrections. Engineer Barbeau recommended approval of the CSM. Jan Farber from Realty Executives represented owners of the property and stated that it was approved by the City of Delafield Monday night. This is outside of the County's jurisdiction so they don't need to approve. Lot 2 is still divisible.

MOTION BY MR. KRANICK, SECONDED BY MR. COOLEY TO APPROVE THE CSM. MOTION CARRIED.

- B. Jeff Erwin Living Trust, c/o Debby Erwin, N34 W28341 Taylors Woods Road, Re: Consideration and possible action on a request for a land split via a Certified Survey Map on lands located at the southwest corner of Taylors Woods Road and Lakeside Road.

The land is mostly environmental corridor so there are restrictions as noted on page five. The new lot will be served by septic. A basement restriction was added to the CSM as required by the County. Technical corrections have been made and Engineer Barbeau recommends approval. There was a question about the land being close to sewer. The surveyor indicated that a new sewer lateral would have to extend through the environmental corridor; therefore, it is not economically feasible or environmentally desirable to connect.

MOTION BY MR. COOLEY, SECONDED BY MS. DUNDON TO APPROVE THE CSM. MOTION CARRIED.

- C. 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 westernmost barn located at N47 W28270 Lynndale Road, and approval of the site grading and paving plan, and plan of operation.

The capacity of the facility will be dictated by State code or by parking, whichever is less. There are 84 parking stalls and four are for the employees. Most of the employees are family members and would park by the farmhouse. Parking would allow for 200 people to be in the barn. The owner indicated that there is the ability to put more tables in the loft. There was a structural assessment done of the barn. The 2nd floor can handle 100 lbs per square foot; can only use half the mezzanine/loft. Owners will be adding reinforcements to increase the load for the loft. The Plan Commission expressed concern about the standard used for the loading - may not hold people dancing and jumping around. The barn met code from before 1980. The Conditional use permit should require upgrades of the entire building to current code.

The fire chief expressed concern that there was only one entrance and exit to the loft. There is no fire escape for this area. The main egress shows double wide door and should have a second egress on the south side by the stairwell. Code does require distance between doors. The Leverences need to do a parking study to get a feel for the use of the parking. There will be no parking allowed on the road and this will be stated in the lease agreements.

Engineer Barbeau summarized the proposed changes to the Conditional Use permit:

Require that the complete structure must meet current code requirements.

No open flame or pyrotechnics in or near the barn

No parking on CTHJK.

Owner must prepare a parking study to determine the number of vehicles and number of attendees for various events and present it at an annual review.

MOTION BY MR. KANTER, SECONDED BY MR. KRANICK TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT AS AMENDED WITH THE CHANGES INDICATED BY

ENGINEER BARBEAU TO THE TOWN BOARD (CORRECTIONS TO BE INCORPORATED INTO THE DOCUMENT BY ENGINEER BARBEAU), MOTION CARRIED.

- D. Town of Delafield, Re: Consideration and possible action on an ordinance to repeal and recreate Section 17.05 (5) (M) of the Town of Delafield Municipal Code related to wireless telecommunications mobile service facilities.
No discussion.

MOTION BY MR. KANTER, SECONDED BY MR. REICH TO RECOMMEND THE ORDINANCE TO THE TOWN BOARD FOR APPROVAL, MOTION CARRIED.

- E. Jodi & Steve Jahnke, N43 W29216 Prairie Wind Circle North, by agent Susan Schmidt, James Craig Builders, Re: Consideration and possible action on a request for a height increase (base and overall) for a home proposed for Lot 11, The Enclave, on Summerhill Road.
The height to the highest eave on back of proposed home is 31 feet; overall height is requested at 48.7 feet. Side yard offsets as proposed would allow the increase in overall height. There are two dormers in the second floor elevation that exceed the eave height. One is noted as bedroom three (west window) and the other noted as flex space. Mr. Cooley indicated that even though it is noted as flex space, it will become a bedroom; therefore, there needs to be a jump platform below the window. Chief Kozlowski stated a fire suppression system would help, but cheaper to extend deck under the flex space window. Access to these windows is not doable with the 35' long ground ladders they currently have and this house is not conducive to roof ladders. Fire department needs access to the backside of the house and it is not easily accessible. The fire department has access to a ladder truck thru mutual aid. Extending the deck would take care of concern and meet code requirements. Overall height is not a problem.

MOTION BY MR. KRANICK, SECONDED BY MR. REICH TO APPROVE THE REQUEST FOR THE EAVE HEIGHT AND OVERALL HEIGHT INCREASE AS LONG AS THE DECK IS EXTENDED TO BE IN LINE WITH THE WINDOWS. MOTION CARRIED.

Sixth Order of Business: Discussion:

- A. Jeff Horwath, agent for RM 100, Inc. (Dale Bergman), Re: Discussion related to residential development of lands located at W300 N3317 Maple Avenue.
The Town Land Use Plan calls for this land to be Suburban Density I (1.5 to 2.9 acres per unit). Hawks Nest subdivision is approximately 2 ac density. A man-made ridge is along the southerly boundary of the parcel. River Reserve is a lower area so the location of the retention basin between lot 6 and lot 7 is good. Mr. Horwath feels it works best as a cul de sac. The entrance will include a buffer of landscaping. Property would need to be rezoned for any development. Limitation of 14 lots not 16 unless road is connected. Homes will be comparable in size to Hawks Nest. Mr. Horwath is open to connecting road. Mr. Kanter and Mr. Reich feel that it would be a benefit to have fewer home sites than proposed. Emergency response is also a reason for the road to go through. The Plan Commission would like Mr. Horwath to think about taking some of the berm down, clean it up and landscape it to make it more attractive. The berm height is at least 20'. Privacy would still be maintained between developments if the berm is worked on. Mr. Kanter would like to see paths connect to the Ice Age Trail. Land may have to be set aside in this development for the Ice Age Trail. If the lots are kept at 1.5 ac size, a change in the Land Use Plan is not necessary.
- B. Tim Kneprath, MSI General, agent for St. Anthony's on the Lake, Re: Update and discussion related to a proposed building expansion at St. Anthony's.
Mr. Kneprath had two exhibits which showed the church as it is now and as it will be after the additions. The church wants to have dedicated space for activities that they already have. They want a large meeting room, more office space, class rooms and a dedicated gym space. Five areas would be affected: first, new parish activity center, old gym becomes large meeting rooms; second, new kindergartens around activity center; third, more offices with a dedicated entry; fourth, tear down rectory and garage and create more parking; and fifth, move pond to area where old bowling alley used to be. Plan complies with 50% green space rule. The former bowling alley and the church lots have been combined into one lot. The new construction will

have fire protection. They would like to have approval granted over the winter so they can start in the spring. There will be no new activity, but will the parking be enough. Existing Conditional Use permit addresses parking. Archdiocese does not allow athletic activities on Sunday so there will not be multiple large gatherings at any one time. AT&T access road will be removed and reconfigured through the proposed parking lot. The church will improve the road access point on CTH SS and add 12 new parking stalls. The water runoff from the new roof will run toward the pond using existing piping in the ground. Concerns regarding the pond and the water runoff will be addressed with Waukesha County later this week. Mr. Kneprath has already talked to the neighbors about the new addition and addressed their concerns about the water runoff.

Seventh Order of Business: Announcements and Planning Items:

Next meeting – Tuesday, November 19, 2013 Discussion regarding this meeting ensued. Mr. Reich cannot make the meeting, but he will have a draft ready for the Plan Commission regarding the Vacation Rentals on December 3, 2013. He and Engineer Barbeau are working on the conditions.
Tuesday, December 3, 2013

Eighth Order of Business: Adjournment

MOTION BY MR. TAGTOW, SECONDED BY MR. REICH TO ADJOURN AT 8:58 P.M., MOTION CARRIED.

Respectfully submitted,

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

Minutes approved on 12/3/13