

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Tuesday, October 1, 2013**

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

Absent: T. Oberhaus

Also present: T. Barbeau, Town Engineer, 10 citizens, Kelly Smith (Lake Country Reporter)

First Order of Business: Call to order

Town Chairman Kanter called the meeting to order at 7:05 p.m. and led all in the Pledge of Allegiance

Second Order of Business: Approval of the minutes of September 3 and 17, 2013.

MOTION BY MR. REICH, SECONDED BY MR. TAGTOW TO APPROVE AS PREPARED. MOTION CARRIED.

Third Order of Business: Communications (for discussion and possible action)

None

Fourth Order of Business: Unfinished Business

- A. Pat Leverage, 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 grading and paving plan and plan of operation (tabled 9/3/13).

The applicant withdrew her request for action at this meeting.

- B. Town of Delafield, Re: Consideration, review and recommendation to the Town Board on vacation rentals of homes on Pewaukee Lake and in the Town (tabled 9/3/13).

MOTION BY MS. DUNDON, SECONDED BY MR. COOLEY TO REMOVE FROM THE TABLE, MOTION CARRIED 5-1 (MR. KRANICK, NAY)

Mr. Barbeau provided a summary from his written report.

MOTION BY MR. REICH, SECONDED BY MS. DUNDON THAT THE TOWN RECOGNIZES THAT VACATION RENTALS ARE CURRENTLY NOT PERMITTED IN ANY ZONING CLASSIFICATIONS THAT ALLOWS RESIDENTIAL USES AND HAVE NEVER BEEN PERMITTED IN THOSE DISTRICTS AS A PERMITTED USE.

During discussion, Mr. Reich pointed out that legal counsel wanted the Town to recognize the past and current codes related to vacation rentals, and to make it clear as to the position by which the Town is acting on this matter.

MOTION CARRIED 4-2 (MR. KRANICK, NAY; MR. TAGTOW, NAY)

MOTION BY MR. REICH, SECONDED BY MS. DUNDON TO DEFINE VACATION RENTALS AS A BUSINESS IN THE TOWN. MOTION CARRIED 4-2 (MR. KRANICK, NAY; MR. TAGTOW, NAY)

MOTION BY MR. REICH TO RECOMMEND TO THE TOWN BOARD THAT VACATION RENTALS BE PROHIBITED IN THE TOWN.

Motion failed due to a lack of a second.

The Plan Commission was generally in favor of regulating vacation rentals. The Plan Commission would need to develop a definition for vacation rental or short term rental. Staff has suggested that the method of regulation would be by Conditional Use permit. Considerations for development of an ordinance is that it should be able to be applied across the whole Town, be enforceable, include conditions related to parking, noise, and regulations from the State Department of Health Services.

Suggestions language to be included in the Conditional Use: a Conditional Use is not needed for a 1 time, once per year use; the rental is for a "for profit" business; that is, use of the facility by friends, neighbors, relatives, etc. would not cause a Conditional Use to be needed; it would be acceptable to rent to someone for 6 months or more without a CU; provide an exclusion for those that live elsewhere for the winter and rent during the time they are not there; address rental vs. lease, vs. sublease (sub-leases not desired); include a provision that if false statements are made on the application, then immediate and summary revocation of the permit.

MOTION BY MR. REICH, SECONDED BY MR. COOLEY TO TABLE, MOTION CARRIED.

- C. Jeff and Amy Niedziela, N30 W29273 Hillcrest Drive, Re: Consideration and possible action on a request for a Conditional Use permit under section 17.05 5. Y. Legal Nonconforming Uses, to allow the remodeling and addition of a deck to the duplex residence on the site, and continuation of legal nonconforming uses on the site (tabled 9/17/13)

MOTION BY MS. DUNDON, SECONDED BY MR. KRANICK TO REMOVE FROM THE TABLE, MOTION CARRIED.

Engineer Barbeau stated that the applicant and the Town staff have had opportunity to review the Conditional Use permit and the applicant's attorney suggested a number of changes that were incorporated into the document. The Town Attorney is satisfied with the language, subject to any policy changes that the Plan Commission or Town Board would want to consider. Mr. Barbeau recommended that the Town disallow the use of the apartment over the boathouse on the basis that boathouses are supposed to be used for boats and no precedent is set.

MOTION BY MR. REICH, SECONDED BY MR. TAGTOW THAT THE CONDITIONAL USE PERMIT BE MODIFIED TO STATE THAT THE BOATHOUSE MUST BECOME FIRE CODE COMPLIANT OR THEY WILL NOT BE ALLOWED TO RENT. MOTION FAILED 3-3 (MR. KANTER NAY; MS. DUNDON NAY; MR. KRANICK, NAY)

MOTION BY MR. KRANICK, SECONDED BY MR. COOLEY TO APPROVE THE CONDITIONAL USE AS AMENDED. MOTION CARRIED

Fifth Order of Business: New Business

- A. Brook Investments Global, Ltd., owner, N30 W29403 Hillcrest Dr., by Santino (Sonny) Bando, Cedar Square Construction, LLC, agent, Re: Consideration and possible action on a determination as to

whether a proposed single family house at W303 N2595 Maple Avenue (former Syed Hussain property) is considered an undesirable structure as defined in Chapter 17.03 1. A. 4. of the Town Zoning Code.

Mr. Barbeau explained that the house is very unique and presented it to the Plan Commission for consideration under Section 17.03 1. A. 4. (No undesirable structures) of the Zoning Code. The Plan Commission made it clear that the house was to be a single family house and cannot become a rental house. The applicant confirmed that it will be a single family house. The criterion for consideration is whether house is unsightly or offensive. The Plan Commission reviewed the plans presented and requested input from a few of the residents that attended the meeting. There was no strong objection by members of the public to allowing this house to be built as shown in the plans.

By consensus of the Plan Commission, there was no objection to the proposed single family home.

- B. Al Schultz, N23 W28992 Louis Avenue, Re: Consideration and possible action to extend the approval time limit for the site, site grading, landscaping and architectural plans for a two-family condominium development at N23 W28992 Louis Avenue (current expiration date of September 4, 2013).

Mr. Barbeau stated that the Plan Commission approved final plans for the proposed condominium project on September 4, 2012. The zoning code states that approvals are only good for one year, but may be renewed. Mr. Schultz is requesting that the approval be renewed for one year.

MOTION BY MR. TAGTOW, SECONDED BY MR. COOLEY TO GRANT A ONE YEAR EXTENSION TO SEPTEMBER 4, 2014. MOTION CARRIED.

- C. Fiduciary Real Estate Development Corp., Re: Consideration and possible action on a request to change the copy on the two real estate signs on the south side of Golf Road, west of CTH SS; Tax Key No. 813-993-003.

MOTION BY MR. REICH, SECONDED BY MR. KRANICK TO APPROVE THE REQUEST TO CHANGE THE COPY ON THE SIGNS AS SHOWN IN THE MOCK UP PREPARED BY SIGNWORKS, INC DATED 9/23/13.

Sixth Order of Business: Discussion: None

Seventh Order of Business: Announcements and Planning Items:

Next meeting – Tuesday, November 5, 2013

Eighth Order of Business: Adjournment

MOTION BY MR. TAGTOW, SECONDED BY MS. DUNDON TO ADJOURN AT 8:57 P.M., MOTION CARRIED.

Respectfully submitted,

Tim Barbeau, P.E., R.L.S.
Town Engineer/Zoning Administrator

Minutes approved on 11/5/13