

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

Members present: T. Oberhaus, P. Kanter, C. Dundon, M. Tagtow, L. Cunningham, B. Cooley, G. Reich
Also present: T. Barbeau, *Town Engineer*, E. Larson, *Town Attorney*, 3 citizens

First order of business: Call to Order
Chairman Oberhaus called the meeting to order at 7:10 p.m.

Second order of business: Approval of the minutes of February 5, 2013
MOTION MADE BY MR. REICH, SECONDED BY MR. TAGTOW TO APPROVE THE MINUTES OF FEBRUARY 5, 2013, AS PRESENTED. MOTION CARRIED.

Third order of business: Communications (for discussion and possible action)
A. Mary Elsner, Town Clerk (2/2/13) Re: Request to Ken Yunker, SEWRPC, to provide assistance to the Town regarding the environmental corridor designations in the Town.

Engineer Barbeau heard back from SEWRPC, and they are available to meet on March 19. The Plan Commission agreed to meet that day. Engineer Barbeau will follow up with SEWRPC.

Fourth order of business: Unfinished Business
A. Town of Delafield Plan Commission, (tabled 2/5/13) Re: Consideration and possible action on zoning code amendments to address legal non-conforming structures, uses and lots to meet updated Wisconsin State Statutes.

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

Attorney Larson explained the changes made from the draft discussed on 2/5/13. Attention was directed to the 10th line and the 6th "WHEREAS". The word "offense" should be changed to "offensive".

MOTION MADE BY MR. REICH, SECONDED BY MS. DUNDON TO RECOMMEND APPROVAL TO THE TOWN BOARD WITH THE CHANGE OF THE WORD "OFFENSE" TO "OFFENSIVE". MOTION CARRIED.

B. Town of Delafield Plan Commission, (tabled 2/5/13) Re: Consideration and possible action regarding options to address illegal, nonconforming uses and structures in the Town.

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

Attorney Larson reviewed the revised document and suggested changes were provided to him for the following areas of the draft ordinance:

*2nd "WHEREAS", revise the use of impervious and refer to the definition of open space in the Town Code;
5th "WHEREAS", change "Village" to Town;
7th "WHEREAS", 10th line, change "offense" to offensive;
5.5 preamble, strike "exceptional circumstances that include";
Remove references to "proposed ..." in Section 5.5 A. 1. a. (4), (5), (8), (9) and (10), since the intent is not to allow any new or proposed improvements under this special exception ordinance;
In Section 5.5 A. 1. b., add "current and existing" before the word "land" and end the sentence after the word "land";
In Section 5.5 A. 1. c., add "written" after the word "detailed" and change the word "intended" to "existing";
Under 5.5 B., modify the 6th line of the preamble to read, "... Town Board may take additional testimony at their choosing" and delete, "may hold a new evidentiary hearing in the matter";*

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Delete entire paragraph 2 in 5.5 B;

End paragraph 5.5 B. 3. after the word "applicant" and delete the rest of the paragraph.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. COOLEY TO TABLE. MOTION CARRIED.

This matter will be placed on the March 19 agenda.

Fifth order of business: New Business

A. Town of Delafield Plan Commission, Review and possible action on the following Conditional Use Permits:

- James Horneck Taxidermy
- Sprint Spectrum, Silvernail Road
- Prairie Hill Waldorf School
- Molkentin Hobby Kennel
- Kim's Lakeside
- Moertl Boatgas Refueling Service
- T Mobile USA, Inc.

Engineer Barbeau addressed the Conditional Use permits listed for review. He will inform Mr. Horneck that the "clock starts" on 3/5/13 for non-use of his Conditional Use permit and refer him to Section L. He will follow up on the Molkentin Conditional Use permit, since he did not get a chance to talk with them. Engineer Barbeau indicated that Kim's Lakeside provides live music once during the week and on the weekend, but it is not noted in the permit. The Plan Commission did not feel it is necessary to add live music to the permit.

Sixth order of business: Discussion

A. None

Seventh order of business: Announcements and Planning Items

Next meeting – Tuesday, March 19, 2013

Eighth order of business: Adjournment

MOTION MADE BY MR. TAGTOW, SECONDED BY MR. REICH TO ADJOURN AT 8:27 P.M. MOTION CARRIED.

Respectfully submitted,

Tim Barbeau, P.E., R.L.S.
Town Engineer

Minutes approved on April 16, 2013