

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Tuesday, May 07, 2013**

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

Also present: T. Barbeau, *Town Engineer*, K. Smith, 7 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 John Werner, owner, Dylon's Steakhouse, N26 W30227 Maple Avenue for an amendment to his Conditional Use permit to allow outdoor dining for up to 36 people. The Plan Commission meeting will begin immediately following the conclusion of the public hearing

Chairman Oberhaus stated that the applicant withdrew his request for an amendment to the subject Conditional Use permit.

First order of business: Call to Order

Chairman Oberhaus called the meeting to order at 7:03 p.m.

Second order of business: Approval of the minutes of April 16, 2013

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

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

A. None

Fourth order of business: Unfinished Business

A. Schoenstatt Sisters of Mary, W284 N404 Cherry Lane, Re: Consideration and possible action on a request for approval of revised architectural and site drawings and revised Conditional Use permit (to reference the revised drawings) for the construction and operation of a worship center/banquet facility and offices located adjacent to and connected to the existing retreat house at W284 N404 Cherry Lane.

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

Engineer Barbeau stated that an updated Plan of Operation was submitted. The proposal includes a lower level of 8,000 square feet to be used mainly for storage and 24,000 square feet on the upper level for worship, office and banquet facilities. With the capacity of the worship space being 406, the Town Code requires 1 stall per every 3 seats, which equates to 135 stalls. The applicant included an area on the site plan to allow for expanded parking in the event that it would be needed due to growth and success of the facility.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. COOLEY TO RECOMMEND APPROVAL OF THE REVISED CONDITIONAL USE PERMIT CONDITIONED UPON STAFF RECOMMENDATION: THE USE COMPLIES WITH THE LAND USE PLAN AND IS CURRENTLY BEING OPERATED UNDER SEVERAL CONDITIONAL USE DOCUMENTS/APPROVALS IN THE A-2 ZONING DISTRICT. THE PLAN OF OPERATION HAS BEEN UPDATED SO THE TOWN IS ONLY APPROVING THE PROPOSED WORSHIP FACILITY AND NO OTHER FUTURE PHASES AND THE INCLUSION OF THE PLAN DATES AS FOLLOWS: MARCH 22, 2013 – FLOOR PLANS AND ELEVATIONS; APRIL 29, 2013 – SITE PLAN; APRIL 30, 2013 – ELEVATIONS SHOWING MATERIALS AND COLORS; MAY 6, 2013 – GRADING PLAN. MOTION CARRIED.

- B. Town of Delafield Plan Commission, Re: Consideration and possible action on modifications to Chapter 18 of the Town of Delafield Town Code to address revisions required due to statutory changes to Chapter 236 and other changes to regulatory agencies in the State

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

The Plan Commission suggested revisions to the following Sections of the subject document: 1(b) 4., replace "Department of Industry, Labor and Human Relations" with "Department of Safety and Professional Services"; Section 2. d., the Plan Commission directed Attorney Larson to review and revise this language to reflect that the developer provide written notice to the Town if they have not acted within 60 days; Sections 3 and 4 (c), the Plan Commission directed Attorney Larson to advise re: 5 business days for recording of final plat and certified survey map.

MOTION MADE BY MR. REICH, SECONDED BY MR. COOLEY TO TABLE TO SEND BACK THE ORDINANCE TO THE TOWN ATTORNEY FOR CLARIFICATION. MOTION CARRIED.

Fifth order of business: New Business

- A. Peter Latona, W315 N618 Huckleberry Way, Re: Consideration and possible action on a request for a Home Occupation to operate a business for the sale of firearms, equipment and gunsmithing related equipment to law enforcement personnel.

Mr. Latona stated that before he can maintain a Federal Firearms License, he needs Town approval. According to ATF regulations, all business must be done where the business is located. The business will be wholly contained within a part of the basement in his residence. All goods will be secured in a locked area accessible only to him. He stated that sales will be limited to law enforcement personnel.

Mr. Kanter questioned Mr. Latona on his limitation of sales to law enforcement personnel. He agreed that he would be in favor of selling to those individuals he is familiar with.

MOTION MADE BY MR. REICH, SECONDED BY MS. CUNNINGHAM TO APPROVE A HOME OCCUPATION PERMIT TO OPERATE A BUSINESS FOR MR. LATONA CONDITIONED UPON STAFF RECOMMENDATION: A COPY OF THE FEDERAL FIREARMS LICENSE BE PROVIDED TO THE TOWN CLERK WHEN HE RECEIVES IT AND THE BUSINESS BE LIMITED TO LAW ENFORCEMENT PERSONNEL ONLY. MR. COOLEY-NAY, MS. DUNDON-NAY, CHAIRMAN OBERHAUS-NAY, MR. KANTER-NAY, MS. CUNNINGHAM-NAY, MR. TAGTOW-NAY, MR. REICH-AYE. MOTION FAILED 6-1.

MOTION MADE BY MR. KANTER, SECONDED BY MS. DUNDON TO REMOVE THE RESTRICTION OF SALES TO LAW ENFORCEMENT PERSONNEL ONLY. MR. COOLEY-AYE, MS. DUNDON-AYE, CHAIRMAN OBERHAUS-AYE, MR. KANTER-AYE, MS. CUNNINGHAM-AYE, MR. TAGTOW-AYE, MR. REICH-NAY. MOTION PASSED 6-1.

AMENDED MOTION BY MR. KANTER, SECONDED BY MS. DUNDON TO INCLUDE: THE HOME OCCUPATION FOR MR. LATONA IS A CLASS 1 LICENSE ONLY AND IF MR. LATONA WANTS TO MAINTAIN A CLASS 3 NATIONAL FIREARMS LICENSE, HE MUST COME BACK TO THE PLAN COMMISSION. MR. COOLEY-AYE, MS. DUNDON-AYE, CHAIRMAN OBERHAUS-AYE, MR. KANTER-AYE, MS. CUNNINGHAM-AYE, MR. TAGTOW-AYE, MR. REICH-NAY. MOTION PASSED 6-1.

- B. Jeff Erwin Living Trust, c/o Chip Erwin, Trustee, N34 W28341 Taylors Woods Road, Re: Consideration and possible action to approve a Certified Survey Map to reconfigure two lots located at the southwest corner of Taylors Woods Drive and Lakeside Road.

MOTION MADE BY MR. REICH, SECONDED BY MR. COOLEY TO APPROVE THE DIVISION OF THE LOT. MOTION CARRIED.

- C. John Werner, N26 W30227 Maple Avenue, Re: Consideration and possible action on a request to amend an existing Conditional Use permit for Dylon's Steakhouse, N26 W30227 Maple Avenue to allow for outdoor dining.

The applicant withdrew his request.

Sixth order of business: Discussion
None

Seventh order of business: Announcements and Planning Items:
Next meeting – Tuesday, June 4, 2013

Eighth order of business: Adjournment

MOTION BY MR. TAGTOW, SECONDED BY MR. REICH TO ADJOURN AT 8:10 P.M. MOTION CARRIED.

Respectfully submitted,

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

Minutes approved on June 4, 2013