

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Call to Order

Mayor McAleer called the meeting to order at 7:00 P.M.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call for the Wednesday, January 25, 2012 Plan Commission meeting:

Present

Ed McAleer, Mayor
Michele DeYoe, Ald.

Kent Attwell

Kevin Fitzgerald

Dan Jashinsky

Matthew Katz

Chris Smith

Tony Drake

Roger Dupler, Planner

Tim Schuenke, Administrator

Gina Gresch, Clerk-Treasurer

Scott Hussinger, Building Inspector

Absent

PUBLIC HEARING #1:

**AMENDED CONDITIONAL USE AS A PLANNED DEVELOPMENT TO ALLOW
A 28 UNIT MULTI-FAMILY DEVELOPMENT**

OWNER / APPLICANT:

3N1 LLC.

MATTER:

Applicant seeks approval to convert an approved Conditional Use from 12 condominium units to 28 multi-family units.

Mark Neuman and Dave Nosek, applicants, and David Koscielniak, architect, stated they are proposing a 28 unit apartment building, Main Street Commons in Delafield. The City has seen a proposed project on this site years ago and they revamped it. The applicants stated they are asking for Floor Area Ratio (FAR) consideration because the size of the units (specifically the second floor) units are bigger. They designed the units for possibly empty nesters to live on the first floor and younger people that work at home to live on the second floor. First floor units have one bedroom; second floor units have two bedrooms and a den. The development complies with parking requirements and the landscape plan was updated just before the meeting. The development's design and style is similar to other buildings in Delafield. The backside of the development was designed for a patio or porch for some privacy.

PUBLIC COMMENTS:

Ed McAleer stated he has a letter that was emailed to the Plan Commission from Gerry and Lyn Holton and read it into the record. ***Clerk's Note: The letter is attached to the minutes.*

K. ATTWELL MOVED TO CLOSE PUBLIC COMMENTS PERTAINING TO THE 3N1 LLC PUBIC HEARING AT 7:09 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

PUBLIC HEARING #2: **AMENDED CONDITIONAL USE TO ALLOW A BUILDING ADDITION**
OWNER / APPLICANT: Summerset Marine LLC & Paul Schultz, Architect.
MATTER: Applicant seeks approval for a building addition that increases the size of the pre-approved addition.

Paul Schultz, architect, stated Summerset Marine came to the Plan Commission a year ago for a 30' x 30' addition and the owner now wishes to expand that addition to 40' x 40' building.

PUBLIC COMMENTS: None.

M. DEYOE MOVED TO CLOSE PUBLIC COMMENTS PERTAINING TO THE SUMMERSET MARINE LLC PUBLIC HEARING AT 7:10 P.M. K. ATTWELL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

1. Approve Plan Commission meeting minutes of November 30, 2011 meeting.

K. ATTWELL MOVED TO APPROVE THE NOVEMBER 30, 2011 PLAN COMMISSION MEETING MINUTES AS PRESENTED. T. DRAKE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

2. City of Delafield Citizen's Comments pertaining to subjects on this agenda.

Steve Bergum, 2016 Bay Point Lane, stated he understands and agrees with the City Attorney letter that the legal issues are not for the Plan Commission to decide. Any action taken tonight is based on the ordinance and he agrees with the City Attorney about that. At the last meeting the Plan Commission directed Ms. Laatsch to clear the title. The neighbors opposing the boathouse filed for a court hearing which is scheduled for February; they hope to move it along as soon as they can. He summarized his boathouse approval process and reasons for wanting one and why it is different from Ms. Laatsch's proposal. He also passed around pictures of his house that show the lagoon and boathouses and explained each view to the Plan Commission. ***Clerk's Note: The pictures are attached to the minutes.*

Mike Koepper, 2022 Bay Point Lane, stated several years ago the Plan Commission approved a building that was partly used for boat storage and equipment on the proposed boathouse property and now they are looking at a second proposed structure. Allowing the proposed boathouse will be a hardship for him as it cuts down his view of the lake as he is only 61 feet from the water. He is concerned about the environmental impact and surrounding property values. He is also very concerned that the Lake Welfare Committee starts their review with the premise that every property has the right to have a boathouse and that sends the wrong message. Building a boathouse six feet from someone's property line is the heart of the matter and doing so will impact both properties. He felt the most important issue to the Lake Welfare Committee was the rain garden which he feels isn't as important as the impact the boathouse will have this close to his house. Should the boathouse be approved he will be asking for compensation from the City.

Bill Maslowski, 2007 Bay Point Lane, stated he too agrees that the applicant meets the requirements of the ordinance but the Plan Commission should consider the neighbor's concerns. The deed restriction was intended to benefit all Oakwood Bay residents and should not have been negotiated away as Ms. Laatsch claims. Plan Commission approval this boathouse with no hardships by the property owner but causes hardships for all others is not a proper approval. It should not be approved because it doesn't preserve the shoreline and any construction on this lot would fully block and reduce lake and shoreline views for eight properties. The boathouse application before the Plan Commission is unnecessary as the property already has a two story boathouse. An approval would be a real

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

disappointment to existing residents along that the shoreline. We all enjoy property rights, and no person should be entitled to that right if it harms another person. He is asking the Plan Commission to deny this unnecessary construction around the lake

K. ATTWELL MOVED TO CLOSE CITIZEN'S COMMENTS PERTAINING TO SUBJECTS ON THE AGENDA AT 7:36 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. Consent Agenda (Recommended approvals in accordance with the staff report).
- a. **DELC 0787.079, 621 Milwaukee Street, Delafield. Owner: Tom Aul. Applicant: Joe Armeli.** Applicant seeks approval of Business Plan of Operation for a restaurant, Joe Armeli's Meat 'n Place. Hours of Operation are Sunday through Saturday, 6:00 a.m. to 2:00 a.m. with 15 part time and 5 full time employees.
 - b. **DELC 0742.991, 225 E. Wisconsin Avenue, Nashotah. Owner: Benchmark Leasing/MSI General Corporation. Applicant: Fitness & Sports Training of WI.** Applicant seeks approval of a Business Plan of Operation for a sports training business, FAST. Hours of Operation are Weekdays 5:30 am to 7:00 pm; Saturdays 6:00 am to 5:00 pm; Sundays 10:00 am to 2:00 pm with 2 part time employees.
 - c. **DELC 0787.076, 605 Milwaukee Street, Delafield. Owner: Tom Aul. Applicant: Denise Nerdahl and Flory Wynsen.** Applicant seeks approval of Business Plan of Operation for a retail shop, Nooks and Crannys. Hours of Operation are Weekdays and Saturdays 10:00 am to 6:00 pm, Sundays 11:00 am to 4:00 pm with 2 full time employees.
 - d. **DELC 0792.056, 803 Genesee Street, Delafield. Owner/Applicant: Susan Steiner.** Applicant seeks approval of a Business Plan of Operation Amendment for the Delafield Arts Center to allow the sale of beer, wine and alcohol. Number of employees and hours of operation remain the same.
 - e. **DELC 0807.978.007, 363 Austin Circle, Delafield. Owner: DEEDEB LLC. Applicant: Naturescape, Todd Fury.** Applicant seeks approval of a Business Plan of Operation for a landscape and lawn care business, Naturescape, Inc. Hours of Operation are Weekdays 8:00 am to 5:00 pm with 4 full time employees.

K. ATTWELL MOVED TO APPROVE ITEMS B, C AND E ON THE CONSENT AGENDA IN ACCORDANCE WITH THE STAFF REPORT. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

G. Gresch stated the application for the Delafield Art Center was modified today to sell beer and fermented malt beverages only.

M. DEYOE MOVED TO APPROVE ITEM D ON THE CONSENT AGENDA, TO ALLOW THE SALE OF BEER AND FERMENTED MALT BEVERAGES ONLY, SUBJECT TO THE COMMON COUNCIL APPROVING THE LIQUOR LICENSE REQUEST AND IN ACCORDANCE WITH THE STAFF REPORT. T. DRAKE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

K. Attwell asked if Armeli's closing time is consistent with those operating in the downtown area. R. Dupler stated probably not with other businesses but it is with State Statutes.

M. DEYOE APPROVE ITEM A N THE CONSENT AGENDA IN ACCORDANCE WITH THE STAFF REPORT. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH ONE NAY BY K. ATTWELL.

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

4. Final Consideration, Approvals, Previous Approval.
- a. **DELC 0793.991.002 and 0793.991.003, 232 Main Street, Delafield. Owner/Applicant: 3N1 LLC, Mark Neuman, Wally Neuman and Dave Nosek.** Applicant seeks approval of a revised General Development Plan to convert an approved Conditional Use from 12 condominium units to 28 multi-family units and recommendation to the Common Council of the same.

Mark Neuman, applicant, stated there are a couple of changes from the preliminary meeting. They increased the green space and moved the building further to the east about 15 feet per the Plan Commission's request. They moved the retention pond to other side and saved the large trees in the back of the property. They also reduced the number of units from 32 to 28 and there is no underground parking. E. McAleer stated maybe underground parking would be more desirable. M. Neuman stated they surveyed prospective renters and they prefer private garages and entries. People can enter from the outside door or through the garage to their apartment. D. Koscielniak stated the FAR is exceeded because of the second floor unit's square footage. M. Neuman stated underground parking doesn't count towards FAR and feel its better to have the private garages, which give extra living space for those upstairs. They feel this is a better design and is more attractive.

FROM PLANNER DUPLER'S STAFF REPORT: The Plan Commission is asked to consider a General Development Plan for the Main Street Apartments. The submittal is complete and Staff has met with the petitioner to review the plans in detail. This property is zoned CBD-2 and as such the proposed multifamily use is allowable under conditional use, but must be consolidated into one lot. As proposed, the two building development does not conform to district regulations if the property were to remain as two independent lots. Neither the 12 unit building nor the 16 unit building can stand alone as a single development. A Certified Survey Map has been prepared and approved by the City but has not yet been recorded. It is not mandatory that a CSM be recorded within a specific timeframe; the owner has the right to maintain this property as two legal lots until the application for a building permit is submitted. As this project moves forward all approvals must be contingent upon the consolidation of these two lots. The proposed 28 unit GDP conforms to all of the bulk regulations of the district in regard to setbacks and layout but does not conform to the 0.5 floor area ratio. The proposed FAR is 0.55. Although multifamily residential is a permitted use in the CBD-2 district there are no specific standards for density or residential lot size. In other districts the number of units is regulated by the amount of green space per unit. In the CBD-2 district the floor area ratio regulates the intensity of use. It is also helpful to compare the proposed project to previous City approvals. The Main Street Apartments proposal is very similar to Delafield Lakes. Both proposals are multifamily housing in the CBD-2 district. The Delafield Lakes project met the 0.5 FAR with a 25.11 units per acre density ratio. The proposed GDP offers 18.1 units per acre. The greatest disparity between the two projects is the use of garages in the Main Street Apartments. While both projects provide a similar amount of parking per unit Delafield Lakes utilizes underground parking which is not calculated in FAR. Main Street Apartments has individual garages that contribute to the FAR calculations. In further comparison, neighboring multifamily developments offer the following unit per acre density; Riverview Estates, the project immediately east of the proposed development has 9.5 units per acre, Country Place Condominiums immediately south of the City Safety Campus has 8.9 units per acre. Although the units per acre of the proposed development is denser than the neighboring developments the proposal responds to the City Comprehensive Plan in that it increases the density of residential development in the City core, within walking distance of downtown and helps the City overcome the shortage of apartment dwellings identified in the 2000 census analysis. The proposed architecture reflects the City's desire for natural materials and aesthetic considerations. The proposed siding is a product comparable to HardiPlank and the imitation stone is the same product utilized on the new Fire Station. In response to Staff request, minor aesthetic modifications have been incorporated to

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

make the buildings more appealing. The current site plan does not illustrate a dumpster location or screen. The petitioner has been notified that one must be designed to match the materials of the building. The landscape plan as submitted is rather rudimentary; Staff has requested changes to bring it up to a higher standard. The revised plan will be brought to the Plan Commission meeting. The plans include a retaining wall in the southeast portion of the site that falls within the side yard setback and exceeds 18" in height. Specific Plan Commission approval of the wall must be part of any motion to approve this GDP. Engineering aspects of the plan have been reviewed and necessary revisions communicated to the petitioner's engineer. The proposed sanitary sewer line must be secured in an easement granted to the City. A sidewalk linking this site to the intersection of Wells Street and Main Street was approved in the previous development plan and should be incorporated into these development plans as well, including an extension of the City street lights in accordance with mandatory standards. Fine tuning of the storm water management plan will continue, the Plan Commission should recommend this plan to the Public Works Committee for further review.

E. McAleer asked if the architecture is the same on all four sides. M. Neuman stated no, the back is sided. R. Dupler stated the Plan Commission wants all four sides to be the same material. M. Neuman stated that is fine and can be done. M. DeYoe stated she can see a black tubular item that she thinks is a hose, running along the edge of the west side of the property and wanted to know if that is for drainage. R. Davy stated that is the neighbor's sump line going into the sewer. The hose can stay there or it can be continued into their proposed basin but the basin has not been sized for that additional water. There were questions about the building materials being similar to other developments in the downtown and could the apartments be converted into condominiums one day. D. Koscielniak stated yes, they are using very similar materials which was addressed in the Planners' Staff Report. M. Neuman stated the apartments could be converted to condominiums one day.

K. ATTWELL MOVED TO DENY THE REVISED GENERAL DEVELOPMENT PLAN TO CONVERT AN APPROVED CONDITIONAL USE FROM 12 CONDOMINIUM UNITS TO 28 MULTI-FAMILY UNITS AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME FOR DELC 0793.991.002 AND 0793.991.003, 232 MAIN STREET, DELAFIELD. OWNER/APPLICANT: 3N1 LLC, MARK NEUMAN, WALLY NEUMAN AND DAVE NOSEK, BECAUSE THE PLAN DOES NOT CONFORM TO .5 FLOOR AREA RATIO, THE DENSITY HIGHER THAN OTHER DEVELOPMENTS IN THE AREA, THE LACK OF GREEN SPACE AND THAT IT MAY AFFECT SURROUNDING PROPERTY VALUES. E. MCALEER SECONDED THE MOTION.

K. Attwell stated the FAR should be looked again and be in line with the standard of other developments. C. Smith stated it sounds like adding the square footage makes this a better development and likes this the way it is. K. Fitzgerald stated the FAR is not as big of an issue as the green space is. There were further comments that this development doesn't look like what the Plan Commission has required in other developments and that it is too dense compared to other buildings. It will stand out instead of blending in. There was further discussion about the FAR, how it was calculated and by what standards. M. Neuman stated the condominiums they had approved years ago were higher and closer to the setback than this development is now. Changing the FAR changes the look of the building. They are trying to make this a viable and attractive project. There was further discussion about the FAR and adjusting the square footages of the units. D. Koscielniak stated changing the FAR doesn't change the look of the building; the footprint will remain the same. M. Katz stated he likes the design but is having a hard time with the green space and is worried it won't look right.

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

THERE WAS NO FURTHER DISCUSSION. MOTION FAILED WITH AYES BY K. ATTWELL AND E. MCALEER.

C. Smith stated the architecture needs to be the same on all four sides and they should work with staff on additional landscaping in the front.

C. SMITH MOVED TO APPROVE THE REVISED GENERAL DEVELOPMENT PLAN TO CONVERT AN APPROVED CONDITIONAL USE FROM 12 CONDOMINIUM UNITS TO 28 MULTI-FAMILY, SUBJECT TO ALLOWING THE MINOR OVERAGE IN THE FAR, SPECIFIC ALLOWANCE FOR THE RETAINING WALL HEIGHT AT THREE FEET, RECORDING THE CERTIFIED SURVEY MAP AND RECOMMENDATION TO THE PUBLIC WORKS COMMITTEE AND TO THE COMMON COUNCIL OF THE SAME. APPROVAL IS BASED ON THE CRITERIA FOR CONDITIONAL USE REVIEW, DETERMINATION AND APPROVAL STANDARDS OF 17.42(3), FOR DELC 0793.991.002 AND 0793.991.003, 232 MAIN STREET, DELAFIELD. OWNER/APPLICANT: 3N1 LLC, MARK NEUMAN, WALLY NEUMAN AND DAVE NOSEK. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH TWO NAYS BY K. ATTWELL AND E. MCALEER.

- b. **DELC 0742.986, W73 E. Wisconsin Avenue, Nashotah. Owner: Larry Chapman, Summerset Marine. Applicant: Paul Schultz, 133A E. Wisconsin Avenue, Oconomowoc.** Applicant seeks to amend the Conditional Use for a building addition that increases the size of the pre-approved addition and recommendation to the Common Council of the same.

FROM PLANNER DUPLER'S STAFF REPORT: Summerset Marine returns to the Plan Commission this month to request consideration for a minor increase in the previously approved expansion plans. As originally designed, there was to be a small addition to the rear of the building that measured 30'x 30'. At this time the owner wishes to expand that addition to 40'x 40'. This modification is still within the allowable FAR for the property, does not increase the amount of impervious surface, and is to be constructed of the same materials. The petitioner elected to bypass the opportunity for a preliminary presentation and submitted directly for a public hearing.

K. ATTWELL MOVED TO APPROVE THE CONDITIONAL USE AMENDMENT FOR A BUILDING ADDITION THAT INCREASES THE SIZE OF THE PRE-APPROVED ADDITION AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME FOR DELC 0742.986, W73 E. WISCONSIN AVENUE, NASHOTAH. OWNER: LARRY CHAPMAN, SUMMERSET MARINE. APPLICANT: PAUL SCHULTZ, 133A E. WISCONSIN AVENUE, OCONOMOWOC. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. **DELC 0782.026.002, 2019 Bay Point Lane, Hartland. Owner/Applicant: Lori Laatsch.** Owner/Applicant seeks the Plan Commission's approval of the Lake Welfare Committee's recommended approval of a boathouse in compliance with the General Development Plan and recommendation to the Common Council of the same.

Lori Laatsch, 2019 Bay Point Lane, property owner/applicant, stated she wants her boathouse approved and the neighborhood entitlement issues makes this difficult. After her divorce, Mr. Bergum asked her if she would change her deed to not allow the next property owner to build a boathouse and he offered to pay her to do that. She stated the boathouse meets all of the guidelines and has gotten complicated with information that is not relevant. She will figure out the legal end on her own.

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

FROM PLANNER DUPLER'S STAFF REPORT: The following is the Staff Report issued for the November 2011 Plan Commission meeting, all issues and recommendations remain the same. The Laatsch residence is governed by a Planned Development Conditional Use created in 2006. In that approved General Development Plan the proposed boathouse was illustrated and secured as an approved future improvement. The plans submitted at this time constitute a Specific Implementation Plan in conformance with the GDP as well as satisfying the submittal for boathouse site plan consideration. The proposed location of the boathouse conforms to both the GDP and the boathouse ordinance requirements. The building height is appropriately designed and the railing atop the flat roof is also appropriate. The proposed architecture is substantially compatible to the primary residence and the necessary rain garden design satisfies ordinance requirements as well. Ord. 17.22 requires that the Plan Commission take into account the potential for obstructed views from neighboring properties. In this instance, any potential for obstructed views to the lake may be realized from the neighbor's home to the east. However, the photographic evidence submitted suggests that the impact to the neighbors view is very minimal. Additionally the easterly neighbor's home is positioned 10' above the lakeshore; therefore lake views will be minimally impacted. The location of the boathouse has been changed since the initial submittal. The owner had submitted plans to erect the boathouse near the east property line however the GDP was approved with the boathouse location in the center of the lot. Documents will be revised to reflect that pre-approved location and resubmitted prior to the Plan Commission meeting.

E. McAleer stated in reading the City Attorney's letter, other criteria the Plan Commission is to consider are the neighbor's comments. There was discussion regarding the neighbor's comments regarding their views of the lake and that they have to determine the amount of obstruction. L. Laatsch stated she disagrees with that because that decision is based on something subjective. E. McAleer stated the ordinance allows that and that is the Plan Commission's job. M. Katz and T. Drake stated they don't feel that this is blocking anyone's view.

K. ATTWELL MOVED TO APPROVE THE RECOMMENDATION FROM THE LAKE WELFARE COMMITTEE TO APPROVE BOATHOUSE IN COMPLIANCE WITH THE GENERAL DEVELOPMENT PLAN, WHICH THE BOATHOUSE IS BUILT IN THE CENTER OF THE LOT AS SHOWN ON THE PUD DOCUMENT FOR DELC 0782.026.002, 2019 BAY POINT LANE, HARTLAND. OWNER/APPLICANT: LORI LAATSCH. APPROVAL IS BASED UPON THE OWNER HAS DONE ALL THINGS POSSIBLE TO MAKE THE BOATHOUSE THE MOST UNOBSTRUCTIVE ON THE PROPERTY AND THAT IT COMPLIES WITH CITY ZONING CODES AND THE BOATHOUSE ORDINANCE. T. DRAKE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

5. Plans of Operation, Signage and Site Plan.
6. Preliminary
7. Zoning and Ordinance Revision.

8. Reports of City Officials:
 - a. Administrator
 - b. Clerk
 1. Public Hearing Dates
 - a. Feb 29 (Meeting); Feb 1 (PH Deadline); Feb 15 (Reg. Deadline)
 2. Correspondence
 - c. Planner

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

R. Dupler stated based on the City Attorney's recommendation, the City now requires a clear title for applicants requesting any type of approval that creates a new lot.

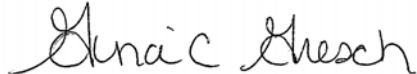
d. Building Inspector

S. Hussinger stated the total number of permits to date is 24 with two occupancy permits this month.

9. Adjournment.

M. DEYOE MOVED TO ADJOURN THE JANUARY 25, 2012 PLAN COMMISSION MEETING AT 8:26 P.M. T. DRAKE SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes Prepared By:



Gina C. Gresch, MMC/WCPC
City of Delafield Clerk-Treasurer
Waukesha County