

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 October 26, 2011 Plan Commission meeting:

Present

Michele DeYoe, Ald.  
Kent Attwell  
Kevin Fitzgerald  
Dan Jashinsky  
Matthew Katz  
Chris Smith  
Roger Dupler, Planner  
Tim Schuenke, Administrator  
Gina Gresch, Clerk-Treasurer  
Scott Hussinger, Building Inspector

Absent

Ed McAleer, Mayor  
Tony Drake

1. Approve Plan Commission meeting minutes of September 29, 2011 meeting.

**K. ATTWELL MOVED TO APPROVE THE SEPTEMBER 29, 2011 PLAN COMMISSION MEETING MINUTES AS PRESENTED. K. FITZGERALD 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.

**K. ATTWELL MOVED TO CLOSE CITIZEN'S COMMENTS PERTAINING TO SUBJECTS ON THE AGENDA AT 7:03 P.M. K. FITZGERALD 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 0794.020, 24 Enterprise Road, Suite A, Delafield.** Owner: Cushing Park Plaza Properties. Applicant: Kelli Duval & Patrick Lammert. Applicant seeks approval of a Business Plan of Operation for a gym, PK's Crossfit Lockdown. Hours of Operation are Weekdays 5am to 8pm and Saturdays 10:30am to 12pm with 2 part time employees.
- b. **DELC 0804.996.003, 2750 Golf Road, Delafield.** Owner: Lake Country Real Estate, LLC. Roger Rushman. Applicant: Gail A. Coleman. Applicant seeks approval of a Business Plan of Operation for a cosmetic dermatology clinic/medical spa, Estetika Skin & Laser. Hours of Operation are Weekdays 8am to 5:30pm, occasional Saturdays 8am to 1pm with 2 part time and 2 full time employees.
- c. **DELC 0798.006, 630 Milwaukee Street, Delafield.** Owner: Janet Vincent Trust. Applicant: Carrie Rozek. Applicant seeks approval of a Business Plan of Operation for a gift shop, Element Style. Hours of Operation are Weekdays and Saturdays, 10am to 6pm, Sundays Noon to 4pm with 1 part time and 1 full time employee.
- d. **DELC 0804.994.019, 2728 Hillside Drive, Delafield.** Owner: Hillside Terrace Shopping Center, LLC. David Israel. Applicant: Jabez Discovery, Inc. Larry & Monica Gundrum. Applicant seeks approval of a Business Plan of Operation for a massage therapy business, Elements Therapeutic Massage. Hours of Operation are Sunday through Saturday, 8am to 10pm, with 12 part time and 2 full time employees.

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- e. **DELC 0807.978.006, 355 Austin Circle, Suite 110, Delafield.** Owner: Enterprise Opportunities, LLC. Applicant: Bucher Law Group, LLC. Applicant seeks approval of a Business Plan of Operation for a law firm, Bucher Law Group, LLC. Hours of Operation are Weekdays 8am to 5pm with 2 part time and 5 full time employees.

**K. ATTWELL MOVED TO APPROVE THE ITEMS ON THE CONSENT AGENDA IN ACCORDANCE WITH THE STAFF REPORT. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

4. Final Consideration, Approvals, Previous Approval.

- a. **DELC 0740.996.007, Blue Spruce Lane, Hartland.** Owner: Johnson Bank. Applicant: Ellena Engineering Consultants, Mark Ellena, PE. Applicant seeks approval of an amended Certified Survey Map to negate restrictions imposed by a Conditional Use which has since expired and recommendation to the Common Council of the same.

R. Dupler stated this petition requests the Plan Commission's consideration to amend restrictive language on an existing Certified Survey Map. The property in question is commonly referred to as the Blue Spruce Condominium. This site was brought through the Planned Development process in 2005 and was granted full approval but was never constructed. Therefore the conditional use is terminated and the restrictive language imposed by the conditional use is no longer necessary. The questionable restriction declares that no lake access is allowable to the development. At this time the owner of the property wishes to sell or develop the property as a single-family property with lake access. Originally the Blue Spruce Condominium was established by combining two single-family lots. One of the lots had lake access by right; the other was removed from the lake and had no allowable lake access. By combining the two lots into one, and allowing the development of two single-family condominiums, the Plan Commission acted to restrict lake access in order to negate the potential for pyramiding lake access. It was understood that the two units of the condominium could not share access via one pier and therefore eliminating all lake access for the property was deemed to be an appropriate solution. Following the City approval in 2005, the lots were consolidated into one parcel by Certified Survey Map and recorded at Waukesha County. As a result the County will enforce the restrictive language regarding lake access until the Certified Survey Map is legally amended. Note 4 on sheet two limits lake access. This note may be removed by recording an affidavit, if the City endorses and signs it.

C. Smith asked if there is a reason to put this property under one zoning classification. R. Dupler stated only for consistency with the rest of the neighborhood. A rezoning will require a public hearing which can be included in the yearly update of the Comprehensive Plan next year. This way it can be done all at once. The Conditional Use has already sunsetted but the conditions remain because they are on the face of the Certified Survey Map.

**K. ATTWELL MOVED TO APPROVE THE AMEND THE CERTIFIED SURVEY MAP TO NEGATE RESTRICTIONS IMPOSED BY A CONDITIONAL USE WHICH HAS SINCE EXPIRED, FOR DELC 0740.996.007, BLUE SPRUCE LANE, HARTLAND. OWNER: JOHNSON BANK. APPLICANT: ELLENA ENGINEERING CONSULTANTS, MARK ELLENA, PEM, AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. **DELC 0799.981.001, 231 S. Lapham Peak Road, Delafield.** Owner/Applicant: William & Jane Wischer. Owner/Applicant seeks final approval of a Certified Survey Map to divide a 9.7 acre parcel into two residential lots and recommendation to the Common Council of the same.

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R. Dupler stated the Wischer Preliminary Certified Survey Map was approved by the Plan Commission in September contingent upon resolution of the four issues identified in the surveyor's review letter. All items have been resolved in the preparation of this Final Certified Survey Map. The applicant is looking to capture an additional 35 feet of property. The property exists as a flag lot and cannot be corrected with the Certified Survey Map. Enlarging the lot reduces the nonconformity.

**K. ATTWELL MOVED TO APPROVE THE FINAL APPROVAL OF A CERTIFIED SURVEY MAP TO DIVIDE A 9.7 ACRE PARCEL INTO TWO RESIDENTIAL LOTS, FOR DELC 0799.981.001, 231 S. LAPHAM PEAK ROAD, DELAFIELD. OWNER/APPLICANT: WILLIAM & JANE WISCHER, AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. D. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- c. **DELC 0798.972, 973, 083, 0798.079.001, 002, 003 and 0798.084.001, (extension of Bleeker Street, a.k.a Delafield Woods), Delafield.** Owner/Applicant: Joe McCormick. Applicant seeks final approval of the Final Plat for a multi-use residential project consisting of two multi-family buildings and single family homes, known as Delafield Woods and recommendation to the Common Council of the same.

R. Dupler stated Delafield Woods returns to the Plan Commission this month with the Final Plat for consideration and approval. The Final Plat has been prepared in substantial conformance with the approved Preliminary Plat. Subsequent action by the developer since the last appearance before the Plan Commission has facilitated the mandatory right-of-way vacation of Bleeker Street. The Final Plat will rededicate the appropriate right-of-way to complete the City grid. In approving the General Development Plan, front setbacks for the single-family lots were reduced to 15' and the side yards were reduced to 11.5'. Additionally, the easement proposed to provide access to the neighboring property to the east has been incorporated.

K. Fitzgerald asked what the setbacks are and how big the rain gardens are. R. Dupler stated the single family home front setback is 11.5 feet and the side setback is 15 feet; the multi-family setbacks were not altered. The rain gardens are in the easements on the north side and are about eight feet wide with side slope and a two foot flat bottom. There will be three feet in between the rain garden and the setback. Staff had conversations with the engineer and developer expressing the City's concerns that they do not overlook notifying purchasers of the extra waterproofing required on those foundations. K. Attwell stated he remembers the Plan Commission wanting to reduce the number of lots. R. Dupler stated that was already done. The original proposal was for 16 lots and Plan Commission reduced it to 13. He also stated the easement will be created after the path is put in. K. Attwell asked how tree mitigation is handled. R. Dupler stated there is a lot of tree mitigation. 2/3 of the trees on the property are Ash Trees and they will all be removed. Trees will be replanted to make up for what was removed. K. Attwell asked how the City verifies the replanting was done. R. Dupler stated Yaggy Colby conducts an inspection of the developer and makes sure everything in the Developers Agreement and Landscaping Plan has been accomplished. T. Schuenke stated the Letter of Credit isn't reduced or released until all conditions are satisfied. K. Fitzgerald stated he is concerned about the amount of outstanding conditions and they should have addressed those before coming to the Plan Commission for final approval. S. Hussinger stated the developer would like to begin site work for both phases this year

**K. ATTWELL MOVED TO APPROVE THE FINAL PLAT FOR A MULTI-USE RESIDENTIAL PROJECT CONSISTING OF TWO MULTI-FAMILY BUILDINGS AND SINGLE FAMILY HOMES, KNOWN AS DELAFIELD WOODS, DELC 0798.972, 973, 083, 0798.079.001, 002, 003 AND 0798.084.001, (EXTENSION OF BLEEKER STREET, A.K.A DELAFIELD WOODS), SUBJECT TO PAYMENT OF ALL OUTSTANDING FEES, EXECUTION OF THE DEVELOPER'S AGREEMENT, STAFF REVIEW OF OUTSTANDING CONDITIONS AND**

**CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES  
RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. C. SMITH SECONDED  
THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH ONE  
NAY BY K. FITZGERALD.**

5. Plans of Operation, Signage and Site Plan.
6. Preliminary
7. Zoning and Ordinance Revision.
8. Reports of City Officials:
  - a. Administrator
    1. Zastrow Bay NW dredging project temporary Business Plan of Operation approved.
  - b. Clerk
    1. Public Hearing Dates
      - a. Nov 30 (Meeting); Nov 2 (PH Deadline); Nov 16 (Reg. Deadline)
    2. Board of Zoning Appeals Minutes (if applicable)
    3. Correspondence
  - c. Planner
    1. Agricultural measures relating to lake protection.

R. Dupler stated in the adoption of the City of Delafield Comprehensive Plan a schedule of implementation tasks was formulated to chart continuous action and improvement in order to realize the expressed intent of the City's planning efforts. Many of the identified items have been accomplished since adoption of the plan. Recently one such implementation task has come to the forefront; Agricultural Measures related to Lake Protection. This concern is identified in Chapter 3 - Agricultural, Natural & Cultural Resources, Section D - Surface Water Resources, Item 1 – Lakes. It is further explained in the Principals, Goals, Objectives and Implementation section, Goal 2: Objective I. In appendix G, the Implementation Action Schedule for Chapter 3, Goal 2 specifically identifies: ***Evaluate and develop a policy regarding siltation buffer strips integral to agricultural fields.*** To achieve this goal the Plan Commission may wish to consider a process of evaluation with the goal of amending the zoning text. Staff will meet with the affected stakeholders in the community, land owners and practicing farmers. Examples of recommended agricultural siltation buffers will be compared and shared with the stake holders. In addition there may be grant monies available to offset the implementation costs. The Department of Natural Resources, SEWRPC, and the NRCS all have programs related to non-point source pollution control that may be directly applicable. After conducting meetings with the stakeholders staff will formulate a recommendation to the Plan Commission and generate potential text amendment language. A public hearing may be conducted followed by a recommendation to the City Council.

Plan Commission members asked if this will be a two way discussion between the City and the farmers. R. Dupler stated yes and he is ready to start working on this. He will be ready to bring language to the Plan Commission in January. There is quite a bit of acreage that is left in the City to develop. There are essentially two farmers but a dozen land owners. Implementation is a chapter in the Comprehensive Plan and we are right on schedule.

- d. Building Inspector

S. Hussinger stated the total number of permits issued this month is 28.

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9. Adjournment.

**K. FITZGERALD MOVED TO ADJOURN THE OCTOBER 26, 2011 PLAN COMMISSION MEETING AT 7:3 P.M. D. JASHINSKY SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.**

Minutes Prepared By:



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

DRAFT