

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

Present

Mayor Ed McAleer
Kent Attwell
Dan Jashinsky
Matthew Katz
Michele DeYoe
Kevin Fitzgerald
Michael Frede
Roger Dupler, Planner
Gina Gresch, City Clerk/Treasurer
Tom Maney, City Inspector
Tim Schuenke, City Administrator

Absent

Chris Smith

Mayor McAleer explained the process to be followed during the public hearings.

**PUBLIC HEARING #1: PLANNED DEVELOPMENT GENERAL DEVELOPMENT PLAN
– DELAFIELD WOODS**

OWNED BY: Joe McCormick, 101 N. Mill Street, Madison, WI

APPLICANT: Johnson Design, 211 W. Second Street, Oconomowoc, WI

MATTER: Applicant seeks approval of a Planned Development General Development Plan to develop a multi-use residential project consisting of two multi-family buildings and single family homes.

LEGAL DESCRIPTION DELC 0798.973 & 0798.972.

DELC 0798.973: PT NW1/4 SEC 20 T7N R18E COM N1/4 COR S 1636.22 FT W 1008.22 FT THE BGN N 940.0 FT S89 42'W 339.0 FT S 938.23 FT E 339.0 FT TO BGN EX VOL 1183/308 DEEDS DOC# 3585120

DELC 0798.972: PT NW1/4 SEC 20 T7N R18E COM NW COR N89 38'E 904.55 FT S00 13'E 1014.17 FT THE BGN S00 13'E 338.25 FT S89 43'W 198.00 FT S00 13'E 29.87 FT S87 51'E 632.38 FT NLY 376.50 FT S89 38'E 434.21 FT TO BGN 3.9 AC DOC# 3585120

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Mayor McAleer opened the Public Hearing at 7:04 p.m.

Kent Johnson, of Johnson Design, stated he represented the applicant and provided a depiction of the Delafield Woods project. He introduced Pete Davis, Architect, and Rob Davy, project engineer from Lake Country Engineering.

K. Johnson noted the project location near the downtown off Wells Street. The site plan included 15 total acres comprised of two multi-family buildings with 30 units in each. Single family home sites were also part of the proposed development. Sixteen lots would be featured as part of a traditional style neighborhood. These lots would be zoned single family and would have a small front setback from the street. A boulevard would be utilized in this portion of the project to slow traffic and serve as a buffer from the buildings across the street. Pedestrian accessibility was considered an important feature of this neighborhood. Detached garages would be accessed by a private located behind the houses. Various elements of the project were discussed. Woods on the property would be maintained and connect via a bike trail to the Delafield Commons project nearby. Stormwater retention areas were noted. An architectural rendering was shared of the project. Metal roofs, porches, railings, and other architectural accents were noted as well. Basic conceptual landscape plans were briefly reviewed.

R. Davy explained the main focus of the engineering for the development related to storm water management from 13 acres onsite and 21 acres offsite. The entire drainage area would flow to a basin that was supported by a storm water system designed to hundred year event standards. Efforts would be made to keep as many trees as possible and to keep the basin area as clean as possible. Rain gardens would also be used as part of project plans to meet infiltration requirements.

Joe McCormick, applicant, stated he was excited about the project as he thought it would be a great addition to downtown Delafield. He stated he would be happy to answer any questions the Commission had of him.

Richard Pavlons, 715 Division Street expressed concern for the area being a speed zone currently. Speed was already a concern and nothing was being done. Increased housing would create a dangerous situation and the roadway would increase taxpayer expenses. He thought the developer should pay for the roadway not the residents. He suggested a traffic study be conducted. While he was not against the building project, he was against additional traffic.

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Tim McCarver, 3604 Shade Tree Court, Waukesha explained he would like to move to the area as he liked the school district and what the City had to offer. He was interested in this planned development and would like to buy a lot if the project was approved.

Glenn & Sonia Culbertson, 850 Main Street (owners of the Soap Shop) was present. G. Culbertson stated he was in support of the development in general; however, he was concerned about the construction traffic in front of their store. Construction projects in the area last year had adversely impacted his business. He wanted access to be maintained to his business during construction to avoid a repeat occurrence of the last year's events.

John Howley, 816-818 Wells Street stated he was the owner of the current property that would be located behind Outlot 1 shown as part of the project. There is typically a lot of standing water in this area and his basement is always wet. The City had been contacted regarding this matter several times and he had been told the area would be developed. He wanted to make sure the drainage and water issues in that area were addressed. R. Davy explained that the proposed plan included the creation of a wet detention pond for water quality and would be located six inches below the water level.

Mayor McAleer suggested that if J. Howley had suggestions for resolution of this matter, he should present them to City Staff.

K. ATTWELL MOVED TO CLOSE PUBLIC HEARING #1 AT 7:24 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

PUBLIC HEARING #2:

PARK & RECREATION COMMISSION 5-YEAR PLAN.

APPLICANT:

City of Delafield

MATTER:

Review of the Draft Park & Recreation Commission 5-Year Plan for the City of Delafield's Parks.

Mayor McAleer opened the public hearing at 7:24 p.m.

Darrell Pope, member of the Park and Recreation Commission, was present to provide information on the final draft of 5 Year Master Plan for the parks. A presentation was provided to all on the screen at this time. Highlights of the plan were reviewed. He noted the parks plan included a framework for planning,

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operations, and connectivity to various areas and destinations with certain themes utilized to raise the quality of amenities and facilities the City had to offer residents. An inventory of the parks was displayed that noted ownership of the parkland, natural features and kinds of parks. Survey information was also shared related to park and recreation activities and desires among City residents. Survey results yielded information noting that the senior population was underserved in this area, along with adult recreation opportunities and school-aged winter facilities and related activities. Desired outcomes included bike lanes on roadways, Water Park or pool accessibility, and additional basketball courts and tennis courts within the City. With regard to Oakwood Park, findings indicated walking and hiking paths; natural areas and picnic areas were desired. He went on to explain an analysis had been conducted regarding park planning and usage as well. Findings indicated a need for additional staff to better manage the park facilities. Strengths included existing parks, open space, playgrounds and trails. Opportunities existed for cooperating with neighboring communities on parks, facilities, and recreation programs. The Commission was beginning to hold discussions on developing broad goals for the development of the Oakwood Park site. A walking path through a wildflower prairie was currently available to all for enjoyment. Work continued in planning a Bark River Corridor that would include many activities. Planning for individual parks had also been included in the overall Master Plan. The Commission would continue to work toward being responsive to the senior members of the community and also providing improved communication and marketing opportunities in park planning. In conclusion, he noted the 2005 Parks Master Plan was included in this draft for review and accomplishments noted as a result of that planning.

Cate Ramhlow, 2415 Oakwood Road stated she lived next to the proposed Oakwood Park. She complimented the City's Park and Recreation Commission on the 5 Year Plan. She liked the use of bike paths and thought this should be a high priority for the City to implement. In addition, she was excited about the natural walking paths in the prairie area at Oakwood Park. She stated she was a fiscal conservative in that she thought consideration should be given to effectively using what was available without going overboard. Operations of the parks should be considered and specifically directed toward the use of a particular sport only if needed. She asked that residents be consulted that lived near Oakwood Park regarding its development and also suggested the use of trees for natural screening.

K. ATTWELL MOVED TO CLOSE PUBLIC HEARING #2 AT 7:39 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS

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NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

PUBLIC HEARING #3: **AMENDMENT TO CONDITIONAL USE**

OWNED BY: Hartland Sportsmen's Club, 701 Maple Avenue, Delafield, WI
APPLICANT: City of Delafield

MATTER: Evaluation of the current operations to determine if they are compatible with the surrounding neighborhood and conforming to the intent of the Conditional Use Permit.

LEGAL DESCRIPTION DELC 0825.994.

PT NE1/4 NW1/4 & PT NE1/4 SEC 27 T7N R18E 29.32 AC VOL 686/85 DEEDS ALSO 2 AC VOL 1110/102 DEEDS ALSO 5 AC R28/996

Mayor McAleer opened the public hearing at 7:40 p.m.

R. Dupler reviewed the history of the Hartland Sportsmen's Club (hereafter referred to as the Club). Recently, they wanted extension to the hours of operation and had gone through investment in berms and sound abatement. The Plan Commission reviewed and approved a petition that extended the hours of operation and the City Council had approved the recommendation. Since that time, neighbors had raised concerns regarding noise and it was requested that a public hearing be held.

Lori Dehn, 3479 Broken Bow Trail noted the sections of the Conditional Use permit for the Club that related to grounds maintenance. She shared photos taken approximately 6 days ago that displayed trash in the area. She questioned the inspection and compliance measures undertaken by the City on a regular basis. She was concerned about the change in the hours that had been approved as she did not think the residents were notified. The necessary changes should be made to the permit to correct the hours of operation and 30 hours be reinstated as originally allowed as she thought 84 hours was unreasonable.

Mayor McAleer stated that complaints regarding trash were handled by the City Administrator. No complaints had been received on this property until now.

Marlene Simmons, 3482 Broken Bow Trail is a member of the Club as is her husband. Approximately five years ago, she moved from North Carolina to Delafield. At the time of purchase, she learned the new house would be located near the Club. The Club

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operated 30 hours per week with a Conditional Use permit and the hours would not increase. She noted the statement related to noise in the real estate condition report for the Club and thought that 84 hours of operation constituted noise pollution. In addition, she had checked with local appraisers and realtors regarding how home values could be impacted as a result of current Club activities. She submitted a letter from Karen Henry, Associate Vice President of Shorewest Realty, noting Ms. Henry's opinion that the hours of operation could have a potential negative impact on the sale of homes in the area. While she felt as though homeowners were made to feel like they had not done their homework in this matter by choosing to live near the Club, she thought that was not the case. She likened the change in hours to purchasing a home near a freeway and then suddenly a train track would be placed a few yards away instead. She noted the number of homeowners present to speak on this issue that were taxpayers in contrast to the amount of money supplied in taxes by the Club. She respectfully requested a motion to rescind the Conditional Use permit approved in 2009 and return the hours of operation to those of 1997 to maintain property values in the area. In conclusion, she concurred with all research, statements and requests made by Cherokee Woods subdivision residents in this matter.

John Swanson, 3553 Broken Bow Trail stated he was an avid sportsman; however, he had two concerns. The first concern was for safety as he thought there were many violations to the NRA minimum requirements regarding the gun range. Secondly, he was concerned about noise pollution. It had become almost impossible to enjoy his backyard with the increased hours at the gun range despite owning a three acre wooded lot. He requested the Commission cease operations until minimum safety compliance guidelines were met, and then, with a committee of City officials, residents and Club members, negotiate back to a reasonable number of hours.

Russell Meidenbauer, N4 W29099 Ventura Hill Rd. and President of the Club, explained he lived in the Town of Delafield and had submitted 500 signatures in support of the Club. He then provided a presentation to the Commission and audience regarding the history of the Club. The Club is located on approximately 35 acres behind Home Depot. It had been in existence since 1954 and was annexed to the City in 1996. Various areas of the Club and ranges were shown. Courses are offered to the public and the building is available for public use. Many efforts have been completed to reduce the noise in the area, but all the work was not yet finished. The location of new and proposed berms was shared and he noted efforts would continue to be made to harness the

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noise. Construction was taking place on site to continue to reduce the noise for the 200 yard range, and 50 yard range; however, sound testing had proven to be a challenge. Costs for these projects continued to rise with most work being done with donated labor to offset the cost. Range improvements are funded with monies earned in excess of operating expenses. Typically the Club has approximately 120 members; however, many have left because the hours of operation were not conducive. The goal of the increased hours in the Conditional Use was to improve the financial position of the Club in order to expedite the completion of range improvement projects. The Club members were interested in setting up an experiment where residents could witness the Club members shooting rimfire and provide feedback on what efforts could be done to work with the community. He thought the noise abatement activities of the Club will help to accomplish what is being asked. The City would determine the outcome of the proposed member's experiment.

Barbara Bohlmann, W313N001 Yorktown Court stated their property is off Highway 83, uphill from the Club. Her primary reason for being present was because she is unable to sit in her backyard and enjoy it because of the noise that is a result of the increased hours of operation at the Club. She enjoys target shooting and noted that gunshot is not a normal sound. While she applauds the Club for attempting to quiet the noise, an increase from 30 hours to 84 hours is objectionable. She is concerned about a loss in property value. She asked the City to reconsider the hours of operation allowed for the Club.

John Januchowski, N22W28299 Beach Park Circle, Town of Delafield, supported the Club's efforts. He had spent much of his time helping to improve the Club through noise reduction efforts. He explained, with regard to the photos from the first speaker, most of the trash could not be seen off the property.

Michael Figueire, Secretary of Hartland Sportsmen's Club residing at 3211 Rolling Ridge Dr, Waukesha stated he would like to speak to the impact on the Club that the change of hours has made. He is an instructor for the Club and at the Stone Bank Sportsmen's Club in the Hunter Ed program. Students in this program are very much in need of hands-on training. The program is taught on Tuesday and Thursday evenings, three hours each night, for two weeks. These classes are currently very full. The increase in hours to 9:00 p.m. on these two evenings provided the flexibility needed for instruction based on the needs of his students.

Wally Bowersock, W310S837 Maple Avenue is the oldest active member of Club. Club members used to be able to shoot at any

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time. He thought that when people purchased a house, their title noted that the property was adjoining to the Club.

Lee Walker, W299S6316 Highway 83, Mukwonago, spoke as treasurer and a member of the Club. He owned rental property in Waukesha and had seen property values decrease in the last six years. There were other factors contributing to the decline in property values other than the Club's activities.

Laura Schult, 935 Bahr Road had lived in the area near the Club for 37 years. She and her husband had been members of the Sportsmen's Club for 30 years. She was in favor of the extended hours. The Club had put in a great deal of time and money to help with the noise abatement. She noted the interstate when she moved to the area and that traffic has increased over time. Residents knew the Club was present when they moved to the area as well.

Carl F. Bruschnig, 2968 S. California Street stated he is a Hunter Safety instructor in the City of Milwaukee and a member of the Club. This Club has good facilities; much better than others. He had an opportunity to bring students from Milwaukee to the Club to shoot firearms after completing safety courses. If there were longer hours during the week, it would help. Since there are not, the only day shooting practice for these kids can take place is Saturday. If the hours are limited, then the kids lose their opportunity to learn to shoot safely. He thought it important to give the kids a chance to learn correctly and be taught the right things.

Mark Stuehn, 1016 Broken Bow Court, and resident of Cherokee Woods neighborhood. He opposed the increased hours of activity at the Club.

Paul Niebler, 3447 Broken Bow Trail explained that in the fall, when the hours changed, their windows had to be closed to keep the sound out, and they could still hear the noise from the Club inside their house. They live in a peaceful quiet area. Thirty hours of activity was acceptable and he did not think 84 hours was agreeable. He was concerned for the activity levels during the summer and he thought if instruction for kids could not be accomplished in 30 hours, then it couldn't happen. He lived in the City and paid a lot of taxes. Many Club members did not live here. He was adamantly opposed to the increased hours of operation and thought the increase should be rescinded and the activity levels returned to 30 hours per week.

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Joan Zepecki, N8W30524 Cherokee Trail owned 3 acres abutting the Club for 14 years. When the house was purchased the Club was in the Town of Delafield. Since 1997 when the City of Delafield annexed the property, she felt as though her "voice" on the matter had been taken away. She had never had a problem with the Club's activities. Since last fall, they have been hearing gun shots from inside the house with the windows closed. She is hearing more automatic weapons than in the past. She noted the noise seemed louder with the berms than without them. She questioned whether engineering studies or sound studies were being done. She requested the hours of operation be limited to 30 as was the original intention.

Ginny Niebler, 3447 Broken Bow Trail noted an increase in the gun shot noise since last fall. She requested the hours be limited to 30 per week.

George Finch, 23 N Lapham Peak Road was embarrassed as a City resident that this issue was approved without information and participation of the area residents close to the Club. He compared this to airport noise and thought the berm work was in the conditional use permit 15 years ago and had taken this long to accomplish. He thought the noise loud and intolerable. The hours of operation should be limited to 30 or property values would suffer as a result.

Mike Sitanz, W312N1055 Fairfield Way, City of Delafield was a member of the Club. His views had been expressed.

Troy Duborg, 3526 Broken Bow Trail had lived at his residence for 9 years and had not noticed any less noise over time. Improvements have not helped as rimfire still makes noise. While he was aware of the existence of the Club prior to purchase, 84 hours seemed excessive. Thirty hours was consistent with other Clubs and he would like to see a return to those hours of operation. The Club should be brought into compliance with NRA rules.

John Fish, N9W29326 Thomas Rd. had sent a letter to the City on this matter and a friend who lives near the Club had done the same. He had moved within walking distance of the Club in 1986 and was aware of its existence at the time. He since joined the Club to develop his skills. He liked that the Club placed an emphasis on safety, training, and sponsored certified instructor training with fire line etiquette. Automatic weapons were not allowed. The Club continued to take noise abatement and land stewardship issues seriously. Three generations of families had

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participated in some of the training programs. Rimfire was noted to be a very safe way to enter into the sport of shooting.

Steven Green, 925 Broken Bow Court, Cherokee Woods stated he had lived there for six years. He could live with the noise until the recent change in hours of operation. He would like to see the hours of operation limited to thirty again.

Gary Hovila, 3423 Broken Bow Trail noted many people in the room dealt with this same issue approximately 13 years ago. In 1997, there were two groups opposed to this issue that negotiated with the result of 30 hours of operation. While he thought that much was different between consideration in 1997 and present day, he was concerned that residents were not adequately informed.

Mayor McAleer clarified that when he was not in office, changes had been made as to how the City would determine major or minor changes to Conditional Use. This request had been considered a minor change as it was related to “.22 rimfire” activities. It was thought this would not be heard outside of the Club and that was why it was determined to be a minor change. He understood why the residents felt the way they did now.

G. Hovila questioned how anyone would know that .22 rimfire would actually be used. He noted that R. Dupler sent information to the City Administrator that this issue constituted a minor change to the Conditional Use and as a result of abatement measures, would operate without infringing upon the neighbors. This was not the case. He thought 84 hours was excessive.

Tim Cahill, 3353 Broken Bow Trail lived 1500 feet from the west berm of the Club. He was at the meeting in 1997 on this topic. People that utilize the Club go home at the end of the day, while neighbors live with gun fire from 9:00 a.m. to 9:00 p.m. He would like to relax at home. He requested the Commission consider limiting the hours of operation to 30 per week.

John Liska, 973 Broken Bow Court was opposed to the Club noise and increase in hours. Since he moved here in 1993, he has noticed the noise increase, especially since last fall. He thought an error was made when the hours of operation were increased from 30 to 84. He concurred with comments heard on this matter expressed this evening. People were concerned that groundwater contamination could occur as a result of lead from the Club. With the increase in hours, he was concerned that additional lead would leach into the groundwater as a result of increased activity.

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Wayne Dehn, 3479 Broken Bow Trail provided a Power Point presentation to the Commission. The club did not form in the City until 1997, and City residents were citizens before that time. He shared information comparing the hours desired by the Club in comparison with other Clubs. This Club is not in conformance with the General Development Plan and the Conditional Use Permit. He thought the requested increase of hours was unwarranted and unjustified. Formation documents for the Club stated a Committee would be formed that was never set up. In addition, NRA standards for stationary target shooting were discussed. Violations existed in slope, backstop, exposed tires, baffle, fencing and warning signs. He requested the hours of operation be returned to a maximum of 30 as this needed to be a safe Club.

Richard Simmons, 3482 Broken Bow Trail stated he was a member of the Club and other gun clubs. He objected to the expansion of the Club's shooting hours. He noted various portions of the Conditional Use as he thought it was a contract between the Club and the City that was subject to initial and continued compliance. Hours of operation were absolute. People were led to believe the Club would be run under NRA standards with permanent improvements. He was concerned for the amount of time it took for the sound abatement to be accomplished as the berms simply seemed to make the noise louder. He thought a public hearing should have been conducted prior to installation of the berms. Because the history with the club has been so long and difficult, he felt that no compromise should be made. The Club has failed to abide by the General Development Plan and Conditional Use in numerous ways. He discussed the letter from Attorney Schwab and Attorney Hammes. He was concerned about the lack of compliance with standards and the Conditional Use. As a result, he thought the Club's shooting should be suspended until compliance was gained.

Mayor McAleer questioned whether he had brought these concerns to the Club's attention. R. Simmons stated he had not as he had not "dug into it" as deeply as he had recently. He thought the Club should have to comply with NRA standards and the Conditional Use from 1997.

Dan Wolkemir, 2777 Creekside Dr., Pewaukee was a member of the Club and supported the request. He requested that the facts be sought in this matter. Members of the Club frequent the range often and spend money in Delafield.

Erick Buerger, 1115 Parkview Street, City of Delafield was a member of the Club and was also on its Board of Directors. He

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had joined the Club four years ago because it was a daytime activity that he enjoyed. He liked and continues to like being able to shoot 22 rimfire and trap during the day by himself or with his family. He would like to see these hours continue.

Charles Winter, N8W3065 Broken Bow Trail distributed a handout to the Commission. He noted the Club to be a public nuisance as the sound measured 102 decibels on his property. He noted four points regarding this issue. In 1997, an issue was heard and trees planted to abate sound. Information had been distributed at that time and again this evening that trees do not provide sound abatement. Prior to 2000, rules were in place that required shooting range supervision to be present when shooting took place. Since that time, this was no longer required. Also, in 2000, stray shots were reported around the Club. The Club is a proven public safety threat. That threat will always be there. Fourth, he thought the berms funneled the sound out of the Club into the surrounding area.

Kate DuBorg, 3526 Broken Bow Trail had no problem with the Club operating properly. She thought the noise from the gun fire to be a huge problem. With the proposed expansion of hours, she was completely opposed. She agreed with the statements of the neighbors and that the hours needed to be rescinded. The City should examine the Club violations.

Glen Schilderm 505 Partridge Court was present to speak on behalf of the Club as he was a Lead Hunter Safety Instructor. He ran two courses there a year. If he thought the club was not safe, he would not work to educate children there. The Club provided many positive venues for children, and many courses were held at the Club. The expansion of hours provided an opportunity to more groups and would provide additional time for more hunter safety classes.

John Eschle, N314W1007 Yorktown Court lived approximately one mile west of the Club for the past 32 years. He was a strong advocate for legal gun ownership. He loved nature and the quiet peacefulness was the reason he had moved to the area. In the past months, the noise from the loud gun fire was very irritating. This was not target shooting, but rapid firing. Gun noise and suburban living were not compatible. If the Club was to continue operations, efforts needed to be made to buffer the noise. He was opposed to an increase in hours and requested the Club activity be limited to 30 hours. This is not a "minor" issue with him or his neighbors.

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Bob Townsend, 3515 Broken Bow Trail reviewed the specifics of the increase in hours of operation for the Club. He had noticed additional noise from the Club even with the windows closed lately. The berms were sending sound outward not providing abatement. He requested the hours of operation be limited to 30 and safety issues examined. He saw signs posted on trees, but not fences regarding Club activity and he was concerned for the safety of the children in the area.

David Kobliska, N2W29729 Blodwen Dr., Town of Delafield had been a proud member of the Club for 12 years. The Club was a non-profit group that helped many kids. His son entered the Marine Corps as an expert marksman due to Club activities.

David Hickey, W262 S8835 Oakdale, Mukwonago had been a member of the Club for 20 years and had served on its Board. He explained the Club had permission to change the hours in October, 2009, but no change was implemented until December. Police reports regarding stray bullets had been investigated. Of those three reports, one was clearly ruled fraudulent. Of the reports investigated by the Delafield police, there was only one questionable, potential incident related to the Club and that incident could not be isolated as to whether it was or was not related to Club activity. There is a lot of shooting in the neighborhood outside the Club. With regard to the issues discussed earlier by a speaker relating to supervisory changes in the Year 2000, he explained that the rule changed because every new member was trained as a range officer and is retrained every two to three years. Supervision is provided by range officers. In addition, he is a competitive rifle shooter. The Club's range is one of three where people were allowed to shoot rifle matches, teach gun safety and promote rifle marksmanship. The range is well shielded and safe and considered a superb facility. Rimfire cartridges are smaller than the antenna of cell phone. Some rimfire rifles do not need hearing protection. He had a hard time believing that the noise area residents heard was the result of rimfire from the Club.

In response to a question, D. Hickey explained that in his experience the sound from the range would be reflected upward. In addition, he noted it was possible that violations were occurring on the range; however, when he supervised, he would tell people what they were doing incorrectly and inform the Board of who was responsible for that behavior. He thought there was good compliance with the rules and the retraining of supervisors was very helpful.

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Verlin Kamps, W299S6316 Highway 83, Mukwonago stated he had joined the Club in 1992, but quit. Five years ago he helped on the 50 yard range and then rejoined as a member. He questioned why the Club did not plant pines to assist with noise reduction. He also questioned why the neighbors with the concern related to the rimfire activity had not come to the Club meetings to voice these concerns so that the Club could correct the issue. He asked the neighbors to please do so in the future and there was a website for the Club that provided information on Club activities and meeting times. In addition, he noted the Club membership had increased as a result of the additional hours.

Greg Schleusner, N5W30667 Mohawk Trail moved south of the Club in 2004. He noted a noise problem existed from the roadway but the sounds were not bothersome to him. Children knew not to go near the Club as parents taught them not to do so. Kids also learned proper firearm use from the Club. His kids shoot at the Club and the increase in hours allowed them to go during rimfire hours. The convenience of the Club hours for this activity was great.

Jan Hickey, W262S8835 Oakdale, Mukwonago, living in the Town of Vernon explained that while she was a resident of the southern end of the County, she had been a member of the Club for 20 years. She was one of the primary instructors with NRA certification in five disciplines. She taught the Refuse to Be a Victim (RBTA) program. The Club and its classes were offered as a service to the community. Classes are open to the general public with a small fee. Hardship situations were considered. She noted additional classes would be offered in the future that were in addition to 4-H and other programs appropriate to this area to be a good citizen.

Cliff Brooks, N8W30716 Broken Bow Trail lived 150 feet from the Club lot line. He thought the shots were louder now than in the past. He thanked all residents who provided feedback to the City regarding the Club. The Club had been annexed to the City for additional services. It was the responsibility of the Commission to set the tone for the next 20 years and the Club did not fit into the community at this time as there were many incompatible uses near the Club. The Conditional Use should be rescinded for this facility.

Richard Dallen, 3434 Broken Bow Trail questioned how many Commission members had family members that had shot at the Club. M. DeYoe, R. Dupler and Mayor McAleer responded. He further questioned why citizens were not informed of the change in hours.

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Mayor McAleer stated all normal postings were completed. Nothing was sent to property owners because the change was considered a minor change to the Conditional Use.

R. Dallen distributed a letter to the Commission members regarding berms, and liability to the City's building codes and conditional uses, etc. He stated it did not make sense to increase the Club's hours. He thought the City should make sure the Club was safe and think of the noise issues for the community.

Matt Yunk, 38655 School Section Lake Rd., Town of Ottawa worked with 21 kids in the Youth League who compete in different competitions in Southeastern Wisconsin. The Club had given them good experience in gun handling. This was a lifelong sport. He encouraged all to bring their children to the range to see where the noise was coming from and teach them not to be afraid. He thought all could learn and benefit from a visit to the Club.

Phil Jones, 2480 Nagawicka Road spoke in favor of extended hours for the Club as members do a lot of good in the City. He encouraged all to think carefully about this issue.

Shane Morris, N46 W38737 Willow Brook Court, Hartland, Town of Delafield had been a member of the Club for the past five years. He was in favor of extending the shooting hours as he had three children and was glad to provide them with an activity that would teach them a life skill. He was taken aback by the negative comments heard this evening. The 84 hours referenced by past speakers related to rimfire activities only. The centerfire hours had only increased by six hours. There is the assumption that 12 hours are center fire and that was not the case. When he is at the Club, he is sometimes the only one there. The extended hours worked well with extracurricular activity hours for kids. He thanked the Commission for its past approval of the extended hours.

Joe Cottrell, 13395 Braemar Dr. stated he was a four year member. He hoped a solution could be reached that would be fair to both sides. He heard many partial truths from people representing both sides of the issue. It was important to understand exactly how much noise was attributed to the Club activities. The Club was trying to be a "good neighbor" to all. He remained committed to moving forward on a fact-based path to provide fairness to both sides of the issue and work toward resolution.

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Terry Timmons, 10201 W. Congress St., Milwaukee explained he had grown up as a member of the Burlington Gun Club that had 1000 members and was open 105 hours per week. He thought the Hartland Sportsmen's Club functioned well as a result of the hours of operation and he had never shot at such a nice club. He was pleased with the increased hours as it provided him with more opportunities to go there. He believed the increased hours were necessary to thrive and gain additional membership. Thirty hours would reduce the growth of the facility.

K. ATTWELL MOVED TO CLOSE PUBLIC HEARING #4 AT 10:26 P.M. D. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

1. APPROVE PLAN COMMISSION MEETING MINUTES OF MARCH 31, 2010 MEETING

K. FITZGERALD MOVED TO APPROVE THE PLAN COMMISSION MEETING MINUTES OF MARCH 31, 2010 AS PRESENTED. M. DEYOE 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

There was no one present wishing to speak at this time.

3. CONSENT AGENDA

G. Gresch read the items on the Consent Agenda.

K. ATTWELL MOVED TO APPROVE THE ITEMS ON THE CONSENT AGENDA AS PRESENTED. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- a. **DELC 0804.994.019, 2730 HILLSIDE DRIVE, DELAFIELD. OWNER: LEARSI & COMPANY, C/O JASON ISRAEL. APPLICANT: SCOTT VIETH, 2730 HILLSIDE DRIVE, DELAFIELD. APPLICANT SEEKS APPROVAL OF BUSINESS PLAN OF OPERATION AMENDMENT FOR A CHANGE OF OWNERSHIP FOR A MARTINI BAR, TWIST N' OLIVE**

Approved. See above.

- b. **DELC 0793.018.003, 521 MILWAUKEE STREET, DELAFIELD. OWNER: JASON STEINER, STEINERGROUP. APPLICANT: HOUSE OF HANDLES CORP, 2850 HERITAGE DRIVE, DELAFIELD. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR A DECORATIVE HARDWARE STORE, HOUSE OF HANDLES. HOURS OF OPERATION ARE**

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

WEEKDAYS 9:00 A.M. TO 5:00 P.M. AND SATURDAY 9:00 A.M. TO 1:00 P.M.
WITH 2 FULL-TIME EMPLOYEES.

Approved. See above.

- c. **DELC 0798.038.001, 711 WELLS STREET, DELAFIELD.** OWNER: VILLARD COMPANY, INC. APPLICANT: JACK ROSE ENGINEERING, LLC, 501 THOMAS ROAD, WALES. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR AN ENGINEERING CONSULTING BUSINESS, JACK ROSE ENGINEERING, LLC. HOURS OF OPERATION ARE WEEKDAYS 7:00 A.M. TO 10:00 P.M. WITH 1 FULL-TIME EMPLOYEE (OWNER) WITH QUARTERLY TECHNICAL PLANNING AND TRAINING EVENTS.

Approved. See above.

- d. **DELC 0804.999.008, 3220 GOLF ROAD, DELAFIELD.** OWNER: SHOPPES AT NAGAWAUKEE, LLC C/O TOLD DEVELOPMENT. APPLICANT: PENZEYS SPICES, 19300 JANACEK COURT, BROOKFIELD. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR A RETAIL STORE SELLING PRE-PACKAGED SPICES, PENZEYS SPICES. HOURS OF OPERATION ARE WEEKDAYS 10:00 A.M. TO 8:00 P.M., SATURDAY 10:00 A.M. TO 6:00 P.M., SUNDAY 11:00 A.M. TO 5:00 P.M. WITH 4 PART-TIME EMPLOYEES AND 1 FULL-TIME EMPLOYEE.

Approved. See above.

- e. **DELC 0793.001.004, 514 WELLS STREET, SUITE C, DELAFIELD.** OWNER: CHRIS LEFFLER. APPLICANT: EXPRESSUME, INC. 514 WELLS STREET, SUITE C, DELAFIELD. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR A TECHNOLOGY SERVICES BUSINESS, EXPRESSUME, INC. HOURS OF OPERATION ARE WEEKDAYS 8:00 A.M. TO 8:00 P.M., WITH 2 PART-TIME EMPLOYEES AND 4 FULL-TIME EMPLOYEE.

Approved. See above.

- f. **DELC 0792.056.001, 807 GENESEE STREET DELAFIELD.** OWNER: STEINERGROUP COMMERCIAL REAL ESTATE. APPLICANT: HARRY AND MARY SCHAFF, W243 N2728 CREEKSIDE DRIVE, PEWAUKEE. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION AMENDMENT TO ALLOW OUTDOOR SEATING AND DINING FOR THEIR GOURMET CHOCOLATE FRANCHISE STORE, ROCKY MOUNTAIN CHOCOLATE FACTORY. HOURS OF OPERATION AND EMPLOYEES REMAIN THE SAME.

Approved. See above.

- g. **DELC 0793.987.001, DELAFIELD MUNICIPAL PARKING LOT, CORNER OF DOPKINS & MAIN STREET, DELAFIELD.** OWNER: CITY OF DELAFIELD.

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APPLICANT: FARMERS MARKET, TARA WATTERSON. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION AMENDMENT TO CHANGE HOURS OF OPERATION. HOURS OF OPERATION ARE SATURDAY 7:00 A.M. TO 1:00 P.M. WITH NO EMPLOYEES.

Approved. See above.

Due to the lateness of the hour, Mayor McAleer explained the remainder of this agenda would be placed on the next meeting agenda of the Plan Commission. The next meeting of the Plan Commission would be held on May 6, 2010 at 7:00 p.m. in this same location. Correspondence in Item 13 was also noted at this time.

4. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVAL
 - a. DISCUSSION AND ACTION ON 5-YEAR PARK & RECREATION PLAN
 - b. DISCUSSION AND ACTION ON HARTLAND SPORTSMAN'S CLUB CONDITIONAL USE
5. PLANS OF OPERATION, SIGNAGE AND SITE PLAN
 - a. **DELC 0787.076, 601 MILWAUKEE STREET, DELAFIELD.** OWNER: CORNERSTONE INN, LLC. APPLICANT: MAZATLAN RESTAURANT, 601 MILWAUKEE STREET. APPLICANT APPEALS DENIAL OF AN ARTISTIC WINDOW PAINTING DEPICTING A MEXICAN MOTIF
6. PRELIMINARY
 - a. **DELC 0755.996, 2731 NAGAWICKA ROAD, DELAFIELD.** OWNER: JAMES R. LANG. APPLICANT: JAY LANG, 132 W. OAK STREET, LAKE MILLS, WI. APPLICANT SEEKS APPROVAL OF A PRELIMINARY CSM AND POSSIBLE REZONING FROM TO ELIMINATE DUAL ZONING CONDITION, AND SET PUBLIC HEARING DATE TO ELIMINATE DUAL ZONING
 - b. **DELC 0792.065.001, 1101 GENESEE STREET, DELAFIELD.** OWNER/APPLICANT: ST. JOHN'S NORTHWESTERN MILITARY ACADEMY. APPLICANT SEEKS PRELIMINARY INPUT ON A MAJOR CHANGE TO THEIR CONDITIONAL USE FOR A NEW FINE ARTS BUILDING, RIGHT-OF WAY VACATION, AND AMENDMENT TO THEIR CAMPUS MASTER PLAN, AND SET PUBLIC HEARING DATE FOR THE SAME
7. ZONING AND ORDINANCE REVISION
 - a. DISCUSSION OF DRAFT ORDINANCE NO. 635, AN ORDINANCE TO REPEAL AND RECREATE SECTIONS 17.12(3) OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, RELATED TO LOTS ON NAVIGABLE WATERS AND SET PUBLIC HEARING DATE FOR THE SAME

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

- b. DISCUSSION AND ACTION TO ADOPT RESOLUTION PC2010-04, A RESOLUTION TO RECOMMEND AN OFFICIAL ZONING MAP PURSUANT TO WISCONSIN STATUTES SECTION 66.1001
 - c. DISCUSSION AND ACTION TO ADOPT RESOLUTION 2010-05, A RESOLUTION TO REVISE THE CITY OF DELAFIELD LAND USE PLAN TO REFLECT ULTIMATE ZONING CONFIGURATIONS
- 8. HEARING DATES
 - 9. ADMINISTRATOR'S REPORT
 - 10. PLANNER'S REPORT
 - 11. BUILDING INSPECTOR'S REPORT.
 - 12. BOARD OF ZONING APPEALS
 - 13. CORRESPONDENCE

Mayor McAleer noted the following correspondence.

- a. Letter from Chloe Wandschneider to the Mayor and response from the Mayor to Chloe Wandschneider
- 14. ADJOURNMENT.

K. ATTWELL MOVED TO ADJOURN THE APRIL 28, 2010 PLAN COMMISSION MEETING AT 10:36 P.M. K. FITZGERALD SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes prepared by:

Accurate Business Communication, Inc.