

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

Absent

Mayor Ed McAleer
Kent Attwell
Ald. Michele DeYoe
Kevin Fitzgerald
Michael Frede (arrived 7:06 p.m.)
Dan Jashinsky
Matthew Katz
Chris Smith
Roger Dupler, City Planner
Gina Gresch, City Clerk/Treasurer
Tom Maney, City Inspector

1. Approve Plan Commission meeting minutes of June 30, 2010 and July 28, 2010 meetings.

M. DEYOE MOVED TO APPROVE THE JUNE 30, 2010 AND JULY 28, 2010 PLAN COMMISSION MEETING MINUTES AS PRESENTED. K. ATTWELL 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.

C. SMITH MOVED TO CLOSE CITIZEN'S COMMENTS PERTAINING TO SUBJECTS ON THE AGENDA AT 7:01 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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.

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- a. **DELC 0793.020.003, 524 Milwaukee Street, Suite 300, Delafield.** Owner: Steiner Group. Applicant: CedarPoint Investment Advisors. Applicant seeks approval of a Business Plan of Operation for a financial services office, CedarPoint Investment Advisors. Hours of Operation are Weekdays 8:00 a.m. to 5:00 p.m. with 4 full-time employees.

Approved. See above.

- b. **DELC 0798.003, 612 Milwaukee Street, Delafield.** Owner: Aul Real Estate Inv. Co., LLC. Applicant: Mercy Hill Church – Tom Orlando. Applicant seeks approval of a Business Plan of Operation for a church, Mercy Hill. Hours of Operation are Tuesday and Wednesday, 7:00 p.m. to 9:00 p.m.; Thursday, 10:00 a.m. to 3 p.m. and 7:00 p.m. to 9:00 p.m., Friday, 7:00 p.m. to 9:00 p.m. and Sunday 8:00 a.m. to Noon, with 2 part-time and 2 full-time employees.

Approved. See above.

4. Final Consideration, Approvals, Previous Approval

None.

5. Plans of Operation, Signage and Site Plan

- a. Discussion and action on request from Waukesha County to approve the Lake Country Trail grading changes from Milwaukee Street to the City's eastern boundary.

R. Dupler explained extensive work had been completed on the Lake Country trail as a result of maintenance efforts by the Waukesha County Department of Parks and Land Use. There were various grading changes from Milwaukee Street to the City's eastern boundary that required additional work and once that was completed, signage was to be installed at various points on the trail. While there were no issues of concern, Staff recommended the Public Works Committee review the project.

M. DeYoe questioned the timeframe for the project. Ken Keely, Senior Landscape Architect for the Waukesha County Parks and Land Use Department stated the project should be completed by November of this year.

K. ATTWELL MOVED TO APPROVE THE REQUEST FROM WAUKESHA COUNTY TO APPROVE THE LAKE COUNTRY TRAIL GRADING CHANGES FROM MILWAUKEE STREET TO THE CITY'S EASTERN BOUNDARY, CONTINGENT UPON STAFF AND PUBLIC WORKS COMMITTEE REVIEW, AND IMPLEMENTATION OF RECOMMENDATIONS. C. SMITH QUESTIONED WHAT WAS BEING DONE WITH THE STEEP HILL AREAS NEAR MILWAUKEE STREET. K. KEELY STATED THE ORIGINAL INTENT WAS TO REWORK THE STEEP TOPOGRAPHY; HOWEVER, MAJOR UTILITIES ARE LOCATED IN THE POTENTIAL CONSTRUCTION AREA SO EFFORTS

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CONTINUE TO RESOLVE THIS SITUATION. **THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. **DELC 0786.043, 2110 West Shore Drive, Delafield.** Owner: Anthony Drake. Applicant: Piala's Nursery & Garden Shop. Applicant seeks approval of a re-constructed retaining wall.

R. Dupler explained the applicant was present this evening to discuss this matter. The retaining wall could be rebuilt without Plan Commission approval, and achieve conformance with City ordinances, thus, he was unable to recommend approval in this matter. The applicant had prepared an extensive presentation on this matter and was present to ask for consideration.

Quinn Piala, of Piala's Nursery, explained the existing retaining wall was in disrepair and needed replacement. The applicant wanted to widen the sidewalk and add steps to the house that would match the architecture in addition to the proposed reconstruction of a retaining wall with plantings on top. Additional sidewalk width was required for the applicant's relatives that were wheelchair bound and not able to enter the house currently due to a six inch difference in cement heights between the garage and house. In order to construct the sidewalk in the desired manner, the sidewalk would need to be placed closer to the property line. Originally a railing was to have been placed atop the retaining wall; however, the applicant was concerned about safety issues for children in the neighborhood. If the railing were placed on top of the wall, the height would be approximately seven feet and the applicant believed this would be a temptation for the small children in the neighborhood to climb with the potential for injury in a fall. The current request included having plantings with a three foot hedge buffer so that no railing was needed. Q. Piala further stated he was a neighbor and one of the deeded access property owner's. A petition was submitted to the City Clerk with the unanimous support of the twelve deeded access property owners as well as the property owner to the south that would be able to view the retaining wall. As proposed, it was considered a benefit to the applicant and neighbors as a new retaining wall in this manner would improve the overall appearance for the neighborhood as well as making the sidewalk to the property ADA accessible.

Tony Drake, applicant, 2110 West Shore Drive, explained that the adjacent property was to provide access to the lake for twelve property owners across the street from the lake. All had no issue with the proposed plan for encroachment onto the property line. While the originally approved plans could be built without Plan Commission consideration, he was concerned about the safety of children on site and in the neighborhood, and thus had modified the original request to the current proposal.

K. ATTWELL MOVED TO APPROVE A REQUEST FOR RECONSTRUCTION OF A RETAINING WALL FOR DELC 0786.043, 2110 WEST SHORE DRIVE, DELAFIELD. OWNER: ANTHONY DRAKE. APPLICANT: PIALA'S NURSERY & GARDEN SHOP AS PRESENTED. K. FITZGERALD SECONDED THE

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

6. Preliminary

- a. **DELC 0798.047, 726 Milwaukee Street, Delafield.** Owner/Applicant: Daniel and Jeannie Collins. Applicant seeks preliminary feedback for a Certified Survey Map to subdivide one residential lot into two.

R. Dupler explained the applicants currently owned a double wide lot with an existing home built across the lot line. The applicants would like to relocate the existing home to the eastern half of the property along with the existing shed, and split the existing lot into two separate lots for use. The future lot would be served with sewer via the existing easement through the eastern lot, and there were no issues of concern with splitting the lot as proposed. Recommendations for approval were noted by Staff.

Discussion ensued regarding appropriate responsibility and timing for placement of a sidewalk across the two lots if approved. M. Frede clarified that this request was due to the approval of the City's Comprehensive Plan that changed the zoning for the property so that current setbacks were allowed. D. Jashinsky suggested that the sidewalks be placed at the time Milwaukee Street was redone since they would only need to be redone at that time if placed now.

K. FITZGERALD MOVED TO APPROVE THE CERTIFIED SURVEY MAP (CSM) AS PRESENTED. M. DEYOE SECONDED THE MOTION. DISCUSSION ENSUED. IT WAS DETERMINED THERE WAS NO NEED FOR A MOTION AT THIS TIME. THE MAKER AND SECONDER OF THE MOTION WITHDREW THE MOTION AND SECOND RESPECTIVELY.

Mayor McAleer stated this item should be placed on the next Plan Commission agenda.

Jeannie Collins, applicant, stated the neighbor's driveway was currently encroaching onto her property. The pin that identified the property line had been covered with asphalt in the last repaving of the driveway. Her surveyor had suggested this matter be raised at this time. Mayor McAleer stated it would be helpful if the surveyor would note this matter on the survey.

- b. **DELC 0740.998 and 0740.997.001, 1621 – 1657 Kettle Cove Court, Delafield.** Owner: Kettle Cove, LLC. Applicant: Larry Schober. Applicant seeks a change to the Conditional Use to build multi-unit garages, and set public hearing date for the same.

R. Dupler explained the applicant was present and wished to reconstruct an existing garage that was slightly wider than the existing garage. The new plans would accommodate the existing vehicle access drive and required lot setbacks. The larger footprint will be accommodated by expanding to the east; the resultant

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building-to- building separation between the new garage and the existing residence would be 29 feet. Architecture proposed was considered compatible with the existing structure and a public hearing was required for approval.

K. ATTWELL MOVED TO APPROVE A CHANGE TO THE CONDITIONAL USE TO BUILD MULTI-UNIT GARAGES AS PRESENTED, AND SET A PUBLIC HEARING DATE FOR SEPTEMBER 29, 2010 AND TO REQUEST A SITE PLAN BE PRESENTED AT THAT HEARING FOR DELC 0740.998 AND 0740.997.001, 1621 – 1657 KETTLE COVE COURT, DELAFIELD. OWNER: KETTLE COVE, LLC. APPLICANT: LARRY SCHOBER. M. FREDE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. **DELC 0798.099.001, 503 Lake Street, Delafield. Owner/Applicant: Behrend Property, LLC, Jim Behrend.** Applicant seeks preliminary feedback for a Certified Survey Map to create a four lot subdivision.

In the absence of his brother and owner/applicant, Jim Behrend, Robert Behrend, 110 Hill Street, Hartland, also owner/applicant of the property, was present to request preliminary feedback on a CSM to create a four lot subdivision at 503 Lake Street.

R. Dupler explained that the property on Division Street owned by the applicant, involved two lots. One lot was on Wells Street and another on Division Street as a corner lot that abutted the Lake Street right of way. As part of this proposal, the lots would be blended to allow enough space to create a four lot subdivision that would include use of the western half of the Lake Street easement. The north lot would remain in its current condition while subdividing the south lot on Division Street into three new residential lots. Those three south facing lots would be serviced by the extension of Division Street scheduled as part of the Delafield Woods development. Currently the right-of-way currently existed for Division Street but no street has been constructed through this length of the block. The other half of the easement was being vacated and utilized for the Delafield Woods bike path outlined in that project proposal.

Jim Behrend, applicant, arrived.

Mayor McAleer stated he thought it prudent to have the Public Works Committee review this request. Discussion ensued regarding the location of the bike path for the Delafield Woods complex that would exist just west of the pine trees shown on the map of the project area.

K. ATTWELL MOVED TO APPROVE A REQUEST FOR PRELIMINARY FEEDBACK FOR A CERTIFIED SURVEY MAP TO CREATE A FOUR LOT SUBDIVISION FOR .DELC 0798.099.001, 503 LAKE STREET, DELAFIELD. OWNER/APPLICANT: BEHREND PROPERTY, LLC, JIM BEHREND AS PRESENTED AND TO SCHEDULE A PUBLIC HEARING ON THIS MATTER. C. SMITH SECONDED THE MOTION. K. FITZGERALD CLARIFIED THE

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REQUEST. MAYOR MCALEER STATED THIS MATTER SHOULD BE REVIEWED BY THE PUBLIC WORKS COMMITTEE FOR VACATION OF RIGHT OF WAY ISSUES AND RELATED TREE IMPACTS. R. DUPLER SUGGESTED THIS MATTER COULD PROCEED EXPEDITIOUSLY IF THE PUBLIC WORKS COMMITTEE REVIEWED THIS MATTER WHILE THE PUBLIC HEARING PROCESS MOVED FORWARD WITH THE COMMON COUNCIL. **K. ATTWELL AMENDED THE MOTION TO APPROVE A REQUEST FOR PRELIMINARY FEEDBACK FOR A CERTIFIED SURVEY MAP TO CREATE A FOUR LOT SUBDIVISION FOR DELC 0798.099.001, 503 LAKE STREET, DELAFIELD. OWNER/APPLICANT: BEHREND PROPERTY, LLC, JIM BEHREND AS PRESENTED AND TO SCHEDULE A PUBLIC HEARING ON THIS MATTER AND TO REQUEST THAT THIS MATTER BE REVIEWED BY THE PUBLIC WORKS COMMITTEE AND ALSO TO REQUEST THAT THE COMMON COUNCIL BEGIN THE PROCESS OF VACATION OF THE ALLEY WAY AND THE WESTERN HALF OF LAKE STREET IN THE INTERIM. C. SMITH ACCEPTED THE AMENDED MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- d. **DELC 0798.952.004, 730 – 732 Poplar Path, Delafield. Owner/Applicant: Robert S. Behrend 2003 Living Trust, Robert Behrend. Applicant seeks preliminary feedback for a residential planned development.**

R. Dupler explained that the property backed up to I-94, was zoned R-3 and met the minimum lot size for a single family home. Under consideration of subdividing the lot via CSM, its odd configuration would only allow designation as a flag lot and the City ordinance prohibited creation of such a lot unless certain lot widths were established. In order to pursue the second residence, the applicant had instead opted to present the development proposal as a planned development. As such, the Commission needed to determine if there were enough natural features to warrant preservation that only a planned development could accommodate. The applicant believed this lot would warrant such action due to the quality of trees that served as a buffer from the interstate as well as inhibiting storm water runoff that currently impacted downstream neighbors.

R. Behrends was present for this matter, noting that a duplex currently existed on the site and he desired the ability to add trees to create a buffer as discussed and to add another duplex to allow another property owner to potentially share in the purchase of a well.

Discussion and clarification of the request ensued. R. Behrends stated the high point of the lot was wooded and there could be common open space in the western corner of the property with a trail currently being mowed that could be used for hiking. There were two buildings on the lot. T. Maney noted the lot would never be able to be split and the buildings could not be sold separately.

K. ATTWELL MOVED TO SCHEDULE A PUBLIC HEARING FOR PRELIMINARY FEEDBACK FOR A RESIDENTIAL PLANNED DEVELOPMENT FOR DELC 0798.952.004, 730 – 732 POPLAR PATH,

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DELAFIELD. OWNER/APPLICANT: ROBERT S. BEHREND 2003 LIVING TRUST, ROBERT BEHREND. D. JASHINSKY SECONDED THE MOTION. R. DUPLER NOTED A TREE SURVEY, SITE PLAN AND JUSTIFICATION OF STORM WATER VOLUMES SHOULD BE PRESENTED AT THE PUBLIC HEARING. THE CITY FORESTER COULD ASSIST WITH THIS INFORMATION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

7. ZONING AND ORDINANCE REVISION

None.

8. HEARING DATES

Three public hearings were slated for the September 28, 2010 Plan Commission Meeting.

9. ADMINISTRATOR'S REPORT

None.

10. PLANNER'S REPORT

R. Dupler noted the correspondence listed on this meeting agenda and noted more information would be available at a later date on these matters.

11. BUILDING INSPECTOR'S REPORT

T. Maney stated the total number of permits to date was 18 with 2 occupancy permits this month. There was 1 new single family home permit and 1 permit for a new McDonald's restaurant.

12. BOARD OF ZONING APPEALS

None.

13. CORRESPONDENCE

- a. Email from St. John's Northwestern Military Academy regarding Right-of-Way Vacation
- b. Letter from City Planner regarding Village Square site development issues
- c. Letter from City Planner regarding Tom Butz Boathouse lighting and landscape plan

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14. ADJOURNMENT

K. ATTWELL MOVED TO ADJOURN THE AUGUST 25, 2010 PLAN COMMISSION MEETING AT 8:00 P.M. C. SMITH SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes prepared by:

Accurate Business Communications, Inc.