

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
Michele DeYoe
Kevin Fitzgerald
Michael Frede
Chris Smith
Sarah Toomsen, Planner
Gina Gresch, City Clerk/Treasurer
Tim Schuenke, City Administrator

Absent

Dirilee Curtis Costa
Larry Chapman

**PUBLIC HEARING #1: REZONING FROM B-5 (OFFICE & RESEARCH DISTRICT)
TO P-1 (PUBLIC & SEMI-PUBLIC DISTRICT)**

APPLICANT: RENEE M. EVERT, 170 WARREN AVENUE, HARTLAND,
WI, LAKE COUNTRY CREMATION SERVICES

OWNED BY: RENEE M. EVERT, 170 WARREN AVENUE, HARTLAND,
WI, LAKE COUNTRY CREMATION SERVICES

LEGAL DESCRIPTION DELC 0733.996:

*PT NE1/4 SEC 4 T7N R18E COM NE COR S88 34'W 734.65 FT THE BGN S88 34'W
112.33 FT S1 14'E 441.58 FT NELY ALG CURVE 126.52 FT N1 14'W 383.42 FT TO BGN
EX HY 0.41 AC ALSO COM NE COR S89 56'W 163.08 FT S89 42'W 437.15 FT THE BGN
S89 42'W 134.42 FT S 128.13 FT N59 35'E 155.71 FT N 50 FT TO BGN EX N 33 FT 0.17
AC R2380/1070*

MATTER:

APPLICANT SEEKS A REZONE OF DELC 0733.996, N47
W31143 HILL STREET, HARTLAND, FROM B-5 (OFFICE &
RESEARCH DISTRICT) TO P-1 (PUBLIC & SEMI-PUBLIC
DISTRICT). THIS IS CONSISTENT WITH THE NEWLY
ADOPTED LAND USE PLAN.

This item was postponed at the request of the petitioner.

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PUBLIC HEARING #2: CONDITIONAL USE REQUEST

APPLICANT: RENEE M. EVERT, 170 WARREN AVENUE, HARTLAND, WI, LAKE COUNTRY CREMATION SERVICES

OWNED BY: RENEE M. EVERT, 170 WARREN AVENUE, HARTLAND, WI, LAKE COUNTRY CREMATION SERVICES

LEGAL DESCRIPTION DELC 0733.996:

PT NE1/4 SEC 4 T7N R18E COM NE COR S88 34'W 734.65 FT THE BGN S88 34'W 112.33 FT S1 14'E 441.58 FT NELY ALG CURVE 126.52 FT N1 14'W 383.42 FT TO BGN EX HY 0.41 AC ALSO COM NE COR S89 56'W 163.08 FT S89 42'W 437.15 FT THE BGN S89 42'W 134.42 FT S 128.13 FT N59 35'E 155.71 FT N 50 FT TO BGN EX N 33 FT 0.17 AC R2380/1070

MATTER: APPLICANT REQUESTS A CONDITIONAL USE TO OWN AND OPERATE A HUMAN AND PET CREMATORIUM, LAKE COUNTRY CREMATION SERVICES

ZONING: CONTINGENT UPON REZONING ACTION TAKEN BY THE COMMON COUNCIL AT THE SEPTEMBER 8, 2009 COMMON COUNCIL MEETING, THIS PROPERTY WILL BE ZONED P-1 (PUBLIC & SEMI-PUBLIC DISTRICT)

This item was postponed at the request of petitioner.

PUBLIC HEARING #3: REPEAL AND RECREATE SECTION 1 OF ORDINANCE 293

APPLICANT: CITY OF DELAFIELD

MATTER: CONSIDERATION TO REPEAL AND RECREATE SECTION 1 OF ORDINANCE 293 TO CORRECT A ZONING DISTRICT BOUNDARY UNIQUE TO THE PARCEL FORMERLY KNOWN AS DELC 0804.994 AND IS RECORDED AS DELC'S 0804.995, 0804.994.001, 0804.994.002, 0804.994.005, 0804.994.006, 0804.994.008 AND 0804.994.017. THE ZONING DISTRICT BOUNDARY INADVERTENTLY INCLUDED THESE PARCELS WITHIN THE BOUNDARY.

Mayor McAleer opened the Public Hearing at 7:01 p.m.

Debbie Tomczyk, of Reinhart, Boerner, and Van Deuren, 1000 North Water Street, Milwaukee, Wisconsin, stated she was the attorney representing Wal-Mart and her client supported this action.

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K. FITZGERALD MOVED TO CLOSE THE PUBLIC HEARING AT 7:02 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

PUBLIC HEARING #4: RESCIND SECTION 17.27(3) OF CHAPTER 17 OF THE CITY OF DELAFIELD MUNICIPAL CODE.

APPLICANT: CITY OF DELAFIELD

MATTER: CONSIDERATION TO RESCIND SECTION 17.27(3) OF THE CITY OF DELAFIELD MUNICIPAL CODE RELATING TO SIGNS EXEMPT FROM THE APPROVAL PROCESS

Mayor McAleer opened the Public Hearing at 7:03 p.m.

Adel Korkor, of Hartland, Wisconsin, and applicant for various items on the Consent Agenda began to speak at this time.

S. Toomsen of Yaggy Colby provided a brief clarification of the matter.

A. Korkor stated he would hold the remainder of comments until the items appeared on the Consent Agenda.

K. ATTWELL MOVED TO CLOSE THE PUBLIC HEARING AT 7:04 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

1. APPROVE PLAN COMMISSION MEETING MINUTES OF JULY 29, 2009

K. ATTWELL MOVED TO APPROVE THE JULY 29, 2009 PLAN COMMISSION MEETING MINUTES AS AMENDED, ON PAGE 5, IN THE MOTION FOR ITEM 5B, SENTENCE 4, CHANGE "HAD BEEN WRITTEN FOR USE" TO "HAD BEEN WRITTEN TO REGULATE USE"; IN THE SAME SENTENCE CHANGE THE WORD "DESIGNATE" TO "DETERMINE"; FURTHER IN THE SAME SENTENCE CHANGE "ACCOMMODATE INCONSISTENCIES" TO "ACCOMMODATE A GIVEN USE"; IN THE SAME ITEM, SENTENCE 8, CHANGE "THIS PARCEL SEPARATELY AS A CONDITIONAL USE P-1 PARCEL" TO "THIS PARCEL SEPARATELY AND THEN CONSIDER THE REQUEST AS A CONDITIONAL USE ON THE P-1 PARCEL"; ON PAGE 12, ITEM 8, CHANGE THE LISTING OF PUBLIC HEARINGS TO STATE "T. MANEY NOTED THERE WERE FOUR PUBLIC HEARINGS TO BE HELD AT THE AUGUST 26, 2009, PLAN COMMISSION MEETING RELATED TO EXPANSION OF THE DELAFIELD HOTEL, REZONING OF THE PARCEL FOR LAKE COUNTRY CREMATION SERVICES; A CONDITIONAL USE PERMIT

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FOR LAKE COUNTRY CREMATION SERVICES.” ~~K. ATTWELL~~ (C. SMITH) SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

2. 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.

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

- a. **DELC 0787.076, 808 GENESEE STREET, DELAFIELD. OWNER: TOM AUL. APPLICANT: CHRISTINE A. EDWARDS. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR A TOY STORE, TOTALLY TOYS OF DELAFIELD. HOURS OF OPERATION ARE TUESDAY, THURSDAY AND FRIDAY FROM 10 A.M. TO 5 P.M., WEDNESDAY 10 A.M. TO 6 P.M., SATURDAY 10 A.M. TO 5 P.M. AND SUNDAY 11 A.M. TO 4 P.M. WITH 1 PART-TIME AND 1 FULL-TIME EMPLOYEE.**

Approved. See above.

- b. **DELC 0803.979.005, 2301 SUN VALLEY DRIVE, SUITE 209, DELAFIELD. OWNER: PURITY REAL ESTATE. APPLICANT: AFFILIATED WELLNESS. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR A MENTAL HEALTH AND WELLNESS CLINIC, AFFILIATED WELLNESS. HOURS OF OPERATION ARE WEEKDAYS 9 A.M. TO 8 P.M. AND SATURDAY 9 A.M. TO NOON WITH 4 FULL-TIME EMPLOYEES.**

Approved. See above.

- c. **DELC 0803.979.005, 2301 SUN VALLEY DRIVE, SUITE 202, DELAFIELD. OWNER: PURITY REAL ESTATE. APPLICANT: EXP PHOTO ART. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR A PHOTO EDITING AND WEBSITE SUPPORT BUSINESS, EXP PHOTO ART. HOURS OF OPERATION ARE WEEKDAYS 9 A.M. TO 5 P.M. WITH 1 FULL-TIME EMPLOYEE.**

Approved. See above.

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- d. **DELC 0803.979.005, 2301 SUN VALLEY DRIVE, SUITE 301, DELAFIELD. OWNER: PURITY REAL ESTATE. APPLICANT: PURE MECHANICAL.** APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR A HVAC BUSINESS OFFICE, PURE MECHANICAL. HOURS OF OPERATION ARE WEEKDAYS 8 A.M. TO 5 P.M. WITH 1 PART-TIME AND 1 FULL-TIME EMPLOYEE.

Approved. See above.

- e. **DELC 0803.979.005, 2301 SUN VALLEY DRIVE, SUITE 200, DELAFIELD. OWNER: PURITY REAL ESTATE. APPLICANT: PURITY DIALYSIS HOME TRAINING.** APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR AN OFFICE/MEDICAL CLINIC FOR HOME PATIENTS, PURITY DIALYSIS HOME TRAINING. HOURS OF OPERATION ARE WEEKDAYS 7 A.M. TO 5 P.M. WITH 3 FULL-TIME EMPLOYEES.

Approved. See above.

- f. **DELC 0803.979.005, 2301 SUN VALLEY DRIVE, SUITE 102, DELAFIELD. OWNER: PURITY REAL ESTATE. APPLICANT: SALUS, INC.** APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR A CORPORATE WELLNESS AND TRAINING BUSINESS, SALUS, INC. HOURS OF OPERATION ARE WEEKDAYS 6:30 A.M. TO 7 P.M. WITH 1 PART-TIME AND 4 FULL-TIME EMPLOYEES.

Approved. See above.

- g. **DELC 0798.016, 629 MAIN STREET, DELAFIELD. OWNER/APPLICANT: DENNIS SOBCZAK.** APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION AMENDMENT FOR ZIN UNCOMMON CALIFORNIAN ITALIAN RESTAURANT TO ADD LUNCH HOURS TO THE EXISTING HOURS OPERATION. NEW HOURS OF OPERATION WILL BE WEEKDAYS 11 A.M. TO 2 A.M. AND SATURDAY 11 A.M. TO 12 A.M. WITH 12 PART-TIME AND 6 FULL-TIME EMPLOYEES.

Approved. See above.

4. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVAL

- a. **DELC 0733.996, N47 W31143 HILL STREET, HARTLAND OWNED BY RENEE M. EVERT, 170 WARREN AVENUE, HARTLAND, WI.** APPLICANT REQUESTS A REZONE FROM B-5 (OFFICE & RESEARCH DISTRICT) TO

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P-1 (PUBLIC & SEMI-PUBLIC DISTRICT). AND RECOMMENDATION TO COMMON COUNCIL OF THE SAME.

This item was postponed at the request of the petitioner.

- b. **DELCO 0733.996** LOCATED AT N47 W31143 HILL STREET, HARTLAND OWNED BY RENEE M. EVERT, 170 WARREN AVENUE, HARTLAND, WI. APPLICANT REQUESTS A CONDITIONAL USE TO OWN AND OPERATE A HUMAN AND PET CREMATORIUM, LAKE COUNTRY CREMATION SERVICES AND RECOMMENDATION TO COMMON COUNCIL OF THE SAME.

This item was postponed at the request of the petitioner.

5. PLANS OF OPERATION, SIGNAGE AND SITE PLAN

- a. DISCUSSION AND ACTION TO RE-ROUTE THE LAKE COUNTRY TRAIL AND ICE AGE TRAIL AND SIGNS PER REQUEST FROM WAUKESHA COUNTY

S. Toomsen explained Waukesha County Staff had received a grant allowing improvements to the Lake Country Trail (LCT) that traversed the City. The trail would be expanded to a ten foot width and would be routed through the downtown area. Signage examples and a proposed trail route were shared. It was possible that all trail signage could potentially be mounted on one sign post as part of this proposal. Staff recommended approval of this matter, contingent upon Staff approval of final bike route signage.

Ken Keeley, Senior Landscape Architect for Waukesha County was present regarding this matter. He explained the proposed location of the trail, noting the current trail traversed the City on Wells Street. Waukesha County Staff expressed concern for expansion of the width of the trail in areas where there was angled or 90 degree parking spaces as the potential for conflicts between motorists and bicyclists was enhanced in those areas. A Federal grant had been received as part of economic recovery efforts and would include signage opportunities to direct people to various city facilities, including trail routes, as well as through the downtown area.

With regard to the proposed LCT route, it was noted that bicyclists on the route traveling west would enter the City and proceed north on Bleeker Street until Milwaukee Street and then turn west and travel on Milwaukee Street until turning south on Dopkins Street. The bikers then turn west onto Main Street and connect back into the existing bike trail near the new Public Safety Campus. Bikers traveling east would remain on Main Street instead of turning right onto Wells Street. The bikers

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would continue on Main Street until turning south on Bleaker Street and connecting back up to the existing bike trail.

K. Keeley explained the main reason for the proposed change to the current trail route was due to the parking concerns. Safety was important to all and the proposed route would not preclude people from going down Wells Street but would be signed to direct people through the downtown as explained. The signs would mainly be located at street intersections depicting the direction of the continued route.

C. Smith thanked Waukesha County Staff for efforts regarding the signage; however, he questioned the need to bypass Wheel and Sprocket as it would no longer be on the trail if approved. In addition, he noted bicyclists would be crossing the busiest street in town to get to the trail and would also require many bicyclists to ride up hill to reach the trail routes from various points. He suggested the trail route remain the same or when heading west on the current LCT route to turn south from Wells Street and go one half block south to Pamela Street then west on Butler Street and then back to the trail west of Cushing Park. While some of the parking spaces were perpendicular, the street was not as busy as others on the proposed route. In addition, once the library was finished, it would be a destination on the trail and bicyclists could cross easily at a clearly defined crosswalk area. While Pamela Street did not have public right of way, he encouraged consideration be given to this route as it seemed safer for all.

M. Frede agreed, noting he was also concerned about bicyclists traversing the two busiest streets in town. He liked the idea of utilizing Pamela Street for this purpose and keeping Wheel and Sprocket on the route.

M. DeYoe liked the idea of making a connection that would allow kids to ride bikes to the library and school on a safer route. She explained the route proposed by C. Smith also included a back entrance to the school via a route utilized by buses. She thought the route would be a great addition to Pamela Street and would provide enhanced public safety for motorists and bicyclists.

Mayor McAleer concurred with regard to the safer route proposed by C. Smith and M. DeYoe.

K. Keeley stated additional time could be taken to review the suggested route by C. Smith without impacting any grant deadlines.

C. Smith noted that Del-Hart owned the land near the trail connection from Butler Street to the LCT route west of Cushing Park.

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M. DeYoe appreciated the open mindedness regarding the proposed changes and thought the suggested route provided a better option for the LCT route for all.

K. Keeley thanked the Commission for its time spent discussing this matter.

- b. **DELC 0782.026.002, 2019 BAY POINT LANE, DELAFIELD.**
OWNER/APPLICANT: ERIC & LORI LAATSCH, 2019 BAY POINT LANE, HARTLAND. APPLICANT SEEKS APPROVAL OF A MINOR CHANGE TO THE PUD AND AN ARCHITECTURAL REVIEW FOR AN ADDITION TO THE SINGLE FAMILY HOME.

S. Toomsen explained the proposed addition had been planned in compliance with the governing Planned Development Conditional Use (PD-CU). When the City approved the collection of parcels as a PD-CU, conditions were placed on the approval to ensure that subsequent development return to the Plan Commission for architectural approval. Thus, the application was placed on the Commission's agenda for consideration.

K. Fitzgerald noted this parcel was not shown on the Zoning Map as Planned Unit Development. In addition, he questioned what conditions and criteria should be utilized to objectively evaluate the request.

The applicant was not present at this time to speak to this item.

Mayor McAleer expressed concern that despite Staff recommendation for approval as a minor change based on meeting the setback and height requirements in the City's code, no one was present to show what was being proposed in visual form for the television audience.

K. Fitzgerald stated he would like to be able to read the conditions associated with the Conditional Use permit governing the site.

Mayor McAleer requested this item be postponed to the next agenda of the Plan Commission.

6. PRELIMINARY

None.

7. ZONING AND ORDINANCE REVISION

- a. DISCUSSION AND ACTION TO RECOMMEND TO THE COMMON COUNCIL ADOPTION OF ORDINANCE 615, AN ORDINANCE TO REPEAL

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& RECREATE SECTION 1 OF ORDINANCE 293 TO CORRECT THE ASSIGNED ZONING DISTRICTS

S. Toomsen explained this item was the result of an error that included Wal-Mart in an incorrect rezoning. This ordinance proposed a revision of the current B-6 zoning boundary and allowed Wal-Mart to remain within a B-3 zoning boundary.

K. Fitzgerald stated Section Two in the proposed ordinance was oddly worded and he thought there was a better way to revise the ordinance.

Mayor McAleer noted City Attorney Hammes had reviewed the ordinance and found it without issue.

K. FITZGERALD MOVED TO APPROVE ADOPTION OF ORDINANCE 615, AN ORDINANCE TO REPEAL & RECREATE SECTION 1 OF ORDINANCE 293 TO CORRECT THE ASSIGNED ZONING DISTRICTS AND RECOMMEND TO COMMON COUNCIL THE SAME. K. ATTWELL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. DISCUSSION AND ACTION TO ADOPT ORDINANCE NO. 616 AN ORDINANCE RESCINDING SECTION 17.27(3) OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN RELATED TO SIGNS EXEMPT FROM THE APPROVAL PROCESS, AND RECOMMENDATION TO COMMON COUNCIL OF THE SAME.

S. Toomsen explained this ordinance revised contradictory language not caught at the time the sign ordinance was previously revised.

K. ATTWELL MOVED TO APPROVE ADOPTION OF ORDINANCE NO. 616 AN ORDINANCE RESCINDING SECTION 17.27(3) OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN RELATED TO SIGNS EXEMPT FROM THE APPROVAL PROCESS, AND RECOMMENDATION TO COMMON COUNCIL OF THE SAME. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

8. HEARING DATES

G. Gresch stated Public Hearings 1 and 2 postponed this evening would be placed on the September 30, 2009, Plan Commission Meeting Agenda.

9. ADMINISTRATOR'S REPORT

T. Schuenke stated there was nothing to report on at this time.

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10. PLANNER'S REPORT

S. Toomsen stated a list of itemized changes from the City Code on Subdivisions related to Smart Growth would be discussed at a future Plan Commission meeting. K. Fitzgerald suggested adding a list of permitted uses in the P-1 district also be added to the list of items to be discussed by the Commission.

11. BUILDING INSPECTOR'S REPORT

T. Maney stated the total number of permits to date were 14, plus one new 29-unit apartment with two occupancy permits this month.

12. BOARD OF ZONING APPEALS

G. Gresch noted there was one item slated for the Board of Zoning Appeals Meeting Agenda on September 10, 2009.

13. CORRESPONDENCE

- Town of Delafield Resolution amending the Comprehensive Plan Ordinance

14. ADJOURNMENT

M. DEYOE MOTIONED TO ADJOURN THE AUGUST 26, 2009, PLAN COMMISSION MEETING AT 7:36 P.M. K. ATTWELL SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes prepared by:

Accurate Business Communications, Inc.