

CITY OF DELAFIELD PLAN COMMONISSION MINUTES

CALL MEETING TO ORDER

Mayor Craig called the meeting to order at 7:02 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

Absent

Mayor Paul Craig  
Phil Schuman  
Chrys Mursky  
Mike Court  
Beth Leonard  
Dick Kuchler  
Roger Dupler  
Tom Maney  
Matt Carlson  
Marilyn Czubkowski

Also Present

Attorney Chapman

Mayor Craig requested to move Item 5a up to after the Consent Agenda. There were no objections.

1. APPROVE PLAN COMMISSION MEETING MINUTES OF NOVEMBER 19, 2003.

**P. SCHUMAN MOTIONED TO APPROVE THE PLAN COMMISSION MEETING MINUTES OF NOVEMBER 19, 2003 AS PRESENTED. C. MURSKY 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.

Harold Ziferan - discussed the incident that occurred at 523 Milwaukee Street today and commended the Police Department, 911, the EMT's, and ambulance crew for saving a life. Police Officer Melissa Legg did an outstanding job.

There were no other citizen's comments.

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**P. SCHUMAN MOTIONED TO CLOSE CITIZEN'S COMMENTS. D. KUCHLER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

3. **CONSENT AGENDA**

- a. **Tax Key 803.998.002, 375 Willamstowne, Delafield, WI.** Owners Agent: David Buckley. Applicant: Manley Haines. Applicant seeks approval of a Business Plan of Operation for First Mortgage, a mortgage brokerage company. Hours of Operation are Monday - Friday, 8:00 a.m. - 6:00 p.m., Saturday, 9:00 a.m. - 12:00 p.m. 1 full-time; 1 part-time employee.
- b. **Tax Key 794.013, 24 Enterprise Road, Delafield, WI.** Owners Agent: David Buckley. Applicant: Howard Kingman. Applicant seeks approval of a Business Plan of Operation for Kingman Custom Contractors, Inc., a general contractor business. Hours of Operation are Monday - Friday, 7:00 a.m. - 5:00 p.m. 12 full-time employees.

**C. MURSKY MOTIONED TO APPROVE THE CONSENT AGENDA. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

4. **PLANS OF OPERATION, SIGNAGE AND SITE PLAN**

- a. **Tax Key Tax Key 798.005, 523 Milwaukee Street, Delafield, WI.** Owner: Lang Investments, Ltd. Applicant: John Quail. Applicant seeks approval of sign permit and amended Business Plan of Operation for Milwaukee Street Traders, a coffeehouse, espresso and gelato bar. Hours of Operation are Sunday - Thursday, 6:00 a.m. - 8:00 p.m.; Friday and Saturday, 6:00 a.m. - 10:00 p.m.; Sunday, 6:00 a.m. - 8:00 p.m.; Every Friday and Saturday, 7:00 - 10:00 p.m. for entertainment (acoustic guitar, book signings, etc.)

Harold Ziferan was present and stated that "entertainment" could be amended. He clarified that entertainment would consist of book signings, reciting of poetry or literature, a single guitar, violinist, etc.

R. Dupler suggested that the forms of promotion could be stipulated to being only indoors. The signage is well beneath the allowable signage and it conforms to the standards of the historic district. Window signage has been incorporated. He recommended approval with a caveat that the signage on canopy needs to be verified that it has 10' clearance beneath it.

**P.SCHUMAN MOTIONED TO APPROVE. B. LEONARD. P. SCHUMAN AMENDED THE MOTION TO ONLY INSIDE ENTERTAINMENT WITH ACOUSTIC MUSIC. B. LEONARD AGREED WITH THE AMENDMENT. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. **Tax Key 798.966, 410 Genesee Street, Delafield, WI.** Owner: Larry Kassens. Applicant: Curt Kelly Applicant seeks approval of signage for Up North Down Here, a furniture store and tanning salon.

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No representative was present.

R. Dupler reviewed.

**D. KUCHLER MOTIONED TO APPROVE PENDING STAFF APPROVAL AND CONTINGENT UPON THE REMOVAL OF TEMPORARY SIGNAGE. C. MURSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- c. **Tax Key 793.014, 617-619 Genesee Street, Delafield, WI.** Owner: Lang Investments. Applicants: Mark and Sheryl Quandt. Applicants seek approval of signage and amended Business Plan of Operation for Mark David's Bakery & Café. The Hours of Operation are Monday - Thursday, 6:30 a.m. - 6:00 p.m.; Friday and Saturday, 6:30 a.m. - 10:00 p.m.; Sunday, 7:00 a.m. - 3:00 p.m. with Friday and Saturday music. 8 full-time and 11 part-time employees.

Sheryl Quandt was present.

R. Dupler reviewed and stated that this was consistent with other like businesses in the downtown area. The sign is a relocation and redesign of an existing sign. He stated that it was all appropriate. He recommended that the sign be approved but be retailored to be consistent with the existing sign size. S. Quandt stated that they have received letters from customers stating that they cannot see the sign and that it needs to be repaired/updated. R. Dupler stated that because this business is in the historic district, the size of the building does not come into play with regard to signage size. If the present sign is repainted, the size of the present sign (nonconforming) would be acceptable. C. Mursky addressed the sandwich board signs.

**P. SCHUMAN MOTIONED THAT STAFF BE GIVEN AUTHORITY TO DETERMINE WITH THE OWNER WHETHER TO HAVE A SMALLER SIGN MEETING THE SQUARE FOOTAGE REQUIREMENTS, OR FOR RELOCATION AND REPAINTING OF THE EXISTING SIGN. C. MURSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

5. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVALS

- a. **Tax Key 621.999 and 746.999, 2777 Mission Road, Delafield.** Applicant: James Siepmann, (representative for contract purchaser), seeks amended Conditional Use for a portion of the Nashotah House Seminary, Parcel A, (west side of Mission Road, south of Nashotah Road and north of the main Nashotah Hs. Campus).

Jim Siepmann of Siepmann Realty was present and introduced Robert Monday, Dean and President of Nashotah House Seminary, and Dick Schwaab who will be purchasing the property.

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Dean Monday addressed the Commission. Nashotah House purchased the land in 1841. He reviewed some of the history of Nashotah House. They would like to turn the land into an income producing asset. HNTB prepared the development plan and is attached to their conditional use permit. Page 38 of the plan explained the vision for development then, which is what they are proposing now. He explained that Dick Schwaab's family has owned land adjacent to Nashotah for over 100 years.

Dick Schwaab gave a brief history of his family. He explained how he and a small group of people have made an offer to purchase the land. They all care about the area, the land, and the lake and think that it is very special. Their intention is to create a very nice residential community that will have a minimum impact on the land and lake. They would like to leave the area as unchanged as possible. The Siepmann Company is being used because of their reputation as a developer who does very high quality developments while being concerned with environmental impacts.

J. Siepmann stated that there are technical items that were provided in the Commissioner's packets. The public access and the comprehensive plan need to be addressed. The DNR has stated that there is not a public access requirement. He invited all to walk Nashotah House and take a tour. He distributed a self-guided walking tour pamphlet.

Attorney Chapman is in receipt of the May 1981 development plan that was prepared by HNTB and a copy of the conditional use permit drafted in 1982 and is in the process of reviewing them. The conditional use permit does refer to the development plan. He interpreted page 38 as referring specifically to the area west on the lakeshore. The conditional use permit refers to the HNTB report and he interpreted the report as being incorporated in the conditional use permit although he did not think the development plan was recorded, but the conditional use permit was. He stated that it was understood that the plan is a long range development plan and that use is implemented substantially and compliance with the plan would be permitted so long as they conform to the City of Delafield codes and ordinances. He reviewed several documents that he researched. He stated that this is a continuation of what was anticipated as possibly being required in the future and he did not see any problem with it. They must meet city codes and ordinances and that would fulfill the right that they have that was given to them in 1982. There will be a conditional use and but he not think that the 1982 conditional use should be worried about, but that a new PUD conditional use should be developed.

R. Dupler stated that given the fact that the development plan (the future land use plan for the Seminary) is identified as an integral part of the conditional use, and Attorney Chapman's discussion, he thought a new conditional use permit would need to be developed unique to this piece of property. He thought that a greater issue would be how to deal with the comprehensive plan as it exists today. The master plan designation is "Institution". Given the fact that it has an existing conditional use and the appropriate zoning to be developed as it is intended, he suggested to modify the conditional use accordingly. An amendment could then

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be done to the master plan by resolution. He recommended that this go to Common Council. In regards to public access, it is not required by the DNR because of the size and configuration of the lots. R. Dupler stated that the Park & Rec Committee may have some unique concerns about access to the lake. An opportunity exists with the conditional use to incorporate such an element as a tangible benefit to the community. He stated that in a state supreme court ruling, Lake City Development Corporation vs. City of Mequon 1998 ruled that the city's comprehensive plan supersedes that of any underlying zoning. If they are not consistent, the comprehensive plan is the ruling factor. Because of this, he thought it was incumbent upon the city to make that change. He believed that the building envelopes were well within acceptable tolerances. It was his recommendation to give due consideration to both the master plan amendment and not make any modifications to the existing conditional use and to allow Mr. Siepmann to pursue a general development plan.

Attorney Chapman stated that the conditional use will be referred to in the new conditional use but there is not much to amend in it. It will, in effect, be an amendment to it. He also thought that the Master Plan should be changed.

M. Carlson stated that he met with representatives of Nashotah House in the Spring of 2000. He told them that the City would be looking for a development plan that minimized the negative impact of development, that appropriately managed stormwater, that reduced traffic flow that was going through the area, and the intensity of the development. The City asked Nashotah House to provide the Plan Commission and the community with a forecast as to what the land use plan could be for their remaining holdings and this was given. He suggested that the development of 45 acres with eight lots does exactly what Delafield asked Nashotah House to do.

P. Schuman addressed the master plan done in 1991 and how it referred to institutional land being sold to a noninstitutional owner. He stated that there are provisions to make these changes. "If any land currently in institutional ownership is sold to a noninstitutional owner, there should be an amendment to the Land Use Plan to reclassify those portions of the institutional land to a planning classification compatible with adjoining uses. Any reclassification of Institutional land to accommodate proposed changes in land use should not permit development densities greater than would be permitted on adjoining noninstitutional land."

M. Carlson asked what the expectations were of the City for maintenance activities of the lake. Mr. Siepmann stated that there were none.

The Dean stated that he could discuss lake access with the Trustees on another parcel of land. Mr. Siepmann stated that the Town of Summit has been policing the lake. If the City needed access to the lake to patrol the lake, Nashotah House would be accommodating to that need. The Dean acknowledged this by shaking his head.

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D. Kuchler asked R. Dupler about the City's position on lake access. R. Dupler stated that there was not an official policy. The DNR does state that although not required, it is highly desirable to have lake access.

B. Leonard clarified that the 5 year Park & Rec Plan is being worked on and they hope to have the final document completed by the end of January. One of their goals and objectives relates to lake access, wetland, isolated natural areas, and primary environmental corridors. They do not have any specific action items drafted on this plan and will not have them until after the end of January. She addressed the northeast and northwest quadrant plans. She thought that the way the conditional use permit was written was lacking.

M. Carlson stated that the existing conditional use that the City of Delafield approved extended obligations on behalf of the City of Delafield. He stated that the question was if this land use plan was consistent with that originally approved conditional use permit. The City Attorney was saying it was.

Attorney Chapman concurred that this would have to go to the Common Council.

It was clarified that the underlying zoning was RL1. Mr. Siepmann stated that the property was annexed to the City of Delafield in 1981.

T. Maney stated that the reason that the RL1A zoning in 1981 was that the City wanted to clarify that it was going to be single family, lake residential as the maximum zoning on that parcel.

Hearings would be needed for the new conditional use and to amend the master plan.

B. Leonard stated that the bigger issue was if the comprehensive plan is not going to be used to guide, than something must be done in other areas; if this was going to be changed, than it should be changed within the plan as a whole. Mayor Craig stated that there will be workshops held to address this. P. Schuman reviewed some of the community goals and objectives in the comprehensive plan.

**P. SCHUMAN MOTIONED TO CONDUCT A PUBLIC HEARING TO ADDRESS THE PROPOSED CHANGE TO THE COMPREHENSIVE PLAN, AMMEND THE CONDITIONAL USE IN CONSIDERATION OF A GENERAL DEVELOPMENT PLAN. HE THEN WITHDREW HIS MOTION.**

**P. SCHUMAN MOTIONED TO CONDUCT A PUBLIC HEARING TO ADDRESS THE PROPOSED CHANGE TO THE COMPREHENSIVE PLAN. D. KUCHLER SECONDED THE MOTION. M. CARLSON SUGGESTED THAT IF THE MASTER PLAN IS BEING CONSIDERED TO BE CHANGED FOR THIS, CONSIDERATION SHOULD BE GIVEN TO CHANGE THE MASTER PLAN FOR ALL OF THE NASHOTAH PROPERTY. DISCUSSION TOOK PLACE. B. LEONARD ADDRESSED THE STORMWATER STUDIES. R. DUPLER STATED THAT THEY DID NOT NEED A LAND USE PLAN FOR**

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STORMWATER FOR THIS PARCEL. FURTHER STUDY DOES NEED TO BE DONE. THE QUESTION WAS CALLED. **ALL WERE IN FAVOR. SIX WERE IN FAVOR. B. LEONARD ABSTAINED. MOTION CARRIED.**

**P. SCHUMAN MOTIONED TO HAVE A PUBLIC HEARING TO ESTABLISH A PUD FOR THE 45 ACRE 8-LOT DEVELOPMENT. D. KUCHLER SECONDED. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

Mr. Siepmann invited the commissioners to come out and walk the property. Mayor Craig cautioned against having a quorum. M. Carlson stated that there were four documents in the packets and if there were comments on the documents to address them to him.

C. Mursky asked for explanation of the building envelopes. Mr. Siepmann stated that they met with staff and that these are only conceptual in nature.

C. Mursky encouraged Mr. Siepmann to use the existing building envelopes on lots 7 and 5 so that it would be less disruptive to the site. In regards to the public lake access, she would like some sort of agreement for acceptable future access for the lake.

Mr. Siepmann stated that they want to do the best they can to take care of the property.

6. PRELIMINARY CONSIDERATION

- a. **Tax Key 793.991, 232 E. Main Street, Delafield, WI.** Applicant, Janice Priebe, seeks preliminary consideration of Certified Survey Map.

Janice Priebe was present and stated that she would like to split a lot off of her land.

R. Dupler reviewed. He stated that the proposal is achievable to create a legal lot by splitting the present R3 lot. The resulting lot to the east conforms to all of the mandatory geometry and should be considered an appropriate subdivision. The sewer lateral necessary to service the newly created lot would have to be obtained by an easement from the existing lot for sewer service to access the lateral. The other issue is single family versus duplex. It seems to be an appropriate place for a duplex. M. Carlson stated that this property may be considered for rezoning for multi-family since this is what surrounds the property. M. Court recommended connecting to the existing lateral. The easement would not interfere with any building or concrete on the existing home. The potential curb cut for the new drive was discussed.

**D. KUCHLER MOTIONED TO ACCEPT THE CSM CONTINGENT UPON SEWER EASEMENT AND THE DRIVEWAY CURB CUT BEING LOCATED ON THE WESTERN EDGE OF THE PROPERTY CONTINGENT UPON THE LETTER DATED DECEMBER 11, 2003 FROM WELCH HANSON. M.**

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**COURT SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. **Tax Key 794.014, 78 Enterprise Road, Unit B, Delafield, WI.** Owners Agent: David Buckley. Applicant: Guy Novotny seeks approval of a Business Plan of Operation for Novotny Deli Provisions, a distributor of deli meats, cheeses and condiments. Hours of operation are Monday - Friday, 6:00 a.m - 6:00 p.m.; Saturday, 7:00 a.m. - 1:00 p.m. 2 full-time; 2 part-time employees.

Guy Novotny was present.

R. Dupler reviewed. This is in the Cushing Park Business Center and would be a B4 District use. A B4 use could be considered as a conditional use.

**P. SCHUMAN MOVED FOR PUBLIC HEARING TO ALLOW FOR B4 ZONING IN THAT DISTRICT UNIQUE TO HIS OPERATION. C. MURSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

It was stated that he could use the facility as a garage until Common Council approval is received. The public hearing will be held on January 28 and be recommended to the Common Council on February 3. No office use can take place until after the Common Council has approved.

- c. **Tax Key 794.013, 24 Enterprise Road, Units A&B, Delafield, WI.** Owners Agent: David Buckley. Applicant: Jolie Palmer Applicant seeks approval of a Business Plan of Operation for Pooch Playhouse, Inc., a doggy daycare. Hours of Operation are Monday - Friday, 6:30 a.m. - 6:30 p.m. 2 full-time, 2 part-time employees.

Attorney Dean Richards was present representing Jolie Palmer. He explained the nature of the business. The location of the business is in the Cushing Park Business Center. The proposal from Attorney Richards was to classify this as "B3 other permitted uses". This would require the Plan Commission to recommend it to the Common Council, but would then be classified as an "other permitted use". They are asking for preliminary review of this concept and then they would come back in January.

R. Dupler reviewed. Rather than pursue as other permitted use, he thought it would be better to pursue as a conditional use permit. Attorney Richards did not have a problem with a conditional use. An 8' fence is being proposed for the outside exercise area.

**B. LEONARD MOTIONED TO RECOMMEND THAT A PUBLIC HEARING BE HELD ON THE B3 CONDITIONAL USE AT THE EARLIEST POSSIBLE DATE. D. KUCHLER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

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- d. **Tax Key 803.011, 11 Crossroads Court, Delafield, WI.** Owners Agent: David Schlaack. Applicant: Scot Schmidt. Concept Presentation for Architecture and Site Plan for a multi-tenant commercial building.

David Schlaack and Scot Schmidt were present.

R. Dupler reviewed. A tree inventory and fine tuning of the engineering of the proposed grading and retaining wall needs to be looked at. This is a concept presentation. R. Dupler stated that he is comfortable with the layout and the way it is working. Dr. Schlaack was present to get initial feedback on the aesthetics of the building. M. Court stated that in regards to the stormwater—the total impervious area is under the minimum per stormwater ordinance as far as the quantity and quality - they are under one-half acre for the entire development. He recommended that they take care of the quality with a stormceptor-type structure. He would like this to go to the Public Works Committee before it comes back to the Plan Commission. S. Schmidt was in agreement with the improvements.

S. Schmidt reviewed the site plan and a drawing showing the proposed building.

R. Dupler reviewed the revisions that centered around the footprint and architecture. The zoning of the parcel is B3. It meets the green space requirements. It was suggested that the next drawing include the heavy tree line in order to see what would be screening the building and also include the newly proposed landscaping. It was suggested have an ortho-drawing of the site. Landscaping on the west end of the building may be needed. C. Mursky suggested that the north and south elevation be made to look more interesting and residential - not so institutional. Dormers on the roofline were also suggested to break up the roofline. A colored rendering of the Milwaukee Street side of the proposed building was requested for the next meeting.

7. ZONING AND ORDINANCE REVISION

The hearings set this evening will be scheduled.

8. HEARING DATES

There will be three hearings.

9. ADMINISTRATOR'S REPORT

Enforcement letters have been sent to businesses along I94 for sign violations and some for downtown Delafield. In addition, a zoning enforcement letter regarding a RV parked in the front yard on Nagawicka Avenue has been sent.

10. BUILDING INSPECTOR'S REPORT

December building permits to date are 22, plus four occupancy permits. New permits include three new single family homes.

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11. BOARD OF ZONING APPEALS

- a. Letter dated November 17, 2003 from Board of Zoning Appeals Chairman granting a variance for the property located at 2712 Nagawicka Avenue, Delafield, WI.

12. Correspondence

None.

13. ADJOURNMENT

**P. SCHUMAN MOTIONED TO ADJOURN FROM THE MEETING. D. KUCHLER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 9:35 P.M.**

Respectfully submitted:

Minutes Prepared By:

Marilyn Czubkowski, CMC  
City Clerk/Treasurer

Accurate Business Communications LLC