

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Call to Order

Mayor McAleer called the meeting to order at 7:00 P.M.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call for the Wednesday, March 26, 2014 Plan Commission meeting:

Present

Ed McAleer, Mayor
Michele DeYoe, Ald.
Kent Attwell
Dan Jashinsky
David Simon
Matthew Katz
Chris Smith
Jane Lazynski
Roger Dupler, Planner
Jeanne O'Brien, Deputy Clerk-Treasurer
Scott Hussinger, Building Inspector

Absent

1. Preliminary

- a. **DELC 0793.035, 0793.034, 0793.033, 0793.031, 0793.030, 0793.028, 0793.014.004, Wells Street, Delafield. Owner: Ace Delafield Properties, LLC. c/o Jason Steiner. Applicant: HSI Delafield Partners, LLC. c/o Ryan D. Schultz.** Applicant seeks feedback for a proposed multi-family building and site development General Development Plan, known as Wells Street Station and set public hearing date for the same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: *Wells Street Station is a proposed multifamily development situated between Wells Street and Main Street, west of Dopkins Street. The property exhibits CBD-1 and CBD-2 zoning districts. To facilitate this development the zoning should be changed to be all CBD-2 in accordance with the Comprehensive Plan. Multifamily development requires a Conditional Use Permit in the CBD-2 district. In addition to the proposed residential buildings there is a commercial building proposed in the northeast portion of the project area facing Main Street. Such a building and use is appropriate in the CBD-2 district, however by incorporating a mix of residential and commercial uses on one property, development approval will require a Planned Development.*

The proposal combines seven parcels into one parcel of 1.541 acres and also proposes the vacation of Dopkins Street between Wells Street and Main Street. State Statutes require that vacation of a public right-of-way causes the area to revert to the adjacent property owners. In this instance The Steiner Group is the owner of all property adjacent to Dopkins Street between Wells Street and Main Street. Therefore all of the right-of-way becomes available for development of this proposed project. After the proposed consolidation of the lots there will not be any existing properties dependent upon Dopkins Street for right-of-way access. Including the proposed right-of-way vacation the site will exhibit 1.871 acres.

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The number of residential units proposed in this development is 61. This equates to 32.6 units per gross acre. The Delafield Lakes multifamily residential development was approved under very similar circumstances; a conditional use for multifamily residential in the CBD-2 district. Delafield Lakes has a gross site density of 21.62 units per acre.

Even though the city center commercial districts allow for residential use as a conditional use, the ordinance does not specify a maximum density or open space requirement. In these cases the Plan commission has regularly employed the minimum open space requirements as defined in the R-6 district. These standards are based on the bedroom count, and thus the anticipated population of residents, to determine the appropriate amount of usable open space. The proposed development offers 51 one-bedroom units and 10 two-bedroom units. By applying the R-6 open space standard this development would require 188,000 sf. The gross area for this proposed development is 81,500 sf. The petitioner requests that the Plan Commission take into account that there is a very large park immediately across the street and that the spirit of the ordinance is satisfied by this proximity.

*The proposed building height conforms to the height limitation of 45'. The most exposed architectural height is the north elevation, 43' to the parapet and 48' to the tower. The proposed architectural tower features that extend above the parapet may be considered allowable increases; 17.15(3) allows such with an increased setback of 2' per extra foot of height. Here the increase of 3 additional feet requires 6 additional feet added to the required 10' setback. As proposed the site plan accommodates this increase. Parking requirements of two spaces per unit are accommodated with underground parking and surface parking. The proposed plan is sensitive to the integration of this living environment into the fabric of downtown Delafield. The proposed vacation of Dopkins Street will exhibit a multi-modal trail directly linking the Fish Hatchery sports facility to the Lake Recreational Trail Country along Wells Street. The building design and materials are very appropriate for this type of development. **Recommendation: Share your opinions with the petitioner and schedule a public hearing accordingly.***

Jason Steiner, Eric Herrman, and Ryan Schultz were present. R. Schultz gave some background information as to their business and previous developments. They are proposing removing the five vacant houses located in the triangular lot on the proposed site and replacing them with a multi-family high end apartment complex, as they believe there is a demand for multi-family housing. They also recognize this is a walkable community. The structure will contain floor sections, mechanicals, windows, glazing, and brick and textured siding, be flat roofed, with a fully adhered membrane roof, incorporating a suburban/urban feel versus a truss/gable roof design. The property is assessed at \$5-600,000. No TIF will be needed. The project will cost approximately \$10.5 million to build. The Dopkins Street right of way will be used to provide a pedestrian trail to get access to the park.

Architect E. Herrman, spoke as to the design and how he fit this building in with the surrounding buildings. There will be ample parking for residents and guests, with an entry courtyard in the center, which feeds the two building entries. A parking garage, landscaping, and other key features will ease the impact of the building. There will be gracious balconies on the second floor. The exterior will consist of brick and stucco finish, as well as a large amount of masonry, not all being the same as there is some bond course, and fiber cement in other areas. There will be a mixture of panel, panel with trim, and lapside of likely two different sizes, different colors and textures. The panel product gives a different texture.

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R. Dupler asked if there will be rooftop mechanicals. The response was yes, they will be screened. They will be located 3-4' above the actual roofline and will eliminate the need for a Magic-Pak.

Discussion turned to the differences between CBD1 and CBD2 zoning. R. Dupler explained this parcel has split zoning. The eastern parcel is CBD1, with the balance CBD2. The difference is that multi-family housing is allowed as a Conditional Use in both. In his opinion, it is a better solution to go with CBD2. Rezoning will allow the structure to be constructed as entirely residential, without the need for commercial on the first floor.

Seven parcels would have to be combined with a simple CSM. Vacation of Dopkins Street will need to occur, with half the road going to each side. Mr. Steiner owns both. Use for pedestrian walkway is a benefit and asset to this project. As to the third building on the plan, the easternmost building, it consists of 4,000 sq. ft., and is zoned CBD1. Because they are introducing three units on a two land zoning, a rezoning is needed. A CSM combining land uses into one parcel will allow three buildings on one parcel. It could be left as a separate parcel, which diminishes the amount of lot area, and unit count per acre. The Commission will want to see the architecture for the third building, so there is an understanding of how it will look. Parking is a concern. The parking lot adjacent is CBD1, also owned by J. Steiner. Commercial property could be CBD1 or 2. Density may also be an issue. This would be a combination of approximately 1.87 acres. Given the 61 units proposed, density is at 32 units an acre. In comparison, Delafield Lakes was approved with a zoning of CBD2 done as a conditional use at 21 units per acre. Using that as a guideline, approved Cambridge Place is 18 units an acre. There's been a consistency in the density in the downtown district. Conditional Uses allowing multi-family has no rule in those two zoning districts. This development has a high density to open space ratio. There is still a need to engineer the small pond proposed on the plan.

J. Steiner stated he had discussions with the westernmost neighbor, and he has elected to proceed excluding that parcel. The project is approvable. It is up to the Commission's discretion if this is the appropriate approach. Open space is greater with this proposal. The bike path, with the vacation of Dopkins Street allows for more parking in an area that is already short in parking. The building does meet the height requirements, as they could go up to 45'. Tower accents are a bit high, but the height is measured from the finished grade. From the Wells Street side, the grade is at 43' at the highest point of the tower. Below that, it is between 36' and 38'. At the 4-story side, the grade is 7-8' higher. That calculation has not been done. Thirty-one 1-bedroom, 20 1+ dens, and 11 2-bedroom units are proposed. The minimum unit square footage in R-6 zoning is 800 square feet. In terms of talking about density in relation to the direct downtown corridor, it would seem to reason the closer they are to that, the higher density would be allowed.

C. Smith would like to see infrastructure across the street and funds to improve the parks to provide the green space. D. Jashinsky asked how water and sewer are to be handled. J. Steiner stated it is contemplated the project is tied into the existing sewer and master well adjacent, which is sized appropriately for this number of units.

Discussion as to continuation of the sidewalk took place. The applicant agreed a sidewalk could be added. At this time, the building hugs the streetscape with no parking in front. Underground parking or enclosed parking is a huge amenity to the complex but comes at a tremendous cost, which has to be spread out over the units above it. An easement may be required if vacating Dopkins Street due to any buried utilities, etc.

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As to lighting, there is proposed a multi-use trail which will need lighting, and the residences will be adequately lit. Safety considerations have been taken into account. It is not the intent to create a search light effect. City lights are to continue from downtown. No windmills are proposed.

K. ATTWELL MOVED TO SET A PUBLIC HEARING DATE OF WEDNESDAY, APRIL 30, 2014, FOR DELC 0793.035, 0793.034, 0793.033, 0793.031, 0793.030, 0793.028, 0793.014.004, WELLS STREET, DELAFIELD. OWNER: ACE DELAFIELD PROPERTIES, LLC. C/O JASON STEINER. APPLICANT: HSI DELAFIELD PARTNERS, LLC, C/O RYAN D. SCHULTZ, FOR A PROPOSED MULTI-FAMILY BUILDING AND SITE DEVELOPMENT GENERAL DEVELOPMENT PLAN, KNOWN AS WELLS STREET STATION. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **DELC 0804.999.004, 3201 Golf Road, Delafield. Owner/Applicant: Ramco-Gershenson Properties, L.P.** Owner/Applicant seeks feedback for architectural modifications to the multi-tenant building in Nagawaukee Center and set public hearing date for the same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: *The subject property is in the Nagawaukee Center. The owner proposes to modify a tenant space with architectural additions to increase its presence in the store front. The proposed change will introduce a raised parapet and façade, and be covered with a hipped roof. All materials are consistent with the existing building. The improvements do not increase the usable square footage or parking demand. Since this property is governed by a Conditional Use Permit a public hearing is necessary before taking any action. Recommendation: Share opinions with the petitioner and schedule a public hearing accordingly.*

This request is for modification at the Nagawaukee Center. An interested entity would like to move into the existing vacant space, making the façade more acceptable for their use. Efface area will be pronounced. A 4' efface sign band is currently used throughout the facility. The new entity would want to raise the efface to be in line and elevation to the sign ban of Bath & Body Works and match the hip roof to their elevation as well. It is also the intent to utilize the light fixtures by relocating them a bit. The sign will be in line. The color scheme will be in line with the rest of the center.

R. Dupler stated he has not seen any proposed sign. He does not have a BPO for this tenant. The landlord is making improvements to secure a lease with a desirable tenant. The applicant is going to public hearing to modify the architecture. If signage doesn't conform, they will have to go through it again. E. McAleer commented that it took months going through the architecture of that building, and he would want to maintain continuity.

C. SMITH MOVED TO SET A PUBLIC HEARING DATE OF WEDNESDAY, APRIL 30, 2014, FOR DELC 0804.999.004, 3201 GOLF ROAD, DELAFIELD. OWNER/APPLICANT: RAMCO-GERSHENSON PROPERTIES, L.P. DELAFIELD, FOR FEEDBACK ON ARCHITECTURAL MODIFICATIONS TO THE MULTI-TENANT BUILDING IN NAGAWAUKEE CENTER. K. ATTWELL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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2. Approve Plan Commission meeting minutes of February 26, 2014 meeting.

K. ATTWELL MOVED TO APPROVE THE FEBRUARY 26, 2014 PLAN COMMISSION MEETING MINUTES AS PRESENTED. D. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. City of Delafield Citizen's Comments pertaining to subjects on this agenda.

K. ATTWELL MOVED TO CLOSE CITIZEN'S COMMENTS PERTAINING TO SUBJECTS ON THE AGENDA AT 7:07 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

4. Consent Agenda (Recommended approvals in accordance with the staff report).

- a. **DELC 0803.991.003, 2580 Sun Valley Rd, Delafield. Owner: Richard Flath/Marty's Pizza. Applicant: Jody Knoebel/Jelli's Market.** Applicant seeks renewal of a seasonal Business Plan of Operation to operate a produce stand in conformance with the existing conditional use permit for Jelli's Market. Hours of Operation are Sunday through Saturday, 11AM to 6PM; operating June 1, 2014 to September 1, 2014 with one part-time employee.

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

5. Final Consideration, Approvals, Previous Approval.

- a. **DELC 0624.004, 34352 Valley Road, Delafield. Owner/Applicant: Mark Reinders and Sheridan Ryan.** Applicant seeks approval of a Certified Survey Map to subdivide an existing lake parcel into two (2) legal lots and recommendation to the Common Council of the same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: *The Reinder's property returns to the Plan Commission this month for consideration of a Certified Survey Map to subdivide an existing lake parcel into two separate legal lots. The proposed division was before the Plan Commission in January for initial feedback. At that time the Commission did not have any issues with the division however discussion took place regarding the City's ability to limit lake access. In this instance, the creation of two legal lots entitles each parcel to lake access. Ord. 17.20 Lake Access prohibits lake access for lots with width less than 150', this standard however is incongruent with the lot configuration allowable in the RL-1A district. The topic of lake access is a code issue that should be cleared up during the codification process currently underway.*

In preparation of the CSM a 20 side yard setback is illustrated on the west side of Lot 1. The district standard is 15', if there is a reason for this increased setback (tree preservation or extreme slopes), it should be noted on the CSM. In addition, Lot two is dependent upon Lot 1 for access due to extreme topography that separates Lot 2 from Valley Road, this easement must be recorded by separate document.

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*The Plan Commission may consider this subdivision, but should be aware of the limitations of Ord. 17.17(3). Creation of lots without sewer service are required to be at least 5 acres. Therefore the owner must make appropriations to connect to either the City service through the Nashotah Seminary or link to the Village of Summit system which is directly across the street to the south. **Recommendation: Approval and recommend to the City Council, contingent upon resolution of the items identified in the Surveyor's review letter of March 21, 2014 and resolution for sewer service prior to placement on the Council agenda.***

Mark Reinders and his real estate attorney and surveyor were present. M. DeYoe asked the Planner to review City of Delafield Code Section 17.20 and how it relates to this petition. R. Dupler passed out a memo he wrote this afternoon regarding various sections of the code and how it relates to measuring setbacks. ****This memo is attached to the minutes****

R. Dupler stated the Plan Commission needs to determine how to interpret the ordinance. Is the intent of 150 foot lot width apply at the shoreline? If so, Plan Commission has the legal right to make that interpretation. E. McAleer stated, in order to create a new lot, it needs 150 feet of frontage and that is how the ordinance has been interpreted since 1976 and it should be upheld. If this is approved, many property owners will be requesting to create new lots. R. Dupler stated issues like this will be addressed during codification process.

Attorney Tom Shannon stated he agrees with the analysis of how the ordinance reads and feels the Plan Commission is bound by it. The ordinance renders these lots as legal; the baseline for measuring frontage is the road, not the lakeshore, therefore they are both legal lots with riparian rights. There was further discussion among the Plan Commission members and petitioner about the 150 foot frontage and where it is measured from and if this land division is creating a substandard lot or if these are two legal lots under the City's ordinance. R. Dupler stated if there is a contradiction between sections of the code, the City can enforce the code for its own benefit.

M. Reinders stated he found 19 of 35 properties on the lake who have less than 150 feet of lake frontage; some of these lots are in the Village of Nashotah. M. Katz stated it is not fair to include all of the properties on the entire lake in that assessment since it is different municipalities. T. Shannon stated the lot next to this one has only 138 feet of frontage, and the width is measured at the building setback line. The City's ordinance does recognize that not all lots are rectangular so the minimum setback is measured at the road setback line.

D. Simon stated it spears the lots are conforming under Sections 17.39 and 17.24 but not Section 17.20, so which section prevails? He asked if the City Attorney has reviewed this yet, R. Dupler stated no. D. Simon and M. DeYoe requested the ordinance conflict and land division issue be referred to the City Attorney for his opinion. R. Dupler stated the petitioner has provided a separate document which allows access for lot one across lot two. K. Attwell asked if the Plan Commission has ever seen this issue before. R. Dupler stated no. M. Reinders stated Valley Road winds around, which creates two levels on the property. The new lot is on the lower level which is almost thirty feet lower than the upper lot, and that makes it an ideal spot to build a home. It makes sense to build a house on the lower level and maintain the house on the upper level.

K. Attwell requested Attorney Hammes give an opinion and bring it back to the next Plan Commission meeting. R. Dupler stated the Plan Commission has to take action within a certain amount of time from the day the petition was submitted. The Plan Commission should either

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request the petitioner withdraw the petition or the Plan Commission should deny it and make a recommendation to the Common Council.

K. ATTWELL MOVED TO OBTAIN THE CITY ATTORNEY’S OPINION FOR THE REQUEST FOR A CERTIFIED SURVEY MAP TO SUBDIVIDE AN EXISTING LAKE PARCEL INTO TWO (2) LEGAL LOTS, FOR DELC 0624.004, 34352 VALLEY ROAD, DELAFIELD. OWNER/APPLICANT: MARK REINDERS AND SHERIDAN RYAN AND BRING THE REQUEST AND ATTORNEY OPINION BACK TO THE NEXT PLAN COMMISSION MEETING. M. DEYOE SECONDED THE MOTION.

R. Dupler stated, due to the timing issue, the Plan Commission should either request the petitioner withdraw the petition or the Plan Commission should deny it and make recommendation to the Common Council so the City doesn’t run out of time.

K. Attwell and M. DeYoe withdrew their motion.

K. ATTWELL MOVED TO DENY THE REQUEST FOR A CERTIFIED SURVEY MAP TO SUBDIVIDE AN EXISTING LAKE PARCEL INTO TWO (2) LEGAL LOTS, FOR DELC 0624.004, 34352 VALLEY ROAD, DELAFIELD. OWNER/APPLICANT: MARK REINDERS AND SHERIDAN RYAN. M. DEYOE SECONDED THE MOTION.

D. Simon stated he too would like the City Attorney’s opinion and stated that he believed the exception to section 17.20 applies to this petition because there are existing substandard lots. C. Smith agreed. R. Dupler then stated there is no timing issue for the Plan Commission to be concerned about.

K. Attwell and M. DeYoe withdrew their motion.

T. Shannon and R. Dupler disagreed about there being a timing issue for Certified Survey Map approval from date of submittal.

D. Jashinsky asked about sewer service. M. Reinders stated he is working on hooking up to the Village of Summit’s system. If that doesn’t work he will hook up to the City’s. There was further discussion on the timing issue which R. Dupler stated the Plan Commission has 30 days to act on it and if the Plan Commission waits 30 days the timing will expire.

K. ATTWELL MOVED TO DENY THE REQUEST FOR A CERTIFIED SURVEY MAP TO SUBDIVIDE AN EXISTING LAKE PARCEL INTO TWO (2) LEGAL LOTS, FOR DELC 0624.004, 34352 VALLEY ROAD, DELAFIELD. OWNER/APPLICANT: MARK REINDERS AND SHERIDAN RYAN AND REQUESTS A REVIEW AND RECOMMENDATION BY THE CITY ATTORNEY. M. DEYOE SECONDED THE MOTION. MOTION CALLED BY ROLL CALL VOTE:

M. DEYOE	YES
K. ATTWELL	YES
D. JASHINSKY	YES
D. SIMON	NO
M. KATZ	YES
C. SMITH	NO
J. LAZYNSKI	NO
E. MCALEER	YES

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6. Plans of Operation, Signage and Site Plan.

- a. **DELC 0793.020.003, 524 Milwaukee Street, Delafield. Owner: Ace Delafield Properties. Applicant: Creative Business Interiors for Paula Hornbeck of Eye Candy Kids.** Applicant seeks approval of architectural modifications and an awning with signage on the east façade.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: *The ground floor tenant in the Town Center Building wishes to create access from their space to the patron parking lot directly east of the building. The proposed door will be covered with a portico and is designed to exhibit additional signage. A stoop and sidewalk will be incorporated into the site plan as well. The addition is sensitively designed to be compatible with the existing building architecture and does not encroach upon any setbacks.*
Recommendation: Approval.

Carmen Escra and Misty Baldowitz were present. They worked with Paul Hornbeck, the tenant and owner, to build out a sister store, which is adjacent within the building. The main focus of the awning is to provide shelter for the new store. On the east side, the porch overhang does not extend the full length of the building. The purpose is to create a small wood and shingled structure to match the current building and provide a space for two small signs.

M. KATZ MOVED TO APPROVE THE PROPOSED ARCHITECTURAL MODIFICATIONS AND AN AWNING WITH SIGNAGE ON THE EAST FAÇADE, AND RECOMMENDATION TO THE COMMON COUNCIL FOR SAME. K. ATTWELL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. Discussion and action on recommendation from the Park and Recreation Commission to approve the Temporary Business Plans of Operation for Clearwater Outdoor and Glacier Springs Adventure Company to provide rental equipment in St. John's Park during the summer months.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: *Glacier Springs Outfitters and Clearwater request consideration to allow limited operation of their businesses at St. John's Park. Both businesses offer paddle boarding equipment sales and rental. This approval will permit a temporary set-up in the park from which equipment will be available to park and lake users. This proposal has been heard by the Park and Recreation Commission and comes to the Plan Commission with recommendation.*
Recommendation: Approval, contingent upon administrative approval of a temporary sign permit.

C. Smith stated there is a long term goal to give more use to the lake for the citizens of Delafield, with the hope it will begin this summer. The Park and Recreation Commission came to an agreement to allow some businesses to rent paddle equipment, boards, and kayaks in St. John's Park this summer. The proposed hours of operation will be Saturday and Sunday, from 10a.m. to 8 p.m. This will be a one year trial.

C. SMITH MOVED TO APPROVE THE TEMPORARY BUSINESS PLANS OF OPERATION FOR CLEARWATER OUTDOOR AND GLACIER SPRINGS ADVENTURE COMPANY TO PROVIDE RENTAL EQUIPMENT IN ST. JOHN'S PARK DURING THE SUMMER MONTHS, WITH SIGNAGE TO BE HANDLED AS A SEPARATE TEMPORARY SIGN PERMIT. D. SIMON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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7. Zoning and Ordinance Revision.
- a. Discussion and action on Resolution 2014-01, A Resolution to Recommend an Amendment to the 2030 Comprehensive Plan Pursuant to Wisconsin Statutes Section 66.1001 and recommendation to the Common Council of same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: *The Plan Commission is asked to enact Resolution 2014-1; to recommend to the City Council the incorporation of the revised trail system presented by the Park and Recreation Department. This resolution will prompt a public hearing to be conducted by the City Council prior to their approval in April.*

C. Smith stated this is updating the trails section of the Park and Recreation Commission 5-Year Plan which changes maps in the Comprehensive Plan. It is anticipated the City will receive a grant for extending trail paths, but the submittal has to be in by May 1. The Park and Recreation Commission must have their recommendation approved by the Common Council in which the Common Council has to conduct public hearing and take action the same night.

K. Attwell stated the Park and Recreation Commission added numerous new potential trails which appear to be on or close to private property, and those people should receive some type of notice of the change and have a chance to provide feedback on it. He would like City staff to mail a postcard to those people to notify them this will be on the next Common Council meeting. R. Dupler stated standard notification is posting on the City's website, TV Channel, newspaper, and community buildings. Sending individual notifications is an administrative issue which involves costs. E. McAleer stated if we do this for one project, we have to do it for all projects. We have ordinances which dictate which projects have notification requirements. If we pick and choose which projects to do postcards for, someone or something will be missed. M. DeYoe stated the alderperson in those districts affected should notify those involved. K. Attwell disagreed; something should be mailed. R. Dupler stated, like with Smart Growth, one of the requirements is citizen participation and that any citizen can be put on a notification list for any changes to the Comprehensive Plan; he checked with the Clerk and no one has taken advantage of that. C. Smith stated Lake Country Community Fest is this Saturday and the Park and Recreation Commission members will be present with a trail map for citizens to look at and answer any questions.

There was much discussion among the Plan Commission members if these updates were replacing existing maps, deleting trails or just adding additional information to the existing maps. C. Smith stated the Park and Recreation Commission didn't vote on the resolution, it only directs the Planner to re-draw the maps with said updates and update the Comprehensive Plan. R. Dupler stated it is only replacing the maps in the Comprehensive Plan.

K. ATTWELL MOVED TO ADOPT RESOLUTION 2014-01, A RESOLUTION TO RECOMMEND AN AMENDMENT TO THE 2030 COMPREHENSIVE PLAN PURSUANT TO WISCONSIN STATUTES SECTION 66.1001 BUT DO NOT DELETE ANYTHING FROM THE PLAN AND RECOMMENDATION TO THE COMMON COUNCIL TO MOVE FORWARD WITH THE PUBLIC HEARING FOR SAME. *C. Smith stated if deleted items aren't removed from the map how can you tell what the updates are. R. Dupler asked if anyone is aware of any deletions to the map. K. Attwell stated yes on Nagawicka Road. The Park and Recreation Commission is abandoning that trail. K. Attwell stated the abandoning of that trail is reflecting what he is trying to say by not deleting anything from the map. E. McAleer stated all that the Plan Commission is trying to do is give the Planner direction. K. Attwell wants the map to show the items that were deleted. MOTION DIED FOR LACK OF SECOND.*

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C. SMITH MOVED TO ADOPT RESOLUTION 2014-01, A RESOLUTION TO RECOMMEND AN AMENDMENT TO THE 2030 COMPREHENSIVE PLAN PURSUANT TO WISCONSIN STATUTES SECTION 66.1001 SUBJECT TO THE PLANNER AND PARK & RECREATION COMMISSION CHAIR VERIFYING ALL CHANGES ARE SHOWN ON THE MAP AND RECOMMENDATION TO THE COMMON COUNCIL TO MOVE FORWARD WITH THE PUBLIC HEARING FOR SAME. M. KATZ SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH ONE NAY BY K. ATTWELL.

8. Reports of City Officials:

a. Clerk

1. Plan Commission Meeting Dates & Deadlines
 - a. April 30 (Meeting); April 16 (Reg. Deadline); April 2 (PH Deadline)
2. Correspondence

b. Planner

R. Dupler stated he had one additional matter. It is with respect to Charlie and Kerri Glapinski, who were present in the audience. They live on Cushing Park Road, south of I-94. They previously combined landholdings into a Conditional Use to maximize the number of horses to be kept on their facility. Part of the property is a residence. They want to change the site plan, which initiates a need for a public hearing. The Ordinance requires any change to a Conditional Use to have a public hearing. Is it necessary to come to make a preliminary presentation, or can they submit for public hearing in April? E. McAleer stated this is a policy issue, and he was uncomfortable with talking about it. Ordinance should be followed, as well as State Statutes.

c. Building Inspector

S. Hussinger stated the total number of permits to date was 38, with four occupancy permits this month. There were no new single family home permits.

E. McAleer stated he has worked with 150 Plan Commission members over the years, and he likes the way this Commission works, providing resolutions to issues, and he will miss everyone.

9. Adjournment.

K. ATTWELL MOVED TO ADJOURN THE MARCH 26, 2014 PLAN COMMISSION MEETING AT 9:01 P.M. M. KATZ SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes Prepared By:



Jeanne O'Brien, WCMC
City of Delafield Deputy Clerk-Treasurer
Waukesha County

RECEIVED

By Gina C. Gresch, MMC/WCPC at 12:03 pm, Apr 05, 2014

MEMORANDUM

TO: Tom Hafner, City Administrator
FROM: Roger T. Dupler, City Planner
DATE: March 26, 2014
RE: Reinder's Certified Survey Map
YCA # 1998.1035
CC: Plan Commission

The proposed Certified Survey Map for the Reinder's property on the south shore of Upper Nashotah Lake raises issues of incongruence in the city ordinance.

The following zoning code excerpts demonstrate the reasoning the Plan Commission may wish to consider when evaluating this proposal.

17.39 Zoning Districts

(8) *RL-1A Residential Lake District.*

- (e) *Minimum lot width.* 80'. On newly created lots abutting the lake, 150'.
- (h) *Minimum lake frontage.* 80' at ordinary high water level.

17.24 Definitions.

Lot width. The width of a parcel of land measured at the required building setback line.

17.14 Setback and Yard Requirements.

- (1) *Building setbacks.* Base setback lines from which the building setback shall be measured are hereby established for all streets and highways in the City as follows:
 - (a) All building setbacks required herein shall be measured from the street or highway right-of-way line.

NOTE THAT THE DEFINED SETBACK DESCRIPTION DOES NOT INCLUDE LAKES.

THE PETITIONER HAS PREPARED A CERTIFIED SURVEY MAP THAT CONFORMS TO THE ABOVE STANDARDS. HOWEVER, THESE STANDARDS ARE IN CONFLICT WITH THE INTENT OF ORDINANCE 17.20.



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17.20 Lake Access Restrictions.

Lake access shall be restricted to not more than one lot or dwelling unit for each 150' of lake frontage, except where existing substandard lots are present which have less than 150' feet of lake frontage or where lake access is specifically granted as part of the Planned Development - Conditional Use Permit granted pursuant to §§ [17.75](#) to [17.84](#). Pyramiding shall not be permitted. Public access points shall not be included in this restriction.

IF IT IS THE UNDERSTANDING OF THE PLAN COMMISSION THAT THE INTENT OF 17.20 IS TO ENSURE THAT ALL LOTS ABUTTING THE LAKE EXHIBIT MINIMUM LOT WIDTH OF 150' THEN ORDINANCE 17.05 ENABLES THE CITY TO ENFORCE THAT INTERPRETATION.

17.05 Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

Wisconsin State Statute:

CHAPTER 236 PLATTING LANDS AND RECORDING AND VACATING PLATS

236.16 Layout requirements.

(3) LAKE AND STREAM SHORE PLATS.

(a) All subdivisions abutting on a navigable lake or stream shall provide public access at least 60 feet wide providing access to the low watermark so that there will be public access, which is connected to existing public roads, at not more than one-half mile intervals as measured along the lake or stream shore except where greater intervals and wider access is agreed upon by the department of natural resources and the department, and excluding shore areas where public parks or open-space streets or roads on either side of a stream are provided.