

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Call to Order

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

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call for the Wednesday, June 25, 2014 Plan Commission meeting:

Present

Michele DeYoe, Mayor
Tim Aicher, Ald.
Kent Attwell
Dan Jashinsky
Wayne Dehn
David Simon
Chris Smith
Jane Lazynski
Roger Dupler, Planner
Scott Hussinger, Building Inspector

Absent

1. Approve Plan Commission meeting minutes of May 28, 2014 meeting.

D. Simon noted a correction was needed on Page 8 in the motion regarding Findings of Fact for Item 4a. He voted in favor of the Findings of Fact motion.

K. ATTWELL MOVED TO APPROVE THE MAY 28, 2014 PLAN COMMISSION MEETING MINUTES AS AMENDED. C. SMITH 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.

T. AICHER MOVED TO CLOSE CITIZEN'S COMMENTS PERTAINING TO SUBJECTS ON THE AGENDA AT 7:01 P.M. D. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. Consent Agenda

- a. **DELC 0733.990.003, Sola Salons, Village Square Center. Owner: United Properties. Applicant: Bob Hacker.** Applicant seeks approval of a permanent sign for Sola Salons.
- b. **DELC 0793.001.003, Maverick Innovation Lab, Owner: Ace Delafield Properties, LLC. Applicant: Paul Decker.** Applicant seeks approval of a permanent sign for Maverick Innovation Lab.
- c. **DELC 0826.997, 3582 Kettle Ct., Delafield. Owner: Gary M. Schultz. Applicant: Rick Newman.** Applicant seeks approval of a permanent sign for Summer Fun Marine.
- d. **DELC 0804.999.004, 3201 Golf Road, A9, Delafield. Owner: Ramco-Gershenson Properties LP. Applicant: Anchor Sign – Megan Starrick.** Applicant seeks approval of a Business Plan of Operation for a jewelry store, Kay Jewelers, Hours of Operation are Monday through Saturday, 10 a.m. to 9 p.m., Sunday Noon to 6 p.m., with 8 full time employees and requesting permanent signage for the same.

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C. SMITH MOVED TO APPROVE ITEMS ON THE CONSENT AGENDA IN ACCORDANCE WITH THE STAFF REPORT. D. SIMON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

4. Unfinished Business:

- a. **DELIC 0753.999.001, Rustic Manor, 3115 STH 83, Hartland, WI. Owner/Applicant: Whitney Proebsting, Eric Shneyder, Lynn Shneyder and Lev Shneyder.** Applicants seek approval of a Certified Survey Map to dedicate right-of-way for the extension of Walnut Ridge Drive, and recommendation to the Common Council of the same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Certified Survey Map:
*The proposed CSM is offered for consideration in order to facilitate the extension of Walnut Ridge Drive west of Highway 83. This road is designated on the City of Delafield Official Map as a future collector street. The proposed property boundary will allow the conveyance of the new parcel to the City at the time the right-of-way is required. **Recommendation: Approval, contingent upon resolution of the identified items in the Surveyor's review letter of June 19, 2014.***

Whitney (Proebsting) Shneyder, applicant, and Attorney Donald Murn, of Axley Brynson, LLP, were present. D. Murn explained the history of the request to the Commission. D. Jashinsky questioned whether the Department of Transportation staff had reviewed this request. D. Murn stated the DOT had been supplied with the documentation of the proposed extension and concurred with approval of the request.

K. ATTWELL MOVED TO APPROVE A CERTIFIED SURVEY MAP TO DEDICATE RIGHT-OF-WAY FOR THE EXTENSION OF WALNUT RIDGE DRIVE FOR DELIC 0753.999.001, RUSTIC MANOR, 3115 STH 83, HARTLAND, WI. OWNER/APPLICANT: WHITNEY (PROEBSTING) SHNEYDER, ERIC SHNEYDER, LYNN SHNEYDER AND LEV SHNEYDER, CONTINGENT UPON RESOLUTION OF THE IDENTIFIED ITEMS IN THE SURVEYOR'S REVIEW LETTER OF JUNE 19, 2014 AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME.

5. New Business.

- a. **DELIC 0621.017, 3401 Seminary Ridge Lane, Delafield. Owner/Applicant: James and Andrea Klauk.** Applicants seek approval on recommendation from the Lake Welfare Committee for a boathouse.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: *The Klauk boathouse is proposed for Lot 5 of Mission Woods subdivision on the easterly shore of Upper Nashotah Lake. This petition has been reviewed by the Lake Welfare Committee and recommended to the Plan Commission. The proposed boathouse location, size, and height conform to the ordinance regulations. The proposed architecture is complimentary to the residence architecture and railing transparency is greater than 50%. The boathouse is built into the existing slope without retaining walls and a rain garden is appropriately planned. **Recommendation: Approval.***

Peter Feichtmeier of Colby Construction, 709 Milwaukee Street, and builder for the Klauks, explained the location of the proposed boathouse and noted the approved currently granted for this proposal. He also noted the Wisconsin DNR had been contacted regarding the application as well. The proposed rain garden had been

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included in the submittal paperwork and could be found on page 98 of the epacket for this meeting. Also included in the submittal paperwork were the calculations specifying the runoff capacity for the garden and related grading for the site.

K. Attwell explained the plantings in the rain garden were specified in the City's municipal code and the Klaufucks had complied with the code in this request.

K. ATTWELL MOVED TO APPROVE A RECOMMENDATION OF APPROVAL FROM THE LAKE WELFARE COMMITTEE FOR A BOATHOUSE FOR DELC 0621.017, 3401 SEMINARY RIDGE LANE, DELAFIELD. OWNER/APPLICANT: JAMES AND ANDREA KLAUCK AS PRESENTED. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **DELC 0789.991.001, 57 Oakwood Dr., Delafield. Owner/Applicant: Daniel Tinti.** Applicant seeks preliminary input for re-zoning of this property from RE-3 to RE-1 and change of the Master Plan, to create three lots, and set public hearing for the same.

Preliminary Presentation

The subject parcel is a 3.42 acres property that lays north of Oakwood Drive immediately north of the St. John's Athletic fields. This parcel is zoned RE-3, and is the only RE-3 parcel west of Lake Nagawicka. The 2030 Land Use Plan designates the parcel as Rural Estate, minimum lot size 2 acres. The surrounding property on all sides other than the south has been developed as RE-2 lots. The north and east properties were developed as a Planned Development with common open space and reduced lot sizes. The property to the south is zone RE-1. This petition requests the Plan Commission's consideration to allow three residential lots to be created with an average lot size of 1.14 acres and fronting on Oakwood Drive. In order to realize this proposal the City will need to modify the 2030 Land Use Plan unique to this parcel from Rural Estate Land Use to Low Density Residential, minimum lot size 1 acre. This potential change may be considered consistent with the goals and objectives of the Comprehensive Plan in that the residential density within one-half mile walking distance from downtown will be increased. In support of this increased density the developer has submitted an analysis of surrounding residential lots to illustrate that the three proposed lots are consistent with the surrounding lot sizes and compatible within the context of the neighborhood. Since the proposed parcels are not currently on sanitary sewer it will be necessary for the redevelopment to incorporate the appropriate service. Additionally, the redevelopment will require a storm water design due to the increased impervious surfaces.

Consideration

The subject property is an island related to its zoning, to resolve this condition the proposal will effectively alter the RE-1 boundary immediately south of Oakwood Drive to include this property which necessitates a change to the master plan. This process is an appropriate planning procedure but does not address storm water. In effect, the City will be creating legal lots for which a builder may apply directly for a building permit. Another option the Plan Commission may wish to consider is the opportunity to change the existing zoning to RE-2, which requires no change to the master plan, and process this proposal as a Conditional Use to allow the requested density. The advantage in this approval trek will be the creation of a storm water solution shared by all three lots. In comparison to the neighboring lots of Valley Road Farm this solution produces similar size lots and similar obligations for perpetual maintenance of a storm water solution.

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Recommendation: Share comments with the petitioner and schedule a public hearing accordingly.

Dan Tinti, 155 S. James St., Waukesha, WI 53186, explained he owned a three acre lot located at 57 Oakwood Drive in Delafield. He wished to divide this parcel into three one-acre lots, keeping the existing house on one lot and then adding two lots to the easterly side with an access drive. City sewer would be required and he had a quote for the work to meet that requirement. Tom Langan, architect for the project residing at W350 N5520 Lake Drive, Oconomowoc, WI 53066, shared depictions of the current lot and proposed project area.

R. Dupler explained the constraints of the request noting the zoning was an issue in this area. There were several options to consider including utilizing the conditional use process for the redevelopment. One option was to consider the property as part of the RE-1 zoning district across the street. This was not considered spot zoning as it would provide a natural extension of the boundary into this area. To introduce RE-1 to the north side of the street in this area would require a change to the City's Comprehensive Plan and Master Plan. He suggested consideration of the proposed property division as a conditional use in this area to allow the parcels to be split in the proposed manner. In this way, the new lots would be similar to the lots in the neighborhood, and any necessary restrictions could pertain to all three lots. Any changes to the property requested by an individual owner would require the agreement of the other two neighbors to amend the conditional use of the overall (three-lot) property. He requested the Commission provide feedback on how to process this matter.

Discussion ensued. T. Aicher expressed concern for how to manage the zoning in this area of the City as lots redeveloped along Oakwood in the surrounding neighborhood. R. Dupler explained change in zoning was desirable on the back lot lines so that houses faced the street in a contiguous manner to create a cohesive look throughout a neighborhood. He also suggested consideration be given to future development possibilities for surrounding or neighboring properties as these properties could redevelop over time into smaller or larger parcels as well.

T. Langan stated this was the best use of this land in his opinion. He was concerned about the size of the larger lots relative to upkeep for future landowners. Discussion ensued regarding possibilities for splitting the property into two two-acre lots instead of three one-acre lots. C. Smith questioned why there was the need to split the property in the proposed manner. T. Langan explained he had developed a new style of homes that were designed for "baby boomers" that might not want such large lots. The lots proposed were still the size of a football field and very large to maintain. In addition, he thought the new residential areas being proposed would provide an increase in property values to the nearby homeowners in the area and additional tax monies for the City.

D. Jashinsky noted there are many people that desire large lots as evidenced in parts of the City. K. Attwell agreed, noting there were lots further west on Oakwood that were clearly larger in size than one acre.

K. ATTWELL MOVED TO DENY A RECOMMENDATION TO HOLD A PUBLIC HEARING ON THE PLAN FOR REZONING AS PROPOSED. T. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. SIX WERE IN FAVOR. J. LAZYNSKI OPPOSED.

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R. Dupler explained this action was not necessary at this time. The item was on the agenda to provide preliminary feedback only. The applicants did not need the approval of the Commission to request a public hearing. The applicant was free to return to request a public hearing for a conditional use and the Commission was obligated to conduct it. K. Attwell stated it was important for the applicant to understand the process that would take place after the public hearing as well.

- 6. Zoning and Ordinance Revision.
 - a. Discussion of the City of Delafield municipal code legal review as it pertains to Plan Commission related chapters.

M. DeYoe stated this item would continue to appear on the following Plan Commission agendas should anyone provide comment on the review of the Plan Commission related chapters of the City's municipal code.

W. Dehn stated he had read portions of the chapters and found inconsistencies with current activity. He questioned the current policy for notification of neighbors for a public hearing. R. Dupler stated anyone located within 300 feet of a property being discussed in a public hearing would be notified by direct mailing from the City Clerk's office per state statute. He suggested W. Dehn meet with the City Clerk regarding further discussion of current practice.

- 7. Reports of City Officials:
 - a. Clerk
 - 1. Plan Commission Meeting Dates & Deadlines
 - a. Next meeting July 30; Regular Deadline July 16; Public Hearing Deadline July 2
 - b. Correspondence
 - b. Planner
 - R. Dupler stated a revision to the floodplain ordinance would be scheduled for a public hearing in the future.
 - c. Building Inspector
 - S. Hussinger stated the total number of permits to date was 57 with three residential permits and one commercial occupancy permit this month.

M. DeYoe noted correspondence was included in the epacket for this meeting.

8. ADJOURNMENT

D. JASHINSKY MOVED TO ADJOURN THE JUNE 25, 2014 PLAN COMMISSION MEETING AT 7:47 P.M. T. AICHER SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes Prepared By:

Accurate Business Communications, Inc.