

**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, May 28, 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

**PUBLIC HEARING #1: Conditional Use for a Rezoning and Conditional Use for a General Development Plan (GDP).**

**TAX KEY/ADDRESS:** DELC 0793.035, 0793.034, 0793.033, 0793.031, 0793.030, 0793.028, 0793.014.004, Wells Street, Delafield

**OWNER:** Owner: Ace Delafield Properties, LLC. c/o Jason Steiner.

**APPLICANT:** HSI Delafield Partners, LLC, c/o Ryan D. Schultz.

**MATTER:** Applicant seeks a Conditional Use for a rezoning from CBD-1 to CBD-2 and a Conditional Use General Development Plan for a 61 unit multi-family housing development known as Wells Street Station.

M. DeYoe opened the Public Hearing at 7:02 P.M.

A brief presentation was made by Ryan Schultz, President of HSI Delafield Partners, LLC, regarding the proposal. The project would include a vacation of Dopkins Street and incorporated a multi-use trail to further connect the Lake Country Trail to the surrounding park land. Approximately 60% of the parking was within the building which lessened the need for parking lots on site. Parking garage doors would be screened from view. There would be exposure of three stories on the exterior with a building comprised of a mixture of one and two-bedroom apartments. Balconies would also be used to break up the scale of the building visually. Lighting would be consistent with the style of lighting found on Delafield streets. He thought the development would represent the highest and best use of the site in the manner proposed and would also provide additional community opportunities for living and working in the City. In addition, the proposed development would provide a substantial increase in the amount of property taxes brought to the City.

**Karen Wilman, 505A Wells Street**, owner of Arta Wine & Painting Studio, indicated support for the closure of Dopkins Street and was in favor of the project.

**Debra Smith, Executive Director of Delafield Chamber of Commerce & Tourism**, was present to convey approval of the proposed projects and to encourage City approval of the project as well. On behalf of the Boards she represented, she requested that the proposed development meet the guidelines specified by the City and should add to the beauty and attraction of the City of Delafield.

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**Paul Decker, Waukesha County Board Chair and owner of Maverick Innovations Lab**, explained he supported the proposal as he thought the enhancement to the City would be wonderful. As Chairperson of the County Board, he also supported the proposal as it was important to attract young professionals to the area and he encouraged the Plan Commission to move this project forward.

**Mary Daniel, City Resident and President of Hawks Inn Historical Society**, stated the Society Board was in favor of the proposal; however, they requested additional trees, shrubs and screening be made part of the approval. The Board also requested the developers take the existing trees into consideration and work around them as the development on site progressed.

**Brian Ward, owner of Ward's House of Prime**, believed this type of housing would attract additional residents to their business. He thought certain lots in the area were underutilized and this development would be a huge gain for the downtown. He appreciated the area being built up around his business property.

**Laura Schult, 935 Bahr Road**, expressed concern regarding the possibility of flooding on the lower level of the buildings in addition to settling of these buildings due to run-off from Wells Street. She also expressed concern about the additional noise, traffic and lack of parking associated with the proposal and thought additional green space should be required. She requested a revision of the plan be made to address these issues and to meet the requirements of the City Code.

**Lynn Holton, 485 Lillian Court**, stated she submitted her concerns in an email to all Commissioners prior to the meeting. She asked if everyone had received it. C. Smith stated he had received her email. L. Holton stated she was hopeful all issues could be addressed at this time.

**K. ATTWELL MOVED TO CLOSE PUBLIC COMMENTS PERTAINING TO A PUBLIC HEARING FOR A CONDITIONAL USE FOR A REZONING AND CONDITIONAL USE FOR A GENERAL DEVELOPMENT PLAN (GDP) 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 AT 7:30 P.M. T. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

**PUBLIC HEARING #2: Conditional Use Amendment for architectural modifications and signage to the Applebee's Building.**

**TAX KEY/ADDRESS:** DELC 0804.993.007, 3100 Golf Road, Delafield

**OWNER:** Owner. Ramco-Gershenson Properties

**APPLICANT:** Ramco-Gershenson Properties.

**MATTER:** Applicant seeks approval of a Conditional Use Amendment for architectural modifications and signage to the existing Applebee's Building.

M. DeYoe opened the Public Hearing at 7:30 P.M. A brief presentation was made by Jim Gershenson, of Madison, Wisconsin regarding the current approval requested. He noted the number of apples on the awnings had been reduced and there would be less signage with the new proposal than was currently in existence.

**K. ATTWELL MOVED TO CLOSE A PUBLIC HEARING PERTAINING TO A CONDITIONAL USE AMENDMENT FOR ARCHITECTURAL MODIFICATIONS AND SIGNAGE TO THE APPLEBEE'S BUILDING FOR DELC 0804.993.007, 3100 GOLF ROAD, DELAFIELD OWNER/ APPLICANT: RAMCO-GERSHENSON PROPERTIES AT 7:31 P.M. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

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**PUBLIC HEARING #3:** Conditional Use Amendment for architectural modifications and site plan improvements to increase outdoor seating capacity and an Amended Business Plan of Operation  
**TAX KEY/ADDRESS:** DELC 0793.014.002, 515 Wells Street, Delafield.  
**OWNER:** Owner: D J Martin Managing Member.  
**APPLICANT:** Brian Ward, PrimeOne LLC, dba Wards House of Prime-Delafield.  
**MATTER:** Applicant seeks approval of a Conditional Use Amendment for architectural modifications and site plan improvements to increase the allowable outdoor seating capacity and an Amended Business Plan of Operation to allow for outdoor seating.

M. DeYoe opened the Public Hearing at 7:33 P.M. A brief presentation was made by Brian Ward regarding the request for architectural modifications and site plan improvements that would increase the allowable outdoor seating capacity at Ward's House of Prime - Delafield. The proposal included an extension of the building so that the porch area would be enlarged in order to serve additional patrons outside.

**K. ATTWELL MOVED TO CLOSE A PUBLIC HEARING PERTAINING TO A CONDITIONAL USE AMENDMENT FOR ARCHITECTURAL MODIFICATIONS AND SITE PLAN IMPROVEMENTS TO INCREASE OUTDOOR SEATING CAPACITY AND AN AMENDED BUSINESS PLAN OF OPERATION FOR TAX KEY/ADDRESS: DELC 0793.014.002, 515 WELLS STREET, DELAFIELD; OWNER: D J MARTIN MANAGING MEMBER; APPLICANT: BRIAN WARD, PRIMEONE LLC, DBA WARDS HOUSE OF PRIME-DELAFIELD AT 7:33 P.M. T. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

1. Approve Plan Commission meeting minutes of April 30, 2014 meeting.

**K. ATTWELL MOVED TO APPROVE THE APRIL 30, 2014 PLAN COMMISSION MEETING MINUTES AS PRESENTED. T. AICHER 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.

**K. ATTWELL MOVED TO CLOSE CITIZEN'S COMMENTS PERTAINING TO SUBJECTS ON THE AGENDA AT 7:34 P.M. T. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

3. Consent Agenda

R. Dupler stated Item 3a on the Consent Agenda should be removed from consideration at this time.

a. DELC 0802.997, 1764 Milwaukee St, Delafield. Owner: Bob Loro, dba 1760 Milwaukee Street LLC. Applicant: James Andrews, Sierra Inc. Applicant seeks approval of a Business Plan of Operation for a service support office for Sierra, Inc. Hours of Operation are Monday through Friday, 8 AM to 8 PM, with seven full time employees.

b. DELC 0807.978.008, 350 Austin Circle, Delafield. Owner/Applicant: Gerry Fleisher. Applicant seeks approval of a Temporary Business Plan of Operation for 5 Alarm Fire & Safety annual two day extrication school. Hours of Operation are May 31 and June 1, 2014, 8AM to 4:30 PM.

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- c. **DELIC 0793.020.003, 524 Milwaukee St., Suite 180, Delafield. Owner/Applicant: Pauline Haririe.** Applicant seeks approval of an Amended Business Plan of Operation for a change in ownership and number of employees for Advanced Lipidology. Hours of Operation are Monday through Thursday, 8AM to 5PM, with three full time and two part time employees.

This item was removed from consideration of the Consent Agenda. Please see above.

- d. **DELIC 0788.019, 1401 Milwaukee St., Delafield. Owner: Bernard and Diane Gruenke. Applicant: Kyle Kohlmann of Bret Achtenhagen's Seasonal Services.** Applicant seeks a Site Plan and Appearance Review for a boulder retaining wall at this location.
- e. **DELIC 0798.966, 412 Genesee Street, Delafield. Owner: Thomas Jones. Applicant: Ken Kranzman.** Applicant seeks approval of a Business Plan of Operation and permanent sign for a retail furniture store, Prairie Wood Works. Hours of Operation Monday through Sunday, 8AM to 8PM, with one full-time employee.
- f. **DELIC 0803.988.004, 2566 Sun Valley Dr Stop 5, Delafield. Owner: R. Gary Storts. Applicant: Todd Molbeck, High 5 Gear, dba High 5 Golf.** Applicant seeks approval of a permanent sign at this business location.

**C. SMITH MOVED TO APPROVE THE ITEMS 3B-3F ON THE CONSENT AGENDA IN ACCORDANCE WITH THE STAFF REPORT. T. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

4. Unfinished Business:

- a. **DELIC 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 a Conditional Use for a rezoning from CBD-1 to CBD-2 and a Conditional Use General Development Plan for a 61 unit multi-family housing development known as Wells Street Station, and recommendation to the Common Council of the same.

***TAKEN FROM PLANNER DUPLER'S STAFF REPORT Rezoning, General Development Plan, and Right-of-way Vacation: Wells Street Station returns to the Plan Commission this month for consideration of a three building mixed use development; one commercial building and two residential buildings housing 61 multi-family units that will require Rezoning, a General Development Plan, and Vacation of Dopkins Street between Main Street and Milwaukee Street. Each action should be considered individually and recommended to the City Council with three separate motions.***

***Rezoning***

***The property exhibits CBD-1 and CBD-2 zoning districts. To facilitate this development the zoning should be changed to be all CBD-2. The three eastern most parcels are zoned CBD-1 and should be rezoned to CBD-2; DELIC 0793-014-004, DELIC 0793-028, and DELIC 0793-030. These existing parcels all front onto Dopkins Street, the balance of the project site is already appropriately zoned CBD-2. Note that the rezoning exhibit submitted to the Plan Commission illustrates the entire seven parcels for rezoning. A revised rezoning exhibit should be submitted prior to City Council concurrence and action. Rezoning is recommended in order that the proposed use is consistent with allowances***

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afforded in the CBD-2 district that are not allowable in the CBD-1 district. Ord. 17.39(18)(n) prohibits implementation of residential units on the ground floor. The proposed commercial building is allowed in the CBD-2 district. This proposed rezoning conforms to the 2030 Comprehensive Plan. The designated Land Use is Central Business District which is identified for both CBD-1 and CBD-2 zoning districts. The Plan Commission may also wish to consider the recommendations of the 2030 Plan regarding the implementation of multifamily housing as it related to the diversity and ratio of multifamily residences to single family residences. The Plan was adopted in 2009, at that time multifamily units constituted 28 percent of the available housing in the City. Projections from the U.S. Census Bureau data indicated that 859 new housing units would be needed by 2030 in order to satisfy the projected housing demand in the City of Delafield. By maintaining the existing ratio (28% multifamily), the City would plan for 241 multifamily units and 678 single family by the year 2030. This data was based on the year 2000 census. Since 2000 only three multifamily developments have been constructed; Delafield Lakes 62 units, Delafield Woods 64 units, and Cambridge of Delafield 28 units, in total 154 units. Approval of this project is within the range of suggested growth for the City.

### General Development Plan

Multifamily housing is allowable in the CBD-2 district only by Conditional Use and would be appropriate for the proposed development except for the introduction of three buildings on a single parcel which requires that it be considered not only as a Conditional Use but also as a Planned Development. As a Planned Development, the proposal must first be approved as a General Development Plan. This stage of approval affords the City an opportunity to consider the compatibility of the project within the context of the neighborhood. In the Plan Commission packet is the City's Conditional Use Review, Determination and Approval criteria which should be referenced in any motion to approve or deny the petition. The other purpose of the General Development Plan is to secure the right of development prior to creation of the construction documentation. The Plan Commission should take this opportunity to request site plan and architectural changes that are determined necessary or appropriate. A General Development Plan is recommended to the Common Council for concurrence. Seven existing parcels (1.541 acres) and the area of the Dopkins Street right-of-way (0.33 acres) are proposed to be combined into one parcel of 1.871 acres. In the two buildings 61 multifamily units are proposed, this equates to 32.6 units per acre. In comparison, Delafield Lakes was approved with 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 lot size and open space requirements as defined in the R-6 district. These standards are based on unit count for lot size and bedroom count for open space. By applying the R-6 lot size requirement these 61 units would require 30,500 sf open space. The proposed development offers 36,753 sf of open space. The required lot size generated by 51 one-bedroom units and 10 two-bedroom units is 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 intensity of development offers a very urban concept. The building footprints equal 22,028 sf

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for the residential buildings and 3,000 for the commercial building. These areas combined equate to a lot coverage ratio of 30%. Projecting the height of the buildings, three stories for the residential and two stories for the commercial parcel creates a floor area of 99,084 sf and a resulting Floor Area Ratio of 0.81. The maximum F.A.R. in the CBD-2 district is 0.50, the allowable F.A.R. in the CBD-1 district is 1.0. In consideration of the existing zoning designations the development intensity may be deemed acceptable. The three existing CBD-1 lots are afforded 101,930 sf of floor area alone. The four existing CBD-2 lots are allowed 16,574 sf of floor area. As proposed, this project realizes 84% of the maximum allowable floor area of the existing zoning for the entire seven parcels.

### Site Plan

The building placement respects the mandatory setbacks for the CBD-2 district. 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. The parking requirement for residential properties is two spaces per unit, Ord. 17.52(10). As proposed the project provides 112 parking spaces, ten short of the minimum required. Additional parking spaces may be achieved in the S.I.P. documents once the Main Street parking is reevaluated. There are existing driveways that may be replaced with parking spaces and the area in the Wells and Dopkins intersection will yield additional spaces as well. Proposed stormwater management addresses both water volume storage and water quality. Rooftop storage and pervious pavement in combination with the proposed basin should be adequate. The engineering of these elements shall be evaluated in greater detail during the S.I.P. process. The site is not encumbered with any wetlands or primary environmental corridor limitations. A conceptual landscape plan is included in the original architectural documents and illustrate reasonable screening and green space improvements. A full tree inventory and mitigation plan will be evaluated in the S.I.P. documents. 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 Country Recreational Trail along Wells Street. The building design and materials are very appropriate for this type of development.

### Dopkins Street Vacation

The proposal considers the vacation of Dopkins Street between Main Street and Milwaukee 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. The Plan Commission may wish to consider recommendation to the City Council to conduct the necessary public

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*hearing in pursuit of the vacation. The removal of this portion of Dopkins Street will displace vehicular access and more importantly a loading zone for the neighboring restaurants. In the evaluation of the Wells Street parking a loading zone should be considered to preempt blocking the Wells Street travel lanes when deliveries arrive.*

***Recommendation – Rezoning: Approval and recommendation to the City Council for the proposed rezoning, changing DELC 0793-014-004, DELC 0793-028, and DELC 0793-030 from CBD-1 Central Business District to CBD-2 Central Business District, consistent with the Comprehensive Plan, contingent upon a corrected rezoning exhibit and contingent upon City Council approval of the proposed General Development Plan.***

***Recommendation – General Development Plan: Approval, findings of fact indicate that the proposal will not have an adverse effect on the health, safety, and welfare of the community, it is compatible with existing uses, does not create problems for emergency services, traffic, or utilities, does not create a nuisance in the neighborhood and does not negatively impact the surrounding property values. The approval shall be contingent upon increasing the parking spaces to satisfy ordinance requirements, incorporation of a loading zone, consolidating the multiple lots into on single lot via Certified Survey Map, approval of the proposed rezoning, approval of the proposed right-of-way vacation, and City Council concurrence.***

***Recommendation – Right-of-way Vacation: Approval of the proposed right-of way vacation, contingent upon a revised vacation exhibit to include a legal description, approval of the proposed General Development Plan, and concurrence of the City Council.***

R. Dupler explained the necessity of the request for zoning changes related to this project as stated in the Staff Report. Concerns were expressed by various Commissioners related to mitigating tree impacts, increasing green space for the project, and monitoring use of the parking space associated with the project, especially on weekends, to be sure requirements were being met. R. Schultz stated the parking stalls would be reserved and monitored by a management company with signage designated for the area as such. Guest parking was also provided in this project. R. Dupler clarified the request was not related to zoning administration issues, but to the commitment of the City's Comprehensive Plan. Business owners in the downtown area considered this a desirable project in addition to several residents present. He thought many of the issues of concern could be resolved in the SIP for the development. R. Schultz explained landscaping had not yet been considered due to the current stage in the planning process. Many concerns would be addressed later if approval were granted to move the project forward. C. Smith stated he liked the project; however, green space was necessary. He suggested use of a public site fee that functioned similarly to the City's Tree Fund whereby developers paid a fee toward the fund that would allow use of green space in other desirable areas of the City supported by the current project. M. DeYoe stated the proposed project would impact future development of multi-family housing. She thought the proposal fit within the guidelines of the City and this was an appropriate use of this land.

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**K. ATTWELL MOVED TO APPROVE THE PROPOSED REZONING, CHANGING DELC 0793-014-004, DELC 0793-028, AND DELC 0793-030 FROM CBD-1 CENTRAL BUSINESS DISTRICT TO CBD-2 CENTRAL BUSINESS DISTRICT, CONSISTENT WITH THE COMPREHENSIVE PLAN, CONTINGENT UPON A CORRECTED REZONING EXHIBIT AND CONTINGENT UPON COMMON COUNCIL APPROVAL OF THE PROPOSED GENERAL DEVELOPMENT PLAN AS PART OF A AND TO RECOMMEND TO COMMON COUNCIL THE SAME. T. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

**D. SIMON MOVED TO APPROVE FINDINGS OF FACT INDICATE THAT THE PROPOSAL FOR A CONDITIONAL USE FOR A REZONING FROM CBD-1 TO CBD-2 AND A CONDITIONAL USE GENERAL DEVELOPMENT PLAN FOR A 61 UNIT MULTI-FAMILY HOUSING DEVELOPMENT KNOWN AS WELLS STREET STATION 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 WILL NOT HAVE AN ADVERSE EFFECT ON THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY, AS IT IS COMPATIBLE WITH EXISTING USES, DOES NOT CREATE PROBLEMS FOR EMERGENCY SERVICES, TRAFFIC, OR UTILITIES, DOES NOT CREATE A NUISANCE IN THE NEIGHBORHOOD AND DOES NOT NEGATIVELY IMPACT THE SURROUNDING PROPERTY VALUES AND APPROVAL SHALL BE CONTINGENT UPON INCREASING THE PARKING SPACES TO SATISFY ORDINANCE REQUIREMENTS, INCORPORATION OF A LOADING ZONE, CONSOLIDATING THE MULTIPLE LOTS INTO ON SINGLE LOT VIA CERTIFIED SURVEY MAP, APPROVAL OF THE PROPOSED REZONING, APPROVAL OF THE PROPOSED RIGHT-OF-WAY VACATION, AND RECOMMEND TO COMMON COUNCIL THE SAME. J. LAZYNSKI SECONDED THE MOTION. IT WAS CLARIFIED THAT PARKING AND SITE FEES FOR GREEN SPACE WAS NOT INCLUDED IN THE MOTION AS PRESENTED. THERE WAS NO FURTHER DISCUSSION. ONE IN FAVOR WITH NAYS BY T. AICHER, K. ATTWELL, W. DEHN, C. SMITH, AND J. LAZYNSKI. MOTION FAILED.**

**C. SMITH MOVED TO APPROVE FINDINGS OF FACT INDICATE THAT THE PROPOSAL FOR A CONDITIONAL USE FOR A REZONING FROM CBD-1 TO CBD-2 AND A CONDITIONAL USE GENERAL DEVELOPMENT PLAN FOR A 61 UNIT MULTI-FAMILY HOUSING DEVELOPMENT KNOWN AS WELLS STREET STATION 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 WILL NOT HAVE AN ADVERSE EFFECT ON THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY, IT IS COMPATIBLE WITH EXISTING USES, DOES NOT CREATE PROBLEMS FOR EMERGENCY SERVICES, TRAFFIC, OR UTILITIES, DOES NOT CREATE A NUISANCE IN THE NEIGHBORHOOD AND DOES NOT NEGATIVELY IMPACT THE SURROUNDING PROPERTY VALUES. AND APPROVAL SHALL BE CONTINGENT UPON INCREASING THE PARKING SPACES TO SATISFY ORDINANCE REQUIREMENTS, INCORPORATION OF A LOADING ZONE, CONSOLIDATING THE MULTIPLE LOTS INTO ON SINGLE LOT VIA CERTIFIED SURVEY MAP, APPROVAL OF THE PROPOSED REZONING, APPROVAL OF THE PROPOSED RIGHT-OF-WAY VACATION, AND TO REQUIRE OWNER/ APPLICANT TO PAY SITE FEES AND TO**



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**MEET THE PARKING REQUIREMENTS AND TO RECOMMEND TO COMMON COUNCIL THE SAME. W. DEHN SECONDED THE MOTION. K. ATTWELL STATED THE TRADEOFFS IN THIS MATTER WERE NOT JUSTIFIED. THERE WAS NO FURTHER DISCUSSION. FIVE WERE IN FAVOR. K. ATTWELL AND T. AICHER VOTED NAY. MOTION CARRIED.**

**K. ATTWELL MOVED TO APPROVE THE PROPOSED RIGHT-OF WAY VACATION, FOR A CONDITIONAL USE FOR A REZONING FROM CBD-1 TO CBD-2 AND A CONDITIONAL USE GENERAL DEVELOPMENT PLAN FOR A 61 UNIT MULTI-FAMILY HOUSING DEVELOPMENT KNOWN AS WELLS STREET STATION 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, CONTINGENT UPON PETITION TO SUBMIT REVISED VACATION EXHIBIT TO INCLUDE A LEGAL DESCRIPTION, APPROVAL OF THE PROPOSED GENERAL DEVELOPMENT PLAN, AND RECOMMEND TO COMMON COUNCIL THE SAME. T. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. **DELC 0804.993.001, 3100 Golf Road, Delafield. Owner/Applicant: Ramco-Gershenson Properties LP.** Owner/Applicant seeks a Conditional Use Amendment for architectural modifications and signage to the Applebee's building, and recommendation to the Common Council for the same.

***TAKEN FROM PLANNER DUPLER'S STAFF REPORT:** Applebee's wishes to modify the appearance of their building in the Nagawaukee Center. The proposed changes will replace existing brick masonry façade with stone, remove the portico above the entrance and replace the striped awnings with solid yellow awnings. The proposed signage is consistent with the approved signs exhibited on the building. The original total signage amounted to 396 sf, the proposed building mounted signage will exhibit 299 sf. Since this property is governed by a conditional use permit any changes may be approved only after a public hearing. At the April Plan Commission meeting the proposed awning signage was mistakenly presented as window signage. The red apples on yellow awnings were explained as window signage and not contributing to the permanent building signage. To the contrary, the proposed apples are on the yellow awnings and should be considered as permanent signage. The content of the Plan Commission discussion was shared with the petitioner and a revised submittal was requested that removed the apples from the awnings. The revised proposal takes into account the proposed reduction in permanent building signage and applies the balance to the apples on the awnings. The number of apples is reduced and only one apple is red. However, although this solution respects the original area of signage it transfers some of that allowable signage from the building to the awnings. Signage on awnings has been discouraged in the City and may be discouraged here as well. **Recommendation:** Approval, contingent upon removing all apples and the "Car-side To Go" sign from the awnings and replacing the unapproved umbrella advertising with appropriate umbrellas. Note that the Applebee's utilizes umbrellas in their outdoor dining area that display beverage advertisements. These types of umbrellas are not approved; the Plan Commission should ask that they be replaced without any advertising.*

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A rendering of the building was displayed with samples of exterior materials also shared. R. Dupler noted the building owner had been made aware of the issue with the umbrellas and the number of apples on the awnings had been reduced to occur on every other awning. Discussion ensued regarding the awning as it related to signage. Concern was expressed for setting precedence in deviating from approved City Code colors in order to maintain corporate branding standards.

**K. ATTWELL MOVED TO DENY THE REQUEST FOR A CONDITIONAL USE AMENDMENT FOR ARCHITECTURAL MODIFICATIONS AND SIGNAGE TO THE APPLEBEE'S BUILDING, FOR DELC 0804.993.001, 3100 GOLF ROAD, DELAFIELD. OWNER/APPLICANT: RAMCO-GERSHENSON PROPERTIES LP AND RECOMMENDATION TO COMMON COUNCIL THE SAME. MOTION FAILED FOR LACK OF A SECOND.**

**T. AICHER MOVED TO APPROVE THE REQUEST FOR A CONDITIONAL USE AMENDMENT FOR ARCHITECTURAL MODIFICATIONS AND SIGNAGE TO THE APPLEBEE'S BUILDING, FOR DELC 0804.993.001, 3100 GOLF ROAD, DELAFIELD. OWNER/APPLICANT: RAMCO-GERSHENSON PROPERTIES LP, CONTINGENT UPON REMOVING ALL APPLES AND THE "CAR-SIDE TO GO" SIGN FROM THE AWNINGS AND REPLACING THE UNAPPROVED UMBRELLA ADVERTISING WITH APPROPRIATE UMBRELLAS AND RECOMMEND TO COMMON COUNCIL THE SAME.**

- c. **DELC 0793.014.002, 515 Wells Street, Delafield. Owner: D J Martin Managing Member, Applicant: Brian Ward, PrimeOne LLC d.b.a. Wards House of Prime-Delafield.** Applicant seeks approval of a Conditional Use amendment for architectural modifications and site plan improvements to increase the allowable outdoor seating capacity and an Amended Business Plan of Operation to allow for outdoor seating. Hours of Operation 11AM to 12AM (midnight) and recommendation to the Common Council of the same.

***TAKEN FROM PLANNER DUPLER'S STAFF REPORT:*** *The owner requests Plan Commission consideration to allow expansion of the outdoor dining associated with the restaurant. Currently outdoor dining is accommodated on the second story above the existing porch. The development plans propose to increase the porch depth, thereby increasing the table space both on the first and the second floors. In addition, table space is created in the front yard, similar to other businesses in the downtown business district. The proposed expansion of the front porch does not impact the yard setback requirements; CBD-1 does not require any setback. Architectural detailing of the porch addition is compatible with the existing building appearance. In addition to the building modifications the restaurant will recondition the front yard area into a seating plaza. Integral to the plaza are two enclosed gas fire pits; these structures are raised above the plaza elevation, removed from the pedestrian walkway, and separated from the right-of-way with a row of hedges and seats. The proposed hours of operation for the outdoor dining are 11 am to midnight. Considering that there are no residents in near proximity to the operation the Plan Commission may find these hours acceptable. **Recommendation: Approval***

**T. AICHER MOVED TO APPROVE A CONDITIONAL USE AMENDMENT FOR ARCHITECTURAL MODIFICATIONS AND SITE PLAN IMPROVEMENTS FOR DELC 0793.014.002, 515 WELLS STREET, DELAFIELD. OWNER: D J MARTIN MANAGING MEMBER, APPLICANT: BRIAN WARD, PRIMEONE LLC D.B.A. WARDS**

**CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES**

**HOUSE OF PRIME-DELAFIELD TO INCREASE THE ALLOWABLE OUTDOOR SEATING CAPACITY AND AN AMENDED BUSINESS PLAN OF OPERATION TO ALLOW FOR OUTDOOR SEATING WITH HOURS OF OPERATION 11 AM TO 12 AM (MIDNIGHT) AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME AS PRESENTED. K. ATTWELL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

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

T. Aicher explained the City of Delafield municipal code had been reviewed in sections with chapters related to the Plan Commission reviewed recently. Various aspects of the chapter associated with fees were clarified as part of the review. M. DeYoe stated this item would appear on the agenda on an ongoing basis while the re-codification process continued to take place. Discrepancies would be noted and discussed with a single working document generated for formal consideration in the future.

- 7. Reports of City Officials:
  - a. Clerk
    - 1. Plan Commission Meeting Dates & Deadlines
      - a. June 25 (Meeting); June 11 (Regular Deadline); May 28 (Public Hearing Deadline)
    - 2. Correspondence
      - a. SEWRPC – Vision 2050 Guiding Statements from SEWRPC, as provided by Chris Smith
      - b. Proposed Wells Street Station Development Letter from Jon Rasmussen
      - c. Email of support from Joe DeKlotz regarding Wells Street Station & Wards House of Prime
      - d. Letter of support from Gary Neurenberger regarding Wells Street Station & Wards House of Prime
  - b. Planner
    - No report given.
  - c. Building Inspector
    - S. Hussinger stated the total number of permits to date was 48 with one commercial occupancy permit this month.

8. ADJOURNMENT

**K. ATTWELL MOVED TO ADJOURN THE MAY 28, 2014 PLAN COMMISSION MEETING AT 8:53 P.M. D. JASHINSKY SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.**

Minutes Prepared By:

Accurate Business Communications, Inc.

I apologize for the length of this comment and therefore to save time I am emailing it to the PC and staff. I want you to know I truly am a fan of the downtown, a good customer of over a dozen businesses, my intention is to protect it while at the same time allowing it to thrive.

My disclaimer is that the following is my interpretation of some of the specifics and therefore would request that Roger correct me if I am wrong. Gina please add it to the minutes as a matter of record.

## WELLS ST STATION PUBLIC HEARING

In looking at this development I question why the city would possibly adapt its zoning regulations to fit the development rather than require the development to adapt to the zoning regulations?

I would question how CBD2 zoning makes sense when the zoning code specifically states CBD2's intent is to convert existing residential buildings in CBD2 to commercial buildings not the other way around.

I would question what appears to be a selective picking of aspects of zoning districts such as lot size of R6 without applying the entire requirements of R6. I would hope you read CBD1, CBD2 and R6 prior to approval to satisfy these discrepancies. This project does not meet R6. Specifically size of apartments and buildings are to be attached not separate.

I question whether a PD, PUD or Planned Mix Use are the three ways of saying the same thing? If so a PUD increases green space needs to 40%.

I would question the premise of aiming for a 30% rental ratio of projected growth? What are the existing numbers? If we were at 28% rental vs. owner occupied in 2009 and we have added a 154 units since then where are we now with existing units? Shouldn't our premise begin with existing numbers?

If I read right the land in this project slopes at a 12% grade toward the park and the Bark River. This requires the engineering of storm water issues a priority. After approval how will possible soil limitations force the city or the developer to adjust? Is there space to adjust?

As a taxpayer I would certainly find it offensive to barter our parks as green space to meet the criteria of a development. Certainly the implication by a member of the PC that this could be done for the price of a permanent toilet or path is totally unacceptable policy.

Smart Growth zoning requirements are stated as the minimum acceptable. FAR and Lot size do not meet minimum.

Smart Growth does not list CBD as applicable zoning in Planned Mix Use.

Smart Growth incorporated Downtown Plan and during the process a discussion of a possible parking lot across from Wholly Cow revealed a shortage of approximately 50 spaces in the downtown. Numbers were based on current business needs at the time 08 or 09. We have added many thriving businesses since then. Where do we stand now? This project suggests the use of taxpayer funded street parking to meet it's criteria.

Dopkins St. vacation aggravates the parking issue in this neighborhood. A Loading Dock is imperative. Have you ever left Panera, Dental Works or Noodles to find you cannot back out of your parking space because a delivery truck is parked at the curb? This discourages customers with time restraints such as business lunch or meetings.

Suggested Solutions:

A significant scale back of this project to meet zoning requirements.

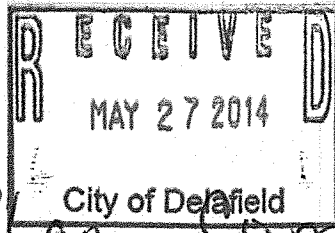
Inclusion of a parking lot for existing business tenants to utilize. This would avoid the option of charging a fee for street parking as allowed in the zoning code. Is it possible your unintended consequence would be to just replace frustrated customers who drive with customers who walk?

A expected higher profit margin for park-view units could compensate for project scale back.

I would suggest more discussion is required prior to this project adapting to an acceptable addition to downtown.

Thank you for your time.

Lyn Holton  
485 Lillian Ct.



to Delafield Plan Comm

5/28/14 Public Hear.

#1 - the proposed development would be a big upgrade to the downtown.

#3 Ward's House of Prime

is a perfect fit for downtown and if outdoor seating helps

keep them here please

allow it.

Gary Nuernberger  
705 Genesee St 262-646-3500  
Delafield Convenience