

**CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES**

Call to Order

Mayor DeYoe called the Wednesday, January 28, 2015 Plan Commission meeting to order at 7:00 P.M.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call for the Wednesday, January 28, 2015 Plan Commission meeting:

Present

Michele DeYoe, Mayor  
Tim Aicher, Ald.  
Kent Attwell  
Wayne Dehn  
Dan Jashinsky  
Meghan Johnson  
Roger Dupler, Planner  
Scott Hussinger, Building Inspector

Absent

Jim Reiher  
David Simon

**PUBLIC HEARING #1:**

**TAX KEY/ADDRESS:**

**OWNER/APPLICANT:**

**MATTER:**

**ZONING DISTRICT ASSIGNMENT**

DELT 0825-995, W302 N1151 Maple Avenue, Delafield, WI

**Bernard Gruenke**

Applicant seeks consideration to assign B-6 Commercial Holding District to recently annexed 10.52 acre property, located in part of the northwest quarter and the northeast quarter of Section 27, Town of Delafield.

M. DeYoe opened the public hearing at 7:01 P.M. There was no one present wishing to speak to this public hearing.

**K. ATTWELL MOVED TO CLOSE PUBLIC COMMENTS PERTAINING TO A PUBLIC HEARING REGARDING A ZONING DISTRICT ASSIGNMENT FOR TAX KEY/ADDRESS: DELT 0825-995; W302 N1151 MAPLE AVENUE, DELAFIELD, WI; OWNER/APPLICANT: BERNARD GRUENKE; REGARDING CONSIDERATION TO ASSIGN B-6 COMMERCIAL HOLDING DISTRICT TO RECENTLY ANNEXED 10.52 ACRE PROPERTY, LOCATED IN PART OF THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF SECTION 27, TOWN OF DELAFIELD AT 7:02 P.M. D. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

1. Approve Plan Commission meeting minutes of November 19, 2014 meeting.

Hearing no objections from the commission, M. DeYoe stated the minutes of the November 19, 2014 Plan Commission meeting were approved.

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

**John Platz, 703 Milwaukee St.,** explained his residence was east of the proposed restaurant being considered in Item 3b on the agenda. He and his wife objected to the Saturday hours of operation proposed for outdoor eating and drinking as well as the use of the five foot walkway proposed. He requested the tables and walkway be vacated by 10:00 P.M. daily with food service completed by 9:00 P.M. to allow patrons to exit before 10:00 P.M. Historically, restaurants at this location did not adhere to the business plan of operation adopted. Walkway restrictions were frequently violated with server stands and tables in the walkway causing people to walk in the street rather than walk on the sidewalk through the outdoor dining area. Some past owners would allow employees, customers and others to use the tables after hours with occasional use to 3:00 A.M. Past conversations with owners to attempt

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to curtail this type of activity were not well received. There were 15 residences within a half-block from the restaurant. J. Platz had distributed an email to all Commissioners prior to the meeting that noted the history of the restaurant approvals on this site. Consideration should be given to prohibiting music after 10:00 P.M. to coincide with completion of outside dining hours. J. Platz also requested the owner empty garbage cans the next morning rather than at night as the bottles dumped were quite noisy.

**K. ATTWELL MOVED TO CLOSE CITIZEN'S COMMENTS AT 7:07 P.M. T. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

3. Consent Agenda

- a. **DELC 0804.997.017, 2722 Heritage Dr., Delafield. Owner: Kensington Development. Applicant: Bauer Sign Co.** Applicant seeks approval of a permanent sign for Milwaukee PC.
- b. **DELC 0787.079, 621 Milwaukee St., Delafield. Owner: Robert Miller. Applicant: Andrew Z. Kirk.** Applicant seeks approval of a Business Plan of Operation for a restaurant named Angelina's Ristorante, and a permanent sign. Hours of Operation: Monday through Friday, inside hours 10 a.m. to 2 a.m., outside hours 10 a.m. to 10 p.m. Saturday, inside hours 10 a.m. to 2:30 a.m., outside hours 10 a.m. to 12 midnight, and Sunday, inside hours 10 a.m. to 2 a.m., outside hours 10 a.m. to 10 p.m. Soft music will be played through speakers on radio. 25 part time, 3 full time employees.

M. DeYoe requested Item 3b be removed from the Consent Agenda for discussion.

There were no objections from the Plan Commission; therefore, the remainder of the Consent Agenda was approved.

M. DeYoe returned to Item 3B on the Consent Agenda.

Andrew Kirk, 48 Huntington Road, explained the request included music turned off by 12:00 A.M.; however, he was willing to work with the neighbors to keep things happy. He had requested the later time to coincide with community event activities. Discussion ensued. Prior restaurants had used a curfew of 10:00 P.M. and there had not been a reason to deviate from that time shown with previous restaurant owners. Complaints had been received in the past regarding use of the sidewalk as dining space with prior restaurants onsite. Suggestions were made to orient the outside dining against the building and railing to allow the walkway to function as a public sidewalk. A. Kirk agreed to prohibit music after 10:00 P.M. and show sensitivity to residences nearby with the dispensing of the garbage.

**K. ATTWELL MOVED TO APPROVE THE AMENDED BUSINESS PLAN OF OPERATION FOR DELC 0787.079, 621 MILWAUKEE ST., DELAFIELD; OWNER: ROBERT MILLER; APPLICANT: ANDREW Z. KIRK. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR A RESTAURANT NAMED ANGELINA'S RISTORANTE, AND A PERMANENT SIGN. HOURS OF OPERATION: MONDAY THROUGH FRIDAY, INSIDE HOURS 10 A.M. TO 2 A.M., OUTSIDE HOURS 10 A.M. TO 10 P.M. SATURDAY, INSIDE HOURS 10 A.M. TO 2:30 A.M., OUTSIDE HOURS 10 A.M. TO 12 MIDNIGHT, AND SUNDAY, INSIDE HOURS 10 A.M. TO 2 A.M., OUTSIDE HOURS 10 A.M. TO 10 P.M. SOFT MUSIC WILL BE PLAYED THROUGH SPEAKERS ON RADIO. 25 PART TIME, 3 FULL TIME EMPLOYEES TO PROHIBIT ANY OUTDOOR DINING AFTER 10:00 P.M. M. JOHNSON SECONDED THE MOTION. DISCUSSION ENSUED REGARDING FURTHER RESTRICTIONS RELATIVE TO TRASH REMOVAL AND MUSIC. SENSITIVITY SHOULD BE**

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SHOWN TO THE SURROUNDING RESIDENTIAL AREA AND COMPLAINTS PROCESSED.  
THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

4. Unfinished Business - None

5. New Business

- a. **DELT 0825.995, W302 N1151 Maple Ave., Delafield. Owner/Applicant: Bernard and Leslie Gruenke.** Discussion and action to assign B-6 Commercial Holding District to recently annexed 10.52 acre property, located in part of the northwest quarter and the northeast quarter of Section 27, Town of Delafield, and recommendation to the Common Council of the same.

***TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Zoning:*** *The subject property was annexed to the City by action of the City Council last November. The Plan Commission has the responsibility to assign a zoning district to the new parcel and recommend such action to the City Council for final action. The owner has requested either B-4 General Business District or B-6 Commercial Holding District. Either district is appropriate in that the parcel abuts a B-4 parcel to north and a B-6 parcel to the south. Potential interconnection to either of the neighboring parcels is possible. Future development of the subject parcel should not be curtailed by any physical limitation. The existing single family residence is justified by following the hierarchical thread of the zoning code. In the B-4 and B-6 districts permitted uses include the permitted uses of the B-2 and B-3 districts. The B-2 district permits all of the permitted uses in the B-1 district. The B-1 district permits single family residences; therefore, the existing single family residence is a permitted use in either the B-4 or B-6 district.*

*Since the determination of B-4 versus B-6 seems to affect only the type of development that may be realized, the Plan Commission may wish to consider the potential value and tax base to be generated from the eventual property development. B-6 development is mandated to be Planned Development; in doing so, the City is afforded greater control to create a higher valued property. While B-4 affords the owner or developer a less complicated approval process, the quality and presentation of the property is not always a high priority. Furthermore, the 2030 Comprehensive Plan identifies this neighborhood as Planned Mixed Use and encourages Planned Development as a means to achieve a compatible combination of uses (Chapter 7, pg. 200). **Recommendation: Assign B-6 Commercial Holding Zone to the subject parcel and recommend to the City Council accordingly.***

Bernard Gruenke, 1539 Milwaukee St., was present. R. Dupler reviewed property location, surrounding uses, permitted uses within appropriate zoning districts for the property and options to moving forward with the request. Discussion ensued regarding sensitivity to zoning and placement that would impact other municipalities bordering the property. Concern was expressed for possible construction in environmentally sensitive areas. Primary environmental corridor requirements were noted and discussed. B. Gruenke explained there was no proposed use currently for the property; however, discussions would be anticipated with surrounding property owners for future sale.

**K. ATTWELL MOVED TO RECOMMEND APPROVAL FOR ASSIGNMENT OF ZONING DESIGNATION OF B-6 COMMERCIAL HOLDING ZONE TO DELT 0825.995, W302 N1151 MAPLE AVE., DELAFIELD; OWNER/APPLICANT: BERNARD AND LESLIE GRUENKE, FOR A RECENTLY ANNEXED 10.52 ACRE PROPERTY, LOCATED IN PART OF THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF SECTION 27, TOWN OF DELAFIELD, AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. T.**

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**AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FOUR WERE IN FAVOR. W. DEHN VOTED NAY. MOTION CARRIED.**

6. Zoning and Ordinance Revision – None.

7. Reports of City Officials:

a. Clerk

1. Plan Commission Meeting Dates & Deadlines

a. February 25 (Meeting); February 11 (Reg. Deadline); January 28 (PH Deadline)

b. Planner – No report.

R. Dupler noted annexation issues could take up to six months to be recorded with Waukesha County. W. Dehn expressed concern regarding public hearing notification in these instances. Staff would clarify notification requirements for annexed properties.

c. Building Inspector– No report.

S. Hussinger stated the total number of permits to date was three with two residential permits and one commercial occupancy permits this month.

8. ADJOURNMENT

**K. ATTWELL MOVED TO ADJOURN THE WEDNESDAY, JANUARY 28, 2015 PLAN COMMISSION MEETING AT 7:24 P.M. T. AICHER SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.**

Minutes Prepared By:

Accurate Business Communications, Inc.