

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Call to Order

Mayor DeYoe called the Wednesday, February 25, 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, February 25, 2015 Plan Commission meeting:

Present

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

Absent

1. Approve Plan Commission meeting minutes of January 28, 2015 meeting.

Hearing no objections from the commission, M. DeYoe stated the minutes of the January 28, 2015 Plan Commission meeting were approved.

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

Robert Borkowski, 4521 Vettelson Road, spoke regarding Item 5d. His comments made at past Commission meetings regarding proposals for this property still held. Proposals continue to return for review with the same property layout. Concerns with this proposal were related to parking, lighting and a main access entrance that would still have lights pointing toward the Borkowski, Restock and Hansen residences. This type of proposal was not compatible with the neighborhood and did not meet the current zoning. The settlement agreement for the property was still in court and would not allow this type of activity.

Bill Restock, 4527 Vettelson Road, spoke regarding Item 5d. There were several reasons, including neighborhood density, building height relative to surrounding land use and building area in excess of the original site plan, which made the last proposal for this site incompatible with the zoning and surrounding neighborhood. The current proposal included the same issues and requested additional square footage for the building in excess of that allowed by the settlement agreement governing the site. The settlement agreement was still in effect. The new proposal seemed to be putting "the cart before the horse" and the request for public hearing should be denied. He was concerned about information provided in the Staff Report and rules related to consideration of this proposal.

(M. DeYoe requested B. Restock temper his comments directed toward City Staff at this time as they were inappropriate.)

Jeff Krickhahn, 4506 Vettelson Road, and Alderperson of District 1, stated the proposal being discussed as part of Item 5d in the epacket was not agreeable with United Properties. He had reached out to Paul Craig, past Mayor of Delafield, regarding this matter. The parcel on Vettelson Road was not to be developed and was to be green space. The developer had been informed of this and had designed a proposal with green space to the east. United Properties had not conceded that easterly

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parcel and that was not in agreement with the settlement agreement for the property. It was important to go back to the settlement agreement until agreement was found with United Properties and issues could be put to rest.

K. ATTWELL MOVED TO CLOSE CITIZEN'S COMMENTS AT 7:16 P.M. D. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. Consent Agenda

- a. **DEL C 0807.978.008, 350 Austin Circle, Delafield. Owner/Applicant: Gerry Fleisher.** Applicant seeks approval of a Temporary Business Plan of Operation for a weekend extrication school for 5 Alarm Fire & Safety Equipment. Hours of Operation are May 16, 2015-May 17, 2015.
- b. **DEL C 0803.988.005, 2574 Sun Valley Dr., #206, Delafield. Owner: Gary Storts. Applicant: Paul Krzensinski.** Applicant seeks approval of a Business Plan of Operation for a healthcare/chiropractic business named Elite Performance Chiropractic. Hours of Operation are Monday through Friday, 8 a.m. to 10 p.m., Saturday and Sunday, 6 a.m. to 10 p.m. One full-time employee.
- c. **DEL C 0793.001.004, 514 Wells Street, Delafield. Owner: Wells Street LLC. Applicant: Jessica Loche.** Applicant seeks approval of a Business Plan of Operation for a technology/software solutions business named Elutions. Hours of Operation are Monday through Friday, 6 a.m. to 10 p.m., Saturday and Sunday, from 8 a.m. to 5 p.m. 25 part-time employees.

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

4. Unfinished Business - None

5. New Business

- a. **DELT 0780.082.004, W304N2595 Maple Avenue, Delafield. Owner: Wei Zhang. Applicant: Brook Investments Global Ltd.** Applicant seeks approval of an Extraterritorial Certified Survey Map to record a new easement and wetland delineation in the Town of Delafield, and recommendation to the Common Council of the same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Certified Survey Map: The proposed Certified Survey Map proposes changes to an existing lot in the Town of Delafield. In this instance the lot boundary is not changing, rather new easements and wetland delineation are incorporated into the record document. As such, the City may elect to waive their review of this document. The proposed alterations in this document present no potential impact to future City expansion. Language in the signature block should be revised to read: The City of Delafield Plan Commission and Common Council waived its right to review the Extraterritorial Certified Survey Map. Recommendation: Waive right of review, recommend to Council accordingly.

K. ATTWELL MOVED TO WAIVE RIGHT OF REVIEW FOR APPROVAL OF AN EXTRATERRITORIAL CERTIFIED SURVEY MAP TO RECORD A NEW EASEMENT AND WETLAND DELINEATION IN THE TOWN OF DELAFIELD, FOR DELT 0780.082.004, W304N2595 MAPLE AVENUE, DELAFIELD; OWNER: WEI ZHANG. APPLICANT: BROOK INVESTMENTS GLOBAL LTD. AND RECOMMENDATION TO THE COMMON COUNCIL OF

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THE SAME. T. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **DEL C 0801.997.001, 311 Highway 83, Delafield. Owner: Wisconsin Electric Power Company. Applicant: Keith Nyman.** Applicant seeks approval of a temporary business plan to operate a portable cell tower apparatus during construction.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Temporary Business Plan of Operation: *Sprint has recently lost the use of their existing tower north of the ice arena. To remedy this situation they would like to utilize a wooden pole for a short duration. When the WEPCO transmission tower reconstruction is completed the Sprint antenna system will be collocated on the WEPCO structure. **Recommendation: Approval***

K. ATTWELL MOVED TO APPROVE A TEMPORARY BUSINESS PLAN TO OPERATE A PORTABLE CELL TOWER APPARATUS DURING CONSTRUCTION FOR DELC 0801.997.001, 311 HIGHWAY 83, DELAFIELD, OWNER: WISCONSIN ELECTRIC POWER COMPANY, APPLICANT: KEITH NYMAN, AND THAT WEPCO REMOVE THE INTERIM POLE WITHIN 90 DAYS AFTER IT CEASED BEING USED. D. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. **DEL C 0794.014, 78 Enterprise Dr., Suite A, Delafield. Owner/Applicant: Rick Goldberg.** Applicant seeks approval of a Business Plan of Operation for a primarily mail order business of ammunition and collectible guns named Jager Ammunition. Hours of Operation are Monday through Friday, 10 a.m. until 4 p.m., with two part time employees.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Business Plan of Operation: *The proposed Business Plan of Operation will accommodate the relocation of an ammunition and collectible gun dealer to the Cushing Business Park. The Cushing Business Park is a Planned Development governed by a conditional use permit that limits uses to B-2 and B-3 district permitted uses or B-4 uses by individual approved conditional use. The list of permitted uses in the B-2 and B-3 districts extend to B-1 permitted uses, therein 17.21(b)1 allows for general retail and specifically references hardware. 17.21(b)11 affords the Plan Commission and Council to determine that the ammunition and collectible gun store is sufficiently similar to a hardware store. The City Police Department has knowledge of the proposed operation and understands the licensing requirements. A Federal ATF permit is required. The applicant has operated this business for a number of years in Summit and already has an ATF permit for his current location. Application for the new location in the City of Delafield has been approved by the agency contingent upon the City's approval of the relocation. Given the sensitive nature of this business and the overwhelming safety concerns the Plan Commission may wish to recommend approval contingent upon the police department and Building Inspector approval of proposed security systems. **Recommendation: Approval, conditioned upon the approval Fire department, Police Department and Building Inspector of the proposed security and storage systems. Recommend to Council accordingly.***

Rick Goldberg, Applicant, explained the history of his business included import of electronics and electrical components from Germany which he operated as a business out of his home and he also owned rental properties throughout the area. The request for a business plan of operation in the Cushing Business Park pertained to a business for specialty firearms and related ammunitions sold by mail order. There would be no regular hours or signage for the business as it would be conducted only by appointment with the firearms being shipped to his business and then shipped to a federally licensed dealer out of state per federal regulations

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regarding this type of business. Approving this application would only allow him the space for his business; it would not allow him to handle business operations until such time as his Federal Firearms License (FFL) was received from the government. Advertising would take place through the internet and wouldn't include any hours of operation. Numerous safety precautions, including background checks, would be taken and he had spoken with the Police Chief as well as the FBI regarding operations and security measures. Currently, there were no employees of Jager Ammunitions nor business hours needed; however, he had listed them in the application in case assistance was needed in the shipping portion of the business after it became operational. Commission members clarified information pertaining to operations, security and shipping relative to the proposed business.

K. ATTWELL MOVED TO APPROVE A BUSINESS PLAN OF OPERATION FOR A PRIMARILY MAIL ORDER BUSINESS OF AMMUNITION AND COLLECTIBLE GUNS NAMED JAGER AMMUNITION; HOURS OF OPERATION ARE MONDAY THROUGH FRIDAY, 10 A.M. UNTIL 4 P.M., WITH TWO PART TIME EMPLOYEES FOR DELC 0794.014, 78 ENTERPRISE DR., SUITE A, DELAFIELD, OWNER/APPLICANT: RICK GOLDBERG, CONTINGENT UPON THE BUSINESS BEING CONDUCTED BY APPOINTMENT ONLY, UPON APPROVAL OF THE FEDERAL FIREARMS LICENSE FOR THE APPLICANT, AND CONDITIONED UPON THE APPROVAL OF THE FIRE DEPARTMENT, POLICE DEPARTMENT AND BUILDING INSPECTOR FOR THE PROPOSED SECURITY AND STORAGE SYSTEMS AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. W. DEHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- d. **DELC 0733.998.003, Lot 3, Village Square, Delafield. Owner: United Properties/Delafield Investment, LLC. Applicant: Heritage/MSP Real Estate Inc.** Applicant seeks feedback on a development concept for an elderly housing development at the Village Square, and request a public hearing scheduled for March.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Concept Presentation: MSP is a developer of Elderly Care Facilities that provides alternative living environments for senior residents. MSP is proposing to create 124 senior living units on the west portion of the Village Square development. To accommodate this new use the City Council will consider changing the Settlement Agreement and will most likely take action in March prior to the next Plan Commission meeting. It is therefore the Plan Commission's charge to consider the proposed development based on the merits of the plan without regard to the prohibitions in the Settlement Agreement. The subject parcel will be revised via Certified Survey Map to remove the southern portion, west of the well house and entrance drive, from inclusion. The new site area will be 209,427 sf, including the unoccupied greenspace directly east of the proposed building site. During staff level meetings and coordination the petitioner was asked to design the site in compliance with the R-7-EH Multiple Family Elderly Housing District. The site design satisfies all of the geometric and density standards of the district based on type of unit and bedroom count. Parking is accommodated with underground resident spaces, surface parking on the south and west sides of the building, and land-banked parking in the greenspace east of the proposed building site. Increased berming is proposed along the south property line and fully screened with additional landscaping. The proposed development will require one deviation from ordinance requirements; the ordinance limits each building to 60 units, the concept presents 124 units in two buildings. Flexibility to consider this variance is allowed in the Planned Development regulations. The Plan Commission may also wish to require development of the open space east of the building site to be made accessible and usable for the future residents. As proposed the land-banked parking occupies the space closest to the building. Should the parking be redesigned the unoccupied open space currently proposed on

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*the east side of this space could be relocated to the northwest, thereby immediately adjacent to the building site. Additionally, landscape improvements should be considered to accommodate the residents. **Recommendation: Share opinions and concerns with the petitioner, schedule a public hearing accordingly.***

M. DeYoe stated she was obligated to inform all present that no discussion of the settlement agreement would take place at this meeting. The Commission's role was to listen to preliminary information related to the proposal and the Commission was required by law to schedule a public hearing for this proposal.

Milo Pinkerton, of MPS Real Estate, Inc., 7201 Walker Street #20, Saint Louis Park, Minnesota, and Isaac Wallace of Dimension IV, Madison, Wisconsin provided a presentation regarding a proposal for an independent assisted memory care facility. M. Pinkerton explained how the site was chosen in Delafield noting his company had also been involved in several other projects in the region. Isaac Wallace explained the renderings submitted in the epacket for this meeting. An initial proposal had included use of greenspace to the south in the project; however, that configuration was not amenable to the owner of the property, thus, the configuration presented in the epacket was the result of changes from the initial proposal. The proposed facility would be comprised of two connected buildings, one two-story and one three-story, that would include independent living, assisted living, and extensive care/memory care units as detailed in the epacket. The height of the three story building would be 45 feet and the two story building would stand 35 feet. He then reviewed the number of parking stalls relative to the minimum lot area required, open space requirements and anticipated population of 240 occupants plus staff with 186 parking stalls proposed. The predawn hours would have largest number of cars entering the site as employees came to work. The average number of EMT calls ranged 20-64 per month at other similar facilities. The proposed facility conformed to all setback requirements and met open space and minimum lot size requirements as well. The proposal contemplated use of excessive plantings, especially along the property lines to mitigate lighting from entering neighboring properties. Raised berming and screening would also be used. The square footage of various spaces throughout the facility, including service function and unit sizes was shared.

Commissioners questioned how the proposal fit in with development requirements of the site and R-7 zoning so that the use was appropriate as well as how the project was compatible and incompatible with the surrounding area. Concern was expressed because it seemed that the applicant had been asked to design something that applied to zoning that currently did not apply to the property. M. Pinkerton explained previous proposals included building heights taller than those proposed with more cars and additional screening, berming and buffering efforts than in prior proposals before the Commission. Softer lighting would be used on the building and the occupants would most likely be quieter than found in other prior proposals. I. Wallace noted this type of facility acted as a buffer between residential and commercial properties and was often located in transitional zoning areas. M. Pinkerton met with approximately 13 people comprised of area realtors, property owners, city representatives, and neighboring residents to discuss the proposal prior to this meeting. This was only a conceptual plan designed to gather feedback at this point in the process. He requested suggestions and additional feedback on the proposal. Suggestions included minimizing parking, lighting and landscaping impacts, a comparison of parking requirements and demands relative to other facilities of various sizes and locations, implementation of additional elements in the green space area, depicting appropriate information through graphs, creation of a list showing compatibility with the surrounding area, site plans of other developments with adjacent similar uses, and the rationale for the number of units demonstrated in a market study. Discussion ensued regarding the preferred method of parking and entrance to the site. I. Wallace explained an existing drive aisle serviced the

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retention pond that would be paved for service vehicles. The north side of the site included topography issues with a drop-off of 90 feet.

D. Simon expressed concern regarding the process in this matter. M. DeYoe explained the process relative to the review of the settlement agreement for this property. It was the right of applicant to move a project forward with a request for a public hearing. By law, the Commission was obligated to provide a public hearing. A public hearing did not approve anything, it was simply an opportunity for the applicant to understand whether a project would be received favorably or unfavorably based on the information heard at the meeting. R. Dupler clarified the settlement agreement was a separate issue that would be dealt with by the Common Council; however, the applicants were not involved in that issue. This proposal was being considered because the Common Council had requested the Commission vet the proposal through analysis simultaneous to the analysis of the settlement agreement issues. A request for additional information by the Commission could be provided at the time of the public hearing and could include a market analysis.

T. AICHER MOVED TO SCHEDULE A PUBLIC HEARING FOR A DEVELOPMENT CONCEPT FOR AN ELDERLY HOUSING DEVELOPMENT AT THE VILLAGE SQUARE FOR DELC 0733.998.003, LOT 3, VILLAGE SQUARE, DELAFIELD. OWNER: UNITED PROPERTIES/DELAFIELD INVESTMENT, LLC. APPLICANT: HERITAGE/MSP REAL ESTATE, INC. FOR MARCH 25, 2015 AND THAT ALL REQUESTED ITEMS BE PROVIDED TO THE CITY PLANNER ON OR BEFORE MARCH 4, 2015. J. REIHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH K. ATWELL AND D. SIMON VOTING NAY.

6. Zoning and Ordinance Revision – None.

7. Reports of City Officials:

a. Clerk

1. Plan Commission Meeting Dates & Deadlines

a. March 25 (Meeting); March 11 (Reg. Deadline); March 4 (PH Deadline)

b. Planner - No report.

c. Building Inspector

S. Hussinger stated the total number of permits to date was 38 with two residential permits and one commercial occupancy permit this month.

8. ADJOURNMENT

K. ATTWELL MOVED TO ADJOURN THE WEDNESDAY, FEBRUARY 25, 2015 PLAN COMMISSION MEETING AT 8:48 P.M. D. JASHINSKY SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes Prepared By:

Accurate Business Communications, Inc.