

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Call to Order

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

Present

Michele DeYoe, Mayor

Tim Aicher, Ald.

Wayne Dehn

Dan Jashinsky

Meghan Johnson

Jim Reiher

David Simon

Roger Dupler, Planner

Scott Hussinger, Building Inspector

Absent

Kent Attwell

R. Dupler explained the 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. previously slated for this meeting had been removed from the agenda at the request of the applicant until legal issues with the Settlement Agreement governing the site were resolved .

PUBLIC HEARING:

Amended Conditional Use

TAX KEY/ADDRESS:

DELC 0743.999.001, 20 Nashotah Road, Delafield, WI

OWNER/APPLICANT:

Theodore Wiesendanger and Barbara Fabus.

MATTER:

Applicant seeks consideration to amend the boundary of an existing Conditional Use Permit for a commercial kennel to reflect a modified property boundary on 6.31 acres.

M. DeYoe opened the Public Hearing at 7:01 P.M.

Tim Neubert, 40 Nashotah Road, explained he owned the lot directly adjacent to the kennel operation. He approved of the proposed business plan of operation amendment and boundary change. He discussed concerns with his neighbors and appreciated their willingness to listen. He remained concerned about the provision regarding the maximum number of dogs related to the puppy classification referenced in Item 5b also relating to this property. While he knew the current owners were passionate business owners, any future owners could potentially operate a “puppy mill” unless the puppy classification was taken into consideration and all dogs were counted.

Ted Wiesendanger, owner of the kennel operation, noted the kennel had been in existence for 22 years without any problems or complaints due to its careful operation. It was a small boarding facility with specialized care offered for pets. The modification to the existing conditional use permit made sense because initially the people that wrote the original application had never realized the use of the second lot. After discussions with T. Neubert, he was comfortable with fewer number of dogs included in the business plan of operation and conditional use permit. The original purpose of the operation was based in hobby activities that included breeding, showing and training golden retrievers with little emphasis on selling as his occupation was as a trainer, handler, and AKC Judge. While he understood the concern about the “puppy mill” being possible on the land, it was important to note it would be illegal and controlled by the US Department of Agriculture. He

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requested language be allowed in the conditional use permit to be able to sell the property to another breeder and show person as listed in the permit.

Hearing no further comments, M. DeYoe closed the Public Hearing at 7:08 P.M.

1. Approve Plan Commission meeting minutes of February 25, 2015 meeting.

T. Aicher requested a change to the February 25, 2015 Plan Commission meeting minutes on Page 1, Citizen's Comments, add Paragraph 3, stating "M. DeYoe requested B. Restock temper his comments directed toward City Staff at this time as they were inappropriate."

T. AICHER MOVED TO APPROVE THE FEBRUARY 25, 2015 PLAN COMMISSION MEETING MINUTES AS AMENDED. D. JASHINSKY 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.

There was no one wishing to speak and no objections from the Commission, therefore, M. DeYoe stated Citizen's Comments were closed.

3. Consent Agenda

- a. **DELC 0804.994.019, 2728 Hillside Drive, Delafield. Owner: Hillside Terrace Shopping Center, LLC. Applicant: Mark Davis.** Applicant seeks approval of a Business Plan of Operation and a permanent sign for a chiropractic office named Chiropractic First of Delafield. Hours of Operation are Monday through Friday, 7 a.m. until 7 p.m., and Saturday, 7 a.m. until 3 p.m. The office is closed on Sunday. There will be two full time and one part time employees.
- b. **DELC 0794.013, 24 Enterprise Dr., Delafield. Owner: Richard Goldberg. Applicant: Jeremy Simonson.** Applicant seeks approval of a Business Plan of Operation for a Hobby Garage named Evolved Motorsports LLC. Hours of Operation are Monday through Friday, 8 a.m. to 8 p.m., Saturday and Sunday, 8 a.m. to 8 p.m., with one full-time employee.

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

4. Unfinished Business - None

5. New Business

- a. **DELC 0743.999.001, 20 Nashotah Road, Delafield. Owner/Applicant: Theodore Wiesendanger and Barbara Fabus.** Applicant seeks consideration to amend the boundary of an existing Conditional Use Permit for a commercial kennel to reflect a modified property boundary on 6.31 acres and recommendation to the Common Council of the same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Amended Conditional Use The kennel operation was approved in 1975 for a 12.57acre parcel on Nashotah Road. It is located directly south of St. Joan of Arc Church and School. At the time of the approval it was understood that the property would be split into two separate parcels; each lot would be allowed to operate a separate kennel. The lot was split by CSM later that year and a Business Plan of Operation was approved for Chalet Hills Kennel on Lot 1. A kennel operation was never realized on Lot 2, nor was Lot 2 ever used by Chalet Hills Kennel. At this time the owner of Lot 2 wishes to remove the limiting governance of the Conditional Use Permit form Lot 2. The

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owners of Lot 1, Mr. and Mrs. Weisendanger, consent to this action, provided there will be no change to the legal operation of their kennel on Lot 1. The bounds of the Conditional Use Permit will be unique to the Weisendanger parcel; legal description: Lot 1 of CSM 2386. **Recommendation: Approval.**

Items 5a and 5b were discussed concurrently.

T. Aicher suggested consideration be given to the making puppies exempt from the total number of dogs on premises. Discussion ensued. Clarification was provided noting a new owner would be required to request a new conditional use permit for the property and limitations could be placed at that time if the intent was to expand the breeding portion of an operation. Barbara Fabus, owner of the kennel, explained there was nothing in the current business plan of operation to expand the breeding aspect of the business. There was legislation through the US Department of Agriculture (USDA) related to "puppy mills" that did not pertain to dog owners or groomers, but would pertain to a business that sold more than 25 dogs a year out of more than three litters of pups. A USDA license would be required for a breeder of this type and inspections would take place to handle any concerns.

D. JASHINSKY MOVED TO APPROVE AN AMENDMENT TO THE BOUNDARY OF AN EXISTING CONDITIONAL USE PERMIT FOR A COMMERCIAL KENNEL TO REFLECT A MODIFIED PROPERTY BOUNDARY ON 6.31 ACRES FOR DELC 0743.999.001, 20 NASHOTAH ROAD, DELAFIELD, OWNER/APPLICANT: THEODORE WIESENDANGER AND BARBARA FABUS AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. M. JOHNSON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **DELC 0743.999.001, 20 Nashotah Road, Nashotah. Owner/Applicant: Theodore Wiesendanger and Barbara Fabus.** Applicant seeks approval of an Amended Business Plan of Operation to change the business name from Chalet Hills Kennel to Hickory Hill Bed & Biscuit, and to amend the use of the property allowing for a change from a maximum of 50 (fifty) dogs to 30 (thirty) dogs.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Amended Business Plan of Operation
*The current Chalet Hills Kennel BPO allows for a maximum of 50 dogs to be kenneled. A building designed to house 50 dogs was approved and built following the initial CU approval in 1975. The Weisendangers use this building for their operation but have never fully utilized the maximum capacity. At this time they have graciously agreed to decrease the capacity of their operation by decreasing the maximum number of dogs to 30. It should be understood that this number will not apply to puppies less than three months old. In addition to curtailing the number of allowable dogs they also wish to amend the BPO to reflect their current business name. A description of their operation is included in the Plan Commission packet. **Recommendation: Approval.***

T. AICHER MOVED TO APPROVE AN AMENDED BUSINESS PLAN OF OPERATION TO CHANGE THE BUSINESS NAME FROM CHALET HILLS KENNEL TO HICKORY HILL BED & BISCUIT, AND TO AMEND THE USE OF THE PROPERTY ALLOWING FOR A CHANGE FROM A MAXIMUM OF 50 (FIFTY) DOGS TO 30 (THIRTY) DOGS FOR DELC 0743.999.001, 20 NASHOTAH ROAD, NASHOTAH, OWNER/APPLICANT: THEODORE WIESENDANGER AND BARBARA FABUS. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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6. Zoning and Ordinance Revision – None.

R. Dupler distributed a Supplemental Staff Report regarding suggested items for discussion pertaining to the Zoning Text Amendment and Codification process currently underway. *(Clerk's note: This report is attached to the minutes)*

Discussion ensued regarding Act 80 zoning impacts due to setback requirement changes, and signage including the process of review, size of real estate signs and pictures on signage. Commissioners also discussed the number of accessory buildings permitted in residential districts. Public hearing requirements were shared. Additional discussion would take place at a future Commission meeting.

7. Reports of City Officials:

a. Clerk

1. Plan Commission Meeting Dates & Deadlines
 - a. April 29 (Meeting); April 15 (Reg. Deadline); April 1 (PH Deadline)

b. Planner - No report.

1. Letter from Attorney Hammes re: public hearings.
2. Ordinance codification discussion.

c. Building Inspector

S. Hussinger stated the total number of permits to date was 34 with one residential permit and three commercial occupancy permits this month.

8. ADJOURNMENT

There was no further business; therefore, the Wednesday March 25, 2015 Plan Commission meeting adjourned at 7:57 P.M.

Minutes Prepared By:

Accurate Business Communications, Inc.



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for All of Us®

March 24, 2015

PLAN COMMISSION STAFF REPORT - SUPPLIMENTAL

TO: Mr. Tom Hafner, City Administrator
FROM: Roger T. Dupler, City Planner
RE: March 25, 2015 Plan Commission Agenda Items
CC: City of Delafield – Plan Commission

Zoning Text Amendment and Codification

The following recommendations are offered for Plan Commission consideration and feedback prior to scheduling a public hearing on April 29, 2015. These items are preliminarily identified for text amendment and may affect City policy and procedure.

ACT 80

Recent State legislative action requires the City to amend the existing Shoreland Zoning code. Highlights of the code change include:

1. A setback of at least 50' from any Ordinary High Watermark (OHWM). There are nine city zoning districts adjacent to State Waters.
 - C-1 does not contain any setback from the water
 - A-1 does not contain any setback from the water
 - RL-1 allows 60' from shore lot line. (shore lot line is not defined)
 - RL-1A allows 55' from shore lot line. (shore lot line is not defined)
 - RL-2 conforms to 50' from ordinary high water mark
 - R-3 does not contain any setback from the water
 - R5a-1 allows 60' from shore lot line. (shore lot line is not defined)
 - CBD-1 does not contain any setback from the water
 - B-1 does not contain any setback from the waterImplementation of the new setbacks will render some buildings in near proximity to the river or lake legal nonconforming, however the buildings in the business districts are already nonconforming due to their placement in the floodplain. Lake Residential properties already have a restriction of 50' or greater in place.

2. A principal building may encroach into the 50' setback if the adjacent lots exhibit principal buildings that already encroach into the setback, in this case the average

setback of the two neighboring buildings may be implemented, however any new building may not be closer than 35' to the Ordinary High Water Mark.

3. A native vegetation buffer zone must be maintained for a depth of 35' from the OHWM. Invasive species and dead trees may be extracted.
4. A lake viewing corridor of 30' may be maintained through the native buffer.
5. Boundaries of the mandatory Shoreland district, within 1000' of the lake, or 300' of the river, are not applicable in the City since all properties adjacent to the Waters of the State were annexed prior to May 7, 1982. There are no areas outside of the current City limits available for annexation that would fall under this jurisdiction.

SIGNS

17.65(3) Sign Permit Required

.... a sign permit may be issued by Staff. Appeals of Staff decisions must go before the Plan Commission.

17.66(2) Real Estate Signs

Real estate signs in A-1 or A-1E may not exceed 32 sq. ft.

17.66(7) Subdivision Entrance

..... signs not to exceed 20 sq. ft. in area or 8' in height

17.67(4)(b)4 Expressway District

.... in no event shall a ground sign exceed 20' above the elevation of the centerline of the traveled lane.

17.69(2) Projecting Signs

.... and be less than 8' above the sidewalk nor 15' above a driveway.

17.69(3) Ground Signs

....shall not exceed 20' in height...

17.70(3) Signs which convey changing noncommercial information such as time or temperature by words, letters or pictures represented by lights of uniform color on a uniform background where the words, letters or pictures are not in motion are permitted. Such signs may not include changing advertisement for products or services or other messages of commercial nature. The rate of change for any message, excepting time and temperature, may not be less than thirty minutes.

TABLE 1

All dimensions identified in the setback columns are incorrectly identified as inches rather than feet.

ACCESSORY BUILDINGS

17.38(10) Currently there is no limit to the number of accessory buildings permitted in residential districts, only size limitations. The City may wish to establish limits to the number of structures:

TABLE INSERT

<u>Lot Size</u>	<u>Number of Structures</u>	<u>Structure size</u>
Under 3 acres	1 plus private garage	800 sf.
3 to 5 acres	1 plus private garage	1,500 sf.
5 to 10 acres	2 plus private garage	2,000 sf.
Over 10 acres	No limit	No limit