

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Call to Order

Mayor DeYoe called the Wednesday, June 29, 2016 Plan Commission meeting to order at 7:00PM.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call for the Wednesday, June 29, 2016 Plan Commission meeting:

Present

Absent

Michele DeYoe, Mayor

Tim Aicher, Ald.

Wayne Dehn

Dave Greenway

Dan Jashinsky

Jeff Miller

Jim Reiher

David Simon

Mike Court, City Planner

Brian Depies, Assistant City Planner

Scott Hussinger, Building Inspector

PUBLIC HEARING #1:

Conditional Use Amendment – Site Plan and Architecture

LOCATION:

DELC 0798.977.001 333 North Lapham Peak Road, Delafield.

OWNER/APPLICANT:

AMERICAN LEGION POST 196

MATTER:

Applicant seeks to amend the conditional use permit to allow for a modified site plan and building addition architecture. This public hearing was continued from the May 25, 2016 Plan Commission meeting.

DeYoe reconvened the Public Hearing at 7:03PM.

David Hoffman, Architectural Expressions, 711 Main Street, explained that since the last Commission meeting updated plans had been provided to the City including moving the addition to the north and west as shown in the epacket. The preliminary architectural drawings also included an arched roof, changes to color, style and options for the vestibule area. A conditional use with modifications was submitted as well.

Gene Kovacs, 463 North Lapham Peak Road, questioned whether a detailed business plan of operations would be submitted to the Commission that would describe the operations in the expansion areas. He was not opposed or concerned about the architectural changes. DeYoe explained this information would be covered in Item 4a.

DeYoe read a letter of support for the project from **Tom Hennig, 318 North Lapham Peak Road**, into the record. *(This letter is attached to the minutes.)* DeYoe closed the Public Hearing at 7:05PM.

PUBLIC HEARING #2:

Conditional Use Planned Development – General Development Plan

LOCATION:

DELC 0742.982, DELC 0743.999.005, DELC 0743.999.006, 345 Nashotah Road, Nashotah.

OWNER/APPLICANT:

WILLIAM and BARBARA KNOFF

MATTER:

OGDEN & COMPANY INVESTMENT PARTNERS, LLC

Applicant seeks approval of a General Development Plan for a Planned Development Conditional Use of 135.13 acres in the northwest ¼ and southwest ¼ of Section 6 containing 43 residential lots.

DeYoe opened the Public Hearing at 7:05PM.

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

AICHER MOVED TO CONTINUE PUBLIC HEARING #2 TO THE JULY 27, 2016 PLAN COMMISSION MEETING TO ALLOW RESOLUTION OF ZONING ISSUES FOR THIS MATTER AS REFERENCED IN THE STAFF REPORT IN THE EPACKET FOR THIS MEETING. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

DeYoe closed the Public Hearing at 7:06PM.

1. Approve Plan Commission meeting minutes of May 25, 2016 meeting.

Hearing no objections, the May 25, 2016 Plan Commission meeting minutes were approved.

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

There were no objections; therefore, Citizen's Comments were closed.

3. Consent Agenda

- a. **DELC 0804.999.004, 3131 Golf Road, Delafield. Owner: Ramco-Gershenson Properties LP. Applicant: Naegele Awning Company.** Applicant seeks approval of permanent signage for Orange Theory Fitness in the Nagawaukee Shopping Center.
- b. **DELC 0804.999.004, 3131 Golf Road, Delafield. Owner: Ramco-Gershenson Properties LP. Applicant: Orange Theory Fitness.** Applicant seeks approval of a Temporary Business Plan of Operation for Orange Theory Fitness in the Nagawaukee Shopping Center to accommodate short-term use of a vacant space before their permanent space is ready for occupancy.
- c. **DELC 0804.982, 2900 Golf Road, Delafield. Owner: Ramco Delafield II LLC. Applicant: Du Xuan Mai and Phuc Van Nguyen.** Applicant seeks approval of an amended Business Plan of Operation as to the owner for Nail Arts in the Shoppes at Nagawaukee.
- d. **DELC 0804.994.017, 2820 Heritage Drive, Delafield. Owner: Heritage Hillside LLC. Applicant: Hassleless Mattress.** Applicant seeks approval of a Business Plan of Operation for a self-serve bedding retailer. Hours of Operation are all days 6:00 A.M. to 10:00 P.M. with no employees on site.

Hearing no objections, the Consent Agenda was approved as presented.

4. Unfinished Business

- a. **DELC 0798.977.001, 333 North Lapham Peak Road, Delafield. Owner: American Legion Post 196. Applicant: Architectural Expressions.** Applicant seeks to amend the Conditional Use permit to allow for a modified site plan and building addition architecture. Recommend to the Common Council of the same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Amended Conditional Use Site Plan and Architecture - The American Legion Post public hearing was continued on from last month to allow for modified site plan and building addition architecture. The Legion proposes to construct two additions to the existing structure. The first phase would include an 11' wide by 25.5' deep addition to the north side of the structure to house a walk-in cooler and storage area. The second phase would include a 42' x 42' addition which would include a large banquet hall for weddings and other public rentals for larger venues. Based on plans submitted, improvements would also be made to the enclosed entrance area on the western side of the building that would also be a part of the second phase. The Legion is operating under a historic conditional use permit that affords flexibility in operational issues. The proposed size and Floor

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Area Ratio of the additions are within the district regulations. If the additions moved forward, the parking lot design will need to be modified to accommodate seven more parking spaces to satisfy the parking ratio requirements. The proposed architectural presentation is designed as a military surplus Quonset hut in appearance. The unconventional style has drawbacks that should be considered. The Building Inspector has expressed concern for satisfying the regulations of the commercial building code with this type of design. The building is located within the R-3 Residential District and Quonset hut designs would not be compatible with residential architecture. In addition to this, the Legion Post may wish to consider an adaptive re-use of the building in the event it was sold. The Quonset style may not be attractive to future users. The American Legion has a Conditional Use for their operation in the R-3 residential district as allowed by 17.46(7); however there is no current record of the permit. At this time staff recommends that the CUP be updated to the latest format and reapproved accordingly.

Recommendation: As indicated at the last meeting, the Plan Commission should share with the petitioner direction for modifying their proposed architecture and site plan contingent upon public hearing input and direct staff to draft a new conditional use permit. A re-submittal of building plans, site plan, and conditional use permit may be considered on a future agenda. A motion to approve, approve with conditions, or deny should reference the Conditional Use criteria per ordinance.

Court noted construction would take place in two phases. The first phase of construction would include the addition of the cooler and storage area on the north side of the current building. The second phase was the larger addition of the banquet hall that would be constructed at a later date. The historical conditional use had been amended with this application and should be reviewed to allow consistency. The Legion Post was interested in proceeding as soon as possible with the construction. It was important to note that the Post was surrounded by R-3 zoning. Parking and landscaping should be included in the conditional use permit as well. If the proposal was approved by the Commission it should be referred back to Staff to finalize the conditional use permit documentation prior to Common Council approval.

Julie Roberts. 701 Browning Circle, Oconomowoc, Wisconsin and Member of the Delafield Legion Ladies Auxiliary Unit 196, explained the north end of the current building would be expanded to include a storage unit. Doors would be constructed on the east side of the building to allow access for deliveries. The westerly side of the building would include the vestibule and patio slab with enhanced landscaping around it. In the second phase, the westerly end of the building would be expanded to include a banquet structure with a wall of windows. The last submission had included airplane hangar style doors. This application had removed those doors. The southerly end of the banquet hall would also have a garden patio that would allow visitors to view the nearby park. Parking would be on the northerly side of the building. Color changes were made and incorporated into the proposed plans with a cream color that matched the existing cream color on the building. The dark band shown in renderings would be stone. The roof would be painted a coppery green color.

Simon liked the design and noted there was no neighborhood objection to the proposal. Discussion ensued regarding the best way to move forward with the proposal to allow the Delafield Legion Post to secure funding prior to construction of Phase Two. DeYoe noted that the Post was located in a residential district and future activities should take the location into consideration. Specific information related to operational restrictions would be reviewed in the business plan of operations with the plans for Phase Two. Hussinger noted Phase Two could accommodate 140 people and required additional parking. Hoffmann explained seven additional parking spaces would result and it was understood that a gravel parking area would suffice. He further explained the Legion Post needed to secure approvals of both phases prior to seeking grant funding for Phase Two. Construction of Phase One was planned before winter

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

of this year. City Staff had recommended that the approval of the phased construction be given at one time and a building permit secured at the time of construction for each phase. Hussinger noted the conditional use permit should address both phases of construction at this time so that all issues could be resolved making the approval process easier and clearly planned for the future. Discussion ensued regarding the conditional use approval process relative to moving the matter forward at this time.

AICHER MOVED TO APPROVE CONSTRUCTION OF PHASE ONE FOR DELC 0798.977.001, 333 NORTH LAPHAM PEAK ROAD, DELAFIELD. OWNER: AMERICAN LEGION POST 196. APPLICANT: ARCHITECTURAL EXPRESSIONS, CONTINGENT UPON WORKING TOWARD RESOLUTION OF CONDITIONAL USE DETAILS FOR BOTH PHASES. DISCUSSION ENSUED REGARDING LINKING THE OCCUPANCY OF PHASE ONE CONSTRUCTION TO THE OCCUPANCY PERMIT FOR PHASE TWO CONSTRUCTION. THIS WAS NOT A DESIRED PROCESS. MOTION FAILED FOR LACK OF A SECOND.

AICHER MOVED TO APPROVE THE SITE PLAN/ CONSTRUCTION FOR PHASE ONE INCLUDING THE WALK-IN COOLER AS PRESENTED. GREENWAY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

5. New Business

- a. **DELC 0742.982, DELC 0743.999.005, DELC 0743.999.006, 345 Nashotah Road, Nashotah. Owner: William and Barbara Knoff. Applicant: Ogden & Company Investment Partners, LLC.** Applicant seeks approval of a General Development Plan for a residential subdivision Planned Development consisting of 43 residential lots, and recommend to the Common Council of the same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: General Development Plan for a residential Planned Development Conditional Use - Ogden and Company Investment Partners LLC, as developer, has submitted materials for Conditional Use Public Hearing/Permit for Planned Developments General Development Plan (GDP) of the Knoff properties. This is a proposed 43 lot residential subdivision named Trails of Delafield. Date of submittal was June 1, 2016. Normally and per ordinance 17.76(3)a, the required submittal time for a GDP is 60 days prior to a scheduled public hearing. Along with some concerns based on staff review, we recommend to continue the Public Hearing to the July meeting. Staff plans to work through our concerns with the developer and have a full review at the next meeting. **Recommendation: Continue the Public Hearing to the July Plan Commission meeting.**

This item was moved to the July 27, 2016 Plan Commission agenda.

- b. **DELC 0803.999, 101 HWY 83, Delafield. Owner: GGB Investments LP. Applicant: Seidl's Services LLC.** Applicant seeks approval of an architectural material and color change to the Hardee's Restaurant.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Architectural Material / Color Change: - The applicant is applying for permits to install a standing seam metal roof over the existing shingles on the mansard section of the Hardee's. The applicants have indicated the color will be the Hardee's standard Red Regal and have provided a photo of a similar roof installation for review. The property is located in a highly visible location from I-94 westbound, STH 83 and other major roadways within the area. Businesses within the area include the BMO Bank Center complex to the north, which contains shingled roofing and the McDonald's to the

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

west which contains a flat roofline. The mansard section of the Hardee's building proposed to be covered by the regal red metal roof is large in both height and size which can detract from other natural tone colors within the vicinity. While standing seam metal roofs have been used in other portions of the City, they generally appear in deeper color schemes and are more harmonious in nature with the existing or proposed structure and surrounding buildings. **Recommendation: Denial of the roof as proposed. When reviewing the proposal in light of the provisions set forth in the Site Plan / Certificate of Approval, staff does not believe the proposed red regal color scheme is suitable or compatible with the character of the neighboring buildings and structures and the character of the neighborhood. A motion to deny should reference the Site Plan / Certificate of Approval criteria set forth herein.**

Scott Mathey, Seidl's representative, explained Hardee's required a change from the existing roof to a red metal roof. The roof was part of a remodeling plan that typically occurred every five to six years. Other Hardee's restaurants in Illinois and one restaurant in Eau Claire, Wisconsin, had already approved the red metal roof. Discussion ensued with Commissioners noting distaste for the chosen color and a corporate color scheme that constituted signage through its branding. Justification of need for this roof color had not been provided.

SIMON MOVED TO DENY THE APPLICATION FOR AN ARCHITECTURAL MATERIAL AND COLOR CHANGE TO THE HARDEE'S RESTAURANT DELC 0803.999, 101 HWY 83, DELAFIELD. OWNER: GGB INVESTMENTS LP. APPLICANT: SEIDL'S SERVICES LLC AS PRESENTED DUE TO INCONSISTENCIES WITH CITY STANDARDS AND INCOMPATIBILITY WITH SURROUNDING BUSINESSES. DEHN SECONDED THE MOTION. SIMON CLARIFIED THE OBJECTION WAS TO THE COLOR, NOT MATERIAL, IN THIS MATTER. REIHER NOTED THE APPLICANT COULD RETURN IN THE FUTURE WITH A REQUEST FOR DIFFERENT ROOF COLOR. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. **DELC 0798.098 and DELC 0798.099.001, 737 Division Street, Delafield. Owner/Applicant: Behrend Property, LLC.** Applicant seeks approval of a Certified Survey Map to reshape two parcels into three residential lots.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: *Certified Survey Map - Behrend Property, LLC is proposing to recreate three lots by certified survey map. See the CSM review included within the packet. Recommendation: Approval subject to addressing items raised in the CSM review letter.*

The applicant was not present at the time of consideration on the agenda. This item was postponed until the applicant could be present. No action was taken.

- d. **DELC 0788.015, 1331 Milwaukee Street, Delafield. Owner: Matthew Brewer. Applicant: Thomas Fence and Deck Co.** Applicant seeks an exception to allow a privacy fence up to 6' in height and within side and front building setback areas.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: *Privacy Fence - The Thomas Fence & Deck Company is proposing to replace fencing for Mr. Brewer along the western lot line. The applicant is requesting a 4' high fence from the garage to the residence and from the edge of the patio to the boathouse. The applicant also proposes a 6' high privacy/patio fence for the length of the home and patio to allow for visual and audio privacy from the neighboring yard and child's play area. The fencing proposed is not located entirely within the rear yard, does not meet building setback lines, and will be located on the property line. Therefore an exception from the Plan Commission would be required to allow construction of proposed fencing.*

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Recommendation: Denial of the fence as proposed. The replacement and increased height of a fence on the property line does not meet the legislative purpose of fences, which indicates owners are encouraged to maintain lawns, trees, shrubs and flowers as to achieve desired lot definition and privacy and to avoid a division by artificial means, such as the use of solid fences. Staff feels proper landscaping, ornamental features, and fencing that do not require permit approval from Plan Commission would meet both the intent of the Ordinance and owner's privacy needs. A motion to deny should reference the legislative purpose criteria set forth herein.

William and Cindy Thomas, of Thomas Fence & Deck Company, were present. The Brewers requested consideration of construction of a fence along their property line to provide privacy from a neighboring property. The neighboring property was higher than the applicant's home. As a result, vehicle lights would shine into the main living space. A basketball court was also present in the same driveway area at the neighboring property. The current fence ran the length of the property line from the lake to the street. A picture of the property was distributed to Commissioners for clarity at this time. **(This photo is attached to the minutes.)** The existing fence would be removed. The proposed western red cedar picket fence would span only a portion of the property line as noted in the epacket for this meeting and would be constructed in its place. The adjoining property owner had indicated support for the project verbally. Once the fence was constructed both property owners would provide additional landscaping around and along the fence structure.

Discussion ensued regarding the proposed location of the fence and alternatives to fencing, such as natural landscaping. Hussinger recommended the fence be moved to three feet into the applicant's property line to avoid future issues with trespass to maintain the fence. It was suggested that the neighbors provide written consent for support of fence construction and location on the property line. This item could then be placed on a future agenda for consideration. No action was taken.

The applicant for Item 5c was present. DeYoe returned to Item 5c at this time.

5. New Business

- c. **DELC 0798.098 and DELC 0798.099.001, 737 Division Street, Delafield. Owner/Applicant: Behrend Property, LLC.** Applicant seeks approval of a Certified Survey Map to reshape two parcels into three residential lots.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Certified Survey Map - Behrend Property, LLC is proposing to recreate three lots by certified survey map. See the CSM review included within the packet. Recommendation: Approval subject to addressing items raised in the CSM review letter.

Jim Behrend, owner-737 Division Street, was present. He explained the history of the lot purchase and attempts to split the lots in a different manner. This request included three narrow equally sized lots that included appropriate setbacks from the existing house which would remain. He was aware the garage would need to be removed and this was not noted on the survey provided. A new garage would be constructed on the easterly side of the house if the request was approved. New sanitary sewer laterals would be provided for the two additional lots but would not be accessed through the alley.

DeYoe noted there were items in the letter from SEH, Inc. to the City Administrator, dated June 23, 2016, that still required resolution.

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

AICHER MOVED TO APPROVE A CERTIFIED SURVEY MAP TO RESHAPE TWO PARCELS INTO THREE RESIDENTIAL LOTS FOR DELC 0798.098 AND DELC 0798.099.001, 737 DIVISION STREET, DELAFIELD. OWNER/APPLICANT: BEHREND PROPERTY, LLC, CONTINGENT UPON RESOLUTION OF THE ITEMS LISTED IN THE LETTER , DATED JUNE 23, 2016, FROM SEH, INC. TO THE CITY ADMINISTRATOR AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. SIMON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. Zoning and Ordinance Revision – None.

7. Reports of City Officials:

a. Clerk

1. Plan Commission Meeting Dates & Deadlines
Meeting: July 27, 2016
Regular submittal deadline: July 13, 2016
Public Hearing submittal deadline: June 29, 2016

b. Planner

1. Update on proposed text amendments for 17.70(3) Electronic signs.

A public hearing for this item was slated for the July 27, 2016 Plan Commission meeting.

c. Building Inspector

The total number of permits to date was 34 with four residential occupancy permits and two commercial permits this month.

8. Correspondence

- a. Village of Summit – Correspondence regarding Master Land Use Plan Amendments.

9. Adjournment

There was no further business; therefore, the Wednesday, June 29, 2016, 2016 Plan Commission meeting adjourned at 8:15PM.

Minutes Prepared By:

Accurate Business Communications, Inc.

June 28, 2016

To City of Delafield Plan Commission members:

Please read this into 6-29-16 meeting minutes as I am out of town and unable to attend.

I am Tom Hennig

318 N Lapham Peak Rd

Delafield

A neighbor across the street

I was at the last meeting and expressed my concern as to which direction and how large the proposed addition was going to be. After learning at that meeting it is going to the North I was very pleased.

Last week I was at the Legion and was fortunate to have the artist rendering of the addition shown to me. I was quite pleased and thought it looked rather nice. I am also VERY pleased the natural cedar tree fence line will remain between my house and the Legion building.

I have no objection to their addition and wish them the best with their expansion.

Thank You

A handwritten signature in cursive script that reads "Tom Hennig". The signature is written in black ink and is positioned above the printed name.

Tom Hennig