

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Call to Order

Mayor DeYoe called the Wednesday, July 27, 2016 Plan Commission meeting to order at 7:00PM.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call for the Wednesday, July 27, 2016 Plan Commission meeting:

Present

Michele DeYoe, Mayor

Tim Aicher, Ald.

Wayne Dehn (arrived 7:02 P.M.)

Dave Greenway

Dan Jashinsky

Jim Reiher

David Simon

Mike Court, Planner

Scott Hussinger, Building Inspector

Absent

Jeff Miller

PUBLIC HEARING #1:

Zoning Amendment, Conditional Use Planned Development – General Development Plan

LOCATION:

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

MATTER:

Applicant seeks approval of a rezoning of the following described property from A-1 Zoning District to the RE-2 Zoning District for 135.13 acres, more or less, located in the northwest ¼ and southwest ¼ of Section 6, which land is proposed to be divided by plat so as to create 43 residential lots. This request will be discussed in conjunction with the Conditional Use Planned Development General Development plan public hearing held open from the June 29, 2016, Plan Commission meeting.

DeYoe opened the Public Hearing at 7:02PM.

Tony Zannon, Jahnke & Jahnke, and Peter Ogden-Ogden Family Development, provided a presentation on the proposed development located at 345 Nashotah Road. Zoning changes were requested to allow for a 1.4 acre minimum lot size that would allow clustering residential acreage. Zannon met with the Park & Recreation Commission as well as other staff to gather feedback prior to this meeting. At this time, the proposed development included a 43 lot development that included lots 0.9 acres in size to slightly more than 1.0 acre. Parkland was being proposed on the south side of the roadway and would be visible at the corner of Mission and Nashotah roads. The Knoff's wished to retain their 10.8 acre property as a residence and business. The conditional use criteria called for preserving natural features. Wetland areas were delineated by outlots on the northern side of the development that included 44 acres of isolated natural resource wetland floodplain. The character of the proposed development would include values comparable to other homes in that area. There was adequate street capacity for the sewers to support this development as well as potential future development in the northwest corner of the City. Stormwater would be handled with ditch structures and swales would be provided for the southern portion of the development to take it to the pond in that area. No offsite drainage would be impacted. With regard to road locations, there were various cul de sacs in place to allow the clustering to occur and would also have two road crossings with one located just west of the current St. Joan of Arc church entrance. Road speeds were noted as 30 mph in the westerly direction and 35 to the east with sight distances of 480 feet and 800 feet respectively. Lower speed limits throughout the development

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area were preferred. Zannon noted that the request included a rezoning of the land and consideration of the General Development Plan (GDP) in addition to a reduced road section to allow less pavement and alleviate stormwater issues, excessive cul de sac length in order to allow appropriate emergency access through gated entrance structures and a trail system throughout the development that would include 10 foot trails with 15 foot wide emergency access paths. The proposed trail system would be in lieu of the sidewalks throughout the development. After meeting with the Park & Recreation Commission and review of the City's Parks Master Plan it was noted that a public trail would match up the southerly neighborhood development by traversing the parkland, cross the street along the westerly side of the development and go easterly to connect to the existing City trail system. An informational kiosk would be provided at the park with a map of the City's trail system. Subdivision signage would be posted at two entrance points with mailboxes near the subdivision signage.

Jim Hoover, Trustee for St. Joan of Arc Parish, Nashotah, WI., welcomed the development requested. The parish had grown accustomed to open spaces. Directly across from the sanctuary were proposed Lots 37 and 38. The parish requested addition of two berms on those lots to provide a sound break. In addition, the existing street was heavily used by pedestrians, walkers, bikers, etc., and with the addition of the subdivision use of the roadway would likely increase. A closer access point was requested to allow children to cross the street safely. Consideration of lower speed limits on the roadway with a school zone designation was also requested.

DeYoe closed Public Hearing #1 at 7:19PM.

PUBLIC HEARING #2:

Zoning Text Amendments

APPLICANT:

CITY OF DELAFIELD, WI.

MATTER:

The City seeks to amend Section 17.30(1) Design Guidelines for Special Design Review Districts to prohibit electronic messaging in the Downtown Delafield Design District, Section 17.67 Signs Permitted in All Business and Industrial Districts to set guidelines for electronic messaging along STH 83, USH 16, and I-94, and Section 17.70 Exterior Lighting and Illumination of Signs to define the light intensity of electronic messages.

DeYoe opened the Public Hearing at 7:20PM.

No one wished to speak at this time. This public hearing would be kept open until the August 31, 2016, Plan Commission meeting.

PUBLIC HEARING #3:

Conditional Use Amendment

LOCATION:

DELC 0790.999.001, DELC 0790.999.002, and DELC 0790.999.003, W277, W345, and W367 Oakwood Road, Delafield.

OWNER/ APPLICANT:

ROGERS MEMORIAL HOSPITAL INCORPORATED

MATTER:

Applicant seeks to amend the existing conditional use permit to allow for a therapy building, garage/storage building, gazebo and dumpster enclosures for 9.55 acres, more or less, located in the northwest ¼ of the northwest ¼ of Section 18.

After Public Notice, the applicant requested this item be held over for the August Plan Commission meeting. The public hearing will be continued to the August meeting for public comment.

DeYoe opened the Public Hearing at 7:21PM.

No one wished to speak at this time. This public hearing would be kept open until the August 31, 2016 Plan Commission meeting.

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Presentation by Joey Self for an Eagle Scout Project at Lake Country School

Joey Self, Troop 224 – Hartland, Wisconsin, was present. He had submitted paperwork for construction of a shed at Lake Country School as part of his Eagle Scout project. The proposed shed would be located west of the actual track field and would be disguised from road view by 25 foot pines in that area. He planned to complete the project between August 10 and August 13, 2016. Once Commission approval was granted, the materials would be purchased to begin construction of the shed.

Aicher thanked Self for his contribution to the City and the school.

Without objection from the Commission, DeYoe moved to Item 5d at this time.

5. New Business

- d. **DELIC 0737.995.001 Lake Country School.** Applicant, Joey Self, seeks approval of a Site Plan and Appearance Review. He is proposing a track storage shed at the Lake Country School. This is an Eagle Scout Project.

DEYOE MOVED TO APPROVE A SITE PLAN AND APPEARANCE REVIEW FOR A TRACK STORAGE SHED FOR DELIC 0737.995.001 LAKE COUNTRY SCHOOL. APPLICANT, JOEY SELF AS PRESENTED. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

1. Approve Plan Commission meeting minutes of June 29, 2016 meeting.

Hearing no objections, the June 29, 2016 Plan Commission meeting minutes were approved.

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

Carol Reise-Schouten, Vice President of the Friends of the Delafield Library, explained the Friends of the Delafield Library group requested consideration of an additional sign on the Chamber of Commerce sign. The group supported the library through volunteering, funding donations and in kind services for many programs. Many people were unaware of the group and knowledge of the group would benefit sales for support of the library. Sign proofs had been provided to the Commission in advance of the meeting.

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

3. Consent Agenda

- a. **DELIC 0794.017.021, 252 Enterprise Road, Delafield. Owner: Gregg & Susan Achtenhagen Living Trust.** Owner seeks approval of personal storage in the StorageShop USA-Delafield development.
- b. **DELIC 0793.020.003, 524 Milwaukee Street, Delafield. Owner: Hendricks Commercial Properties, LLC. Applicant: Envoy Mortgage, LTD.** Applicant seeks approval of a Business Plan of Operation for a mortgage company.
- c. **DELIC 0794.017.005, DELIC 0794.017.006, 220 & 222 Enterprise Road, Delafield. Owner: TMS Investments, LLC. Applicant: Hellenbrand Glass, LLC.** Applicant seeks approval of a Business Plan of Operation to conduct wood window repair, restoration and storage.

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- d. **DELC 0787.081, 615 Milwaukee Street, Delafield. Owner: Thomas & Marlene Kelley Trust. Applicant: Evolve Chiropractic & Sports Rehab.** Applicant seeks approval of a Business Plan of Operation for a chiropractic and sports rehabilitation business.
- e. **DELC 0804.982, 2910 Golf Road, Delafield. Owner: Ramco-Gershenson Properties, LP. Applicant: Pet Stuff Wisconsin, LLC d/b/a Bentley's Pet Stuff.** Applicant seeks approval of a Business Plan of Operation to conduct retail sales of natural, healthy pet food and supplies.
- f. **DELC 0804.999.004, 3207 Golf Road, Delafield. Owner: Ramco-Gershenson Inc. Applicant: Innovative Signs.** Applicant seeks approval of signage for Bath & Body Works in the Nagawauke Shopping Center.
- g. **DELC 0793.054.001, 403 Genesee Street, Delafield. Owner: Jaminos LLC (Dr. Michelle Riegleman).** Owner seeks approval of colors to repaint the business in accordance with Downtown Delafield District guidelines.
- h. **DELC 0794.014, 78 Enterprise Road Unit C, Delafield. Owner: Owner: RG Cushing Park LLC. Applicant: Dare Ecosystems Management, LLC.** Applicant seeks approval of a Business Plan of Operation to run an ecological management and ecological restoration company from the existing building.
- i. **DELC 0733.994.001, 31385 W. Hill Road, Delafield. Owner: Divine Redeemer Lutheran Church. Applicant: Ed Eldridge CFO/CEO.** Applicant seeks approval of an extension to allow the portable classroom trailer to be located on the property for an additional two years.
- j. **DELC 0793.987.003, 421 Main Street, Delafield. Owner: City of Delafield. Applicant: Delafield Chamber of Commerce.** Applicant seeks approval of signage for the Friends of the Delafield Library to be added to its current sign.
- k. **DELC 0803.988.005, 2574 Sun Valley Drive, Delafield. Owner: Mid-America Real Estate. Applicant: Innovative Signs.** Applicant seeks approval of signage for Midwest Insurance Group in the Williamstowne Shopping Center.

Aicher requested Items 3f and 3g be removed from the Consent Agenda for discussion and consideration.

Hearing no objections, the Consent Agenda Items 3a-3e and 3h-3k were approved as presented.

Chad Schultz, applicant, was present regarding Item 3f. He explained the signage request was only for the signage on the outside building façade and would include a color different than red. There were no questions.

AICHER MOVED TO APPROVE SIGNAGE FOR BATH & BODY WORKS IN THE NAGAWAUKEE SHOPPING CENTER DELC 0804.999.004, 3207 GOLF ROAD, DELAFIELD. OWNER: RAMCO-GERSHENSON INC. APPLICANT: INNOVATIVE SIGNS AS PRESENTED. SIMON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED

Michelle Riegleman, applicant, was present regarding Item 3g. She explained the blue color being proposed was a historic color that matched the City's color palette. There were no questions.

AICHER MOVED TO APPROVE COLORS TO REPAINT THE BUSINESS IN ACCORDANCE WITH DOWNTOWN DELAFIELD DISTRICT GUIDELINES FOR DELC 0793.054.001, 403 GENESEE STREET, DELAFIELD. OWNER: JAMINOS LLC (DR. MICHELLE RIEGLEMAN). GREENWAY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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4. Unfinished Business

- a. **DELC 0798.977.001, 333 North Lapham Peak Road, Delafield. Owner: American Legion Post 196. Applicant: Architectural Expressions.** Applicant seeks final approval of drafted Conditional Use permit. This includes a current small addition to the existing American Legion and a future addition to the structure subject to site plan and building approvals. Recommend to the Common Council of the same.

TAKEN FROM THE STAFF REPORT: American Legion Post 196: Amended Conditional Use Site Plan and Architecture: The American Legion Post public hearing for a two-phase addition to the existing structure was held at the May and June 2016 Plan Commission meetings. The Plan Commission recommended approval of the site plans and construction for phase 1 and directed staff to draft a Conditional Use Permit for consideration. The American Legion has submitted a list of uses and the City Attorney has drafted the updated Conditional Use Permit which is attached for your review. The first phase of construction approved will 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 will include a 42' x 42' addition which will include a large banquet hall for weddings and other public rentals for larger venues, and an improved entrance feature. If approved, construction of the second phase would be contingent upon Plan Commission's future review and approval of final site design, parking, landscaping and architecture to ensure the compatibility with the first phase of construction. **Recommendation: Approval, contingent upon the public hearing input being considered, and recommend the proposed Conditional Use Permit to the Common Council. A motion to approve, approve with conditions, or deny should reference the Conditional Use criteria per ordinance.**

Court explained this matter was on the June 29, 2016 Commission meeting agenda as well. A conditional use permit (CUP) had been provided. It was important to note that the CUP remained with the American Legion's use of the site. If the property was sold, it would revert back to residential type zoning and the next owner would be required to appear before the Commission to establish operations. A business plan of operations was requested for inclusion in the CUP at the time the architectural and site plans for the second phase would be submitted in the future. DeYoe clarified the request being made for the CUP would take place when the second phase of construction was ready to be underway.

Court proposed adding verbiage to Item C on Page 2 of the City of Delafield Order Granting Conditional Use that stated "*Construction of a 1,890 square foot banquet facility, as depicted on the site plan reviewed by the Plan Commission on June 28, 2016, are conditionally approved provided however, that construction of this additional facility may not proceed until an updated business plan of operations and final architectural and design plans are approved by the Plan Commission.*"

Mike Brew, of the American Legion Post #196, explained the plans for the second phase continued to be a "work in progress" until enough money was raised to support construction of the second phase. A grant could not be secured without approval which was now available. Phase Two would most likely occur in approximately three years. The first phase had to be constructed prior to construction of the second phase addition.

AICHER MOVED TO APPROVE A DRAFTED CONDITIONAL USE PERMIT FOR THE CURRENT SMALL ADDITION TO THE EXISTING AMERICAN LEGION AND A FUTURE ADDITION TO THE STRUCTURE SUBJECT TO SITE PLAN AND BUILDING APPROVALS

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FOR DELC 0798.977.001, 333 NORTH LAPHAM PEAK ROAD, DELAFIELD; OWNER: AMERICAN LEGION POST 196. APPLICANT: ARCHITECTURAL EXPRESSIONS CONTINGENT UPON APPROVAL OF THE VERBIAGE ADDED ON PAGE 2, ITEM C OF THE CITY OF DELAFIELD ORDER GRANTING CONDITIONAL USE THAT STATED "CONSTRUCTION OF A 1,890 SQUARE FOOT BANQUET FACILITY, AS DEPICTED ON THE SITE PLAN REVIEWED BY THE PLAN COMMISSION ON JUNE 28, 2016, ARE CONDITIONALLY APPROVED PROVIDED HOWEVER, THAT CONSTRUCTION OF THIS ADDITIONAL FACILITY MAY NOT PROCEED UNTIL AN UPDATED BUSINESS PLAN OF OPERATION AND FINAL ARCHITECTURAL AND DESIGN PLANS ARE APPROVED BY THE PLAN COMMISSION," AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. REIHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. 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 rezoning from A-1 Zoning District to the RE-2 Zoning District and a Conditional Use for 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 THE STAFF REPORT: Ogden & Company Investment Partners, LLC: Zoning Amendment, Conditional Use for a residential Planned Development - General Development Plan: Ogden and Company Investment Partner's LLC, as developer, has submitted materials for a Rezoning and Conditional Use for a Planned Development - 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 with additional information submitted and dated July 13, 2016. Based on staff input and review of the original information, the additional information submitted includes a detailed summary of the project. The summary provides details for the project, good background on the project, details on the steps taken by the applicant thus far as well as a good explanation of the why this project should qualify for the GDP CU process. The revised GDP dated July 6th, 2016 is the latest submittal. The 43 lots are consistent with the allowable density per the yield plan review based on the Plan Commission staff report dated January 27, 2016. The applicant is proposing to rezone 42 residential lots to RE-2 thru the GDP CU process from the current zoning of A-1. Lot 43 (the lot that will stay under the ownership of the Knoff's) will remain as A-1 with a Conditional Use. Per the Comprehensive Plan this area is designated as Agricultural. The Comp Plan allows for Agricultural to be converted to the Rural Estate land use. With the GDP CU process the applicant is afforded the opportunity to reduce lot sizes to allow for conserving open space and natural features. When considering approval for this project, the Plan Commission should consider the nine criteria for approval of a Planned Development (PD). The project summary submitted by the applicant provides for a detailed explanation on how this project meets the criteria. Along with the PD criteria the following items should be considered by the Plan Commission:

1. Based on previous PC review: Individual driveways entering Nashotah Road have been eliminated and a landscape buffer of 80 feet in width has been provided along Nashotah Road.
2. The conditional use permit will need to address the use for lot 43. The applicant and owner have expressed their interest in allowing the Bil-Bar Trailer Sales and Service LLC to continue operation. With the current A-1 zoning, the use would not be allowed under a permitted use. Sun setting the use could be considered.

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3. *The Park Land dedication. The plan is showing a 4 acre park land dedication per the direction of the Park and Recreation Committee.*
4. *Trail system for the development. The plan addresses the Comprehensive Plan requirements for extending a trail through the lands. Staff is recommending in lieu of sidewalks, a trail system be implemented for pedestrian access within the development. This is allowable with Plan Commission approval. We recommend additional detail of the interior trail system be considered. We recommended that the public trails be built at a 10 foot wide paved width (the plan has indicated an 8 foot width).*
5. *Plan Commission will need to approve the Cul-de-sac lengths greater than 400 feet. Two Emergency access points have been added to compensate for the longer length cul-de-sacs. The Fire Chief has reviewed the proposed emergency access points.*
6. *Plan Commission will also need to approve the reduced pavement width for the roadways to a 24 foot pavement width. (please note that the applicants summary references 22 foot pavement width – it should be 24 foot pavement width)*
7. *The applicant has provided additional information on the intersection sight distance. The proposed intersection will meet the minimum sight distance. The city may want to consider reducing the speed limit for this section of road from 35 mph to 30 mph.*
8. *We have verified that the existing 6 inch sanitary sewer force main running through a portion of the site has capacity for this development. Potential upgrades to the existing lift station and design of the new lift station will need to be addressed with the SIP submittal. Confirmation of obtaining the proposed force main easement through the Binkowski lands needs to be provided.*
9. *Confirmation of obtaining permission to utilize the WEPCO easement for the path needs to be provided.*

Recommendation: The Plan Commission should share with the petitioner any direction for modifying the proposed GDP, rezoning, and existing business operation, as well as provide input on the conditions for the conditional use permit, contingent upon public hearing input. A motion to approve, approve with conditions, or deny should reference the Conditional Use criteria per ordinance as well as the GDP criteria. If the motion is to approve or approve with conditions, the motion should include the approval of the longer cul-de-sacs, the approval of the reduced road cross-section and the approval for the trail system in lieu of sidewalks.

Court noted since the original Plan Commission review in January, 2016, the GDP zoning code requirements had been relaxed to allow residential clustering. A good plan was presented in this matter. The Commission should consider items included in the Staff Report as well as responding to the berm and tree request to shield the St. Joan of Arc sanctuary.

Peter Ogden and John Ross of Ogden Family Development and Tony Zannon of Jahnke & Jahnke, were present. Ogden explained all issues could be achieved through further detailed drawings of the development. He supported the lower speed limit to 30 mph on the roadway. An existing berm was designed that could be enhanced as requested. The fire access road allowed a great crossing point to get across Nashotah Road to get to the church. Efforts were underway to work with the City and Department of Transportation (DOT) to establish a pedestrian crossing over Nashotah Road to get to the church. Court noted the school zone designation was separate issue that would be considered by the Public Works Committee during the Specific Implementation Plan (SIP) phase of the approval process along with consideration of the reduction of speed limit.

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Court explained the proposed development of 43 lots also included a 10 acre parcel that would be kept by the Knoff's for a residence and to continue to operate Bil-Bar Trailer Sales and Service. The conditional use covered all lands owned by the Knoff's and consideration of long term use was being reviewed by the City Attorney to address consideration of other future use options for the 10 acre parcel.

Ogden explained this development would not move forward unless the Knoff's were allowed to retain the use of their land as desired. People who would buy lots in the subdivision would be aware of the business operating there with full disclosure. This could potentially be included in the deed. Zannon explained there was a wooded ridge that ran through the property and would provide a good division between the existing residence and business and the proposed subdivision. The equipment currently located on the southerly side of the roadway would be moved to the 10 acre parcel in the future. Discussion ensued. The existing conditional use did not include a business plan of operation for the property. The Knoff's daughter owned a lot to the south that would be kept for her residence while she continued to run the business in the future. Additional consideration during the SIP of the project would allow continued use with future use options in place to protect the Knoff's and the City from future property disputes from subdivision homeowners.

Discussion further ensued regarding the proposed trail system through the dedicated parkland and development. Future trail connections were discussed. The proposed trails would be ten feet wide paved trails. Connection to the trail system would take place through the dedicated parkland. Options were discussed for establishing a road crossing after traversing the south side of Nashotah Road and crossing into the first entrance drive on the westerly side of St. Joan of Arc. Easements would be required from the current property owners. The paved trail would then be inside a dedicated easement that the City would own and maintain. The grass paths in the development would be owned and maintained by the subdivision's homeowners association. The proposed trail system was supported by the Park and Recreation Commission. The parkland would be donated and slightly graded as requested. Additional discussions regarding the trail connection locations would take place during the SIP review.

With regard to the emergency access road proposed, the Lake Country Fire and Rescue Chief had reviewed the plans for cul de sac length. His recommendation was to request to waive the requirement for the maximum cul de sac length in order to allow emergency vehicles to safely navigate the roadways in the subdivision.

A reduction in pavement was discussed. The stormwater runoff would be appropriately moved through the proposed drainage patterns with final consideration during the SIP review. Sight lines relative to proposed speed limits would also be reviewed during the SIP phase. The proposed sanitary sewer connections and locations were reviewed. Capacity remained in the current system for future development; however, another lift station was being proposed on the northerly side of the development to be able to pump into the force main in the development area. Utility easements were without issue relative to the proposed development. Discussions were underway regarding the impact to the easements for development of the Binkowski property in the future. The lift station proposed would support future development of the Binkowski property as well.

Reiher noted the conditions presented were consistent with conditional use factors requested by the City. Traffic patterns were being addressed and both the City's Comprehensive Plan and Parks Master Plan supported the implementation of trail system in that area of the City.

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AICHER MOVED TO APPROVE A REZONING FROM A-1 ZONING DISTRICT TO THE RE-2 ZONING DISTRICT AND A CONDITIONAL USE FOR A GENERAL DEVELOPMENT PLAN FOR A RESIDENTIAL SUBDIVISION PLANNED DEVELOPMENT CONSISTING OF 43 RESIDENTIAL LOTS FOR 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. CONTINGENT UPON LOTS 1-42 REZONED RE-2 AND LOT 43 TO REMAIN AS A-1 ZONING, SUBJECT TO A BUSINESS PLAN OF OPERATION FOR BILBAR TRAILER SALES AND SERVICE APPROVED BY CITY STAFF AND THE COMMON COUNCIL; APPROVAL OF LONGER CUL DE SAC LENGTHS AS REQUESTED, REDUCED ROADWAY WIDTHS TO 24 FEET; APPROVAL OF A 10 FOOT WIDE TRAIL SYSTEM IN LIEU OF SIDEWALKS IN THE SUBDIVISION EXCEPT WHERE ADDITIONAL WIDTH WAS REQUIRED FOR EMERGENCY ACCESS; AND ALL OTHER MODIFICATIONS REQUESTED BY THE ST. JOAN OF ARC PARISH WITH REGARD TO BERMING, LANDSCAPING, TRAILS AND CROSSWALKS AS DISCUSSED AT THIS MEETING AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME.

- c. 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 THE STAFF REPORT: Brewer - 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. The applicants presented material at the June 2016 Plan Commission meeting and indicated they would return with a written statement from the western neighbor indicating no objection to the sign. At the time of this report, no additional information has been submitted to staff. **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 and 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.***

This item was removed from the agenda at the request of the applicant.

5. New Business

- a. DELC 0798.129, 352 Woodberry Drive, Delafield. Owner: Gary Schroeder. Owner seeks approval of a retaining wall encroachment into the side yard setback and public storm sewer easement.

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TAKEN FROM THE STAFF REPORT: Schroeder: Retaining Wall encroachments: *The owner of 352 Woodberry Drive is requesting after-the-fact approval for a retaining wall. Because the retaining wall was constructed within the side yard setback and is just over 3 feet height in areas, per Section 17.17 (6) (c.) 2., the retaining wall needs Plan Commission approval. The wall is located approximately 7 feet off the side property line. The lot is zoned R-3 with a side yard setback of 16 feet.*

Standards. Plan Commission approval shall be based on the following standards:

- 1. In the offset area, the difference in grade between lots is better controlled by a retaining wall.*
- 2. In the setback area where the terrain makes a slope to the road impractical.*
- 3. Plans showing that the retaining wall will be structurally sound and so constructed that it will properly contain and support the ground and pavements, walks and other nearby structures.*
- 4. The location and height shall be harmonious with the principal structure and consistent with the legislative purpose hereof.*
- 5. On corner lots the retaining wall shall not obstruct with the vision setback area.*
- 6. In any case where a retaining wall is proposed to be within the setback and/or offset area, notification of the proposal and Plan Commission review date shall be sent to the adjacent property owners.*

Because the retaining wall also encroaches into the storm sewer easement, review of the impact to the easement and drainage facilities should be made by the Public Works Committee. Based on City staff and City Attorney review, it appears that the retaining wall could stay in place, but the City should have an encroachment agreement with the owner that states that any future work within the easement area that impacts the wall shall be at the expense of the owner.

Recommendation: Conditional Approval of the retaining wall, subject to City staff and the City Attorney working out an encroachment agreement with the owner. The retaining wall review and Encroachment Agreement shall be sent to the Public Works Committee prior to final approval by Common Council.

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Gary Schroeder, 352 Woodbury Drive, lived in the area for 12 years and had a business in the City for eight years. The retaining wall on the north side of the property was placed due to steep pitch near and on his property. Difficulty in bringing patio furniture back and forth to the house via a walkway posed an issue prior to the retaining wall. He had worked with the groundskeeper to design and construct the wall.

Fred Labick, Landscape Manager and designer, explained he was unfamiliar with the aspects of the code in this case. He had understood the code to allow construction five feet beyond the lot line and that had been done. Court explained the wall was built in an incorrect location and an approval of an encroachment easement was required to allow for City access at the owner's expense, if need be. The Public Works Committee would review this matter as well. The existence of the retaining wall did not adversely affect the stormwater drainage. No issues were noted with the property owner on the other side of the lot. The outcropping created with the wall provided flat access around the house. All future retaining walls were required for approval.

GREENWAY MOVED TO APPROVE A RETAINING WALL ENCROACHMENT INTO THE SIDE YARD SETBACK AND PUBLIC STORM SEWER EASEMENT FOR DELC 0798.129, 352 WOODBERRY DRIVE, DELAFIELD. OWNER: GARY SCHROEDER, SUBJECT TO CITY STAFF AND CITY ATTORNEY WORKING OUT AN ENCROACHMENT AGREEMENT WITH THE PROPERTY OWNER AND REVIEW OF THE RETAINING WALL AND

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ENCROACHMENT AGREEMENT SENT TO THE PUBLIC WORKS COMMITTEE PRIOR TO FINAL APPROVAL BY THE COMMON COUNCIL. REIHER SECONDED THE MOTION. AICHER NOTED A SIMILAR REQUEST HAD BEEN APPROVED IN RECENT YEARS. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **DELC 0749.020, DELC 0749.021, 3313 & 3309 Lake Drive, Hartland. Owners: Brian & Peggy Van Horn & Matthew Scherer. Applicant: Brian Van Horn.** Applicant seeks a special exception to allow the removal of a garage over the lot lines and construction of detached garages on each lot.

TAKEN FROM THE STAFF REPORT: Van Horn / Scherer: Special Exception : *The lots at 3313 and 3309 Lake Drive are existing nonconforming lots. Per section 17.58 of the zoning code, the owner of a nonconforming lot may apply to the Plan Commission for issuance of a special exception to any development regulation. Currently an existing garage straddles the common lot line of 3313 and 3309 Lake Drive. Also an existing access easement for these lots and other neighboring lots appears to be in the wrong location running through the garage and the neighboring garage. The applicant is requesting preliminary consideration and possible conditional approval to remove the existing garage and build two separate garages on each lot. With this request the building setbacks would need to be relaxed. The existing zoning for the lots is RL-2 with a side yard setback of 8 feet and a rear setback of 50 feet. The existing garage is currently 0.5 feet to 1.3 feet off the rear lot line and straddles the side lot line for a 0.0 foot side yard setback. The special exception request for 3313 Lake Drive would be to allow a 0.5 foot rear yard setback and a 1.0 foot side yard setback and for 3309 Lake Drive a 0.5 foot rear yard setback and a 1.0 foot side yard setback to build the new garages. The applicant is requesting conditional approval prior to investing in survey and legal work. If the Plan Commission agrees with the special exception request, a condition of the approval needs to be the relocation of the access easement to follow the existing pavement as well as relocate it so as the existing and proposed garages do not encroach in the easement. The relocation of the access easement will take coordination and approval from the neighboring lots.*
Recommendation: Conditional Approval of the relaxed side yard and rear yard setbacks, subject to - relocation of the access easement to the existing pavement with approval of all the effected neighboring property owners.

Court clarified the location from the common lot line for both garages were one foot and a half-foot off the rear lot line. Four neighbors were affected by this request and owners would return for easement approval. Hussinger noted there would be two feet between the garages if allowed to be constructed as proposed.

Brian VanHorn 1333 Lake Drive and Matt Scherer, 3309 Lake Drive, applicants, were present along with Bob the Builder of Pewaukee, Wisconsin. The Builder explained the eave overhangs would be twelve inches due to a flush rear gable so that the proposed garage would not encroach upon the rear property line. Other neighboring property owners were not opposed to the construction because they would be going through something similar in the future. Greenway questioned whether the closest garage walls would be constructed with fire rated materials.

REIHER MOVED TO APPROVE A SPECIAL EXCEPTION TO ALLOW THE REMOVAL OF A GARAGE OVER THE LOT LINES AND CONSTRUCTION OF DETACHED GARAGES ON EACH LOT FOR DELC 0749.020, DELC 0749.021, 3313 & 3309 LAKE DRIVE, HARTLAND. OWNERS: BRIAN & PEGGY VAN HORN & MATTHEW SCHERER. APPLICANT: BRIAN VAN HORN, SUBJECT TO RELOCATION OF THE ACCESS EASEMENT TO THE EXISTING

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PAVEMENT WITH APPROVAL OF ALL THE AFFECTED NEIGHBORING PROPERTY OWNERS. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. **DELC 0807.985.005, 3655 Kettle Court East, Delafield. Owner: KB Investments I LLC. Applicant: Oliver Construction.** Applicant seeks approval of a site plan, architecture, landscaping, lighting and other site improvements for a multi-tenant manufacturing/warehouse facility.

TAKEN FROM THE STAFF REPORT: John Barker - KB Investments I LLC: Site Plan and Appearance Review: The applicant is proposing a multi-tenant manufacturing/warehouse facility at 3655 Kettle Court East. The site is located between Abra Autobody and Glass and the Corcoran Glass facility. The building is designed to accommodate warehousing operations as well as storage. The existing M-1 zoning permits the proposed uses. Site Plan, Architecture and landscaping for the new building is presented for Plan Commission approval. Building and site signage is shown conceptually and will need to come back to the Plan Commission for approval. The proposed building materials generally fit in with the surrounding Kettle Court East buildings. Building setbacks, floor area ratio, parking requirements and height all satisfy the M-1 zoning requirements. Included in the packet is the staff review letter. Approval should be subject to satisfying all staff comments. **Recommendation: Approval, contingent upon satisfying staff comments.**

This item was removed from the agenda at the request of the applicant.

- d. **DELC 0737.995.001 Lake Country School.** Applicant, Joey Self, seeks approval of a Site Plan and Appearance Review. He is proposing a track storage shed at the Lake Country School. This is an Eagle Scout Project.

TAKEN FROM THE STAFF REPORT: Lake Country School Track Shed – Eagle Scout Project Site Plan and Appearance Review: The applicant is proposing a track storage shed at the Lake Country School. This is an Eagle Scout Project coordinated by Joey Self. Mr. Self will be at the Plan Commission to present his project. **Recommendation: Approval.**

This item was discussed previously in the meeting. Please see above.

6. Zoning and Ordinance Revision

- a. **City of Delafield, WI:** The City seeks to amend Section 17.30(1) Design Guidelines for Special Design Review Districts to prohibit electronic messaging in the Downtown Delafield Design District, Section 17.67 Signs Permitted in All Business and Industrial Districts to set guidelines for electronic messaging along STH 83, USH 16, and I-94, and Section 17.70 Exterior Lighting and Illumination of Signs to define the light intensity of electronic messages. (Ordinance #732)

This item would be discussed at the August 31, 2016 Plan Commission meeting. Information about this item was included in the epacket for this meeting.

7. Reports of City Officials:

- a. Clerk
1. Plan Commission Meeting Dates & Deadlines
Meeting: August 31, 2016

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Regular submittal deadline: August 16, 2016
Public Hearing submittal deadline: August 3, 2016

- b. Planner - No report.
 - c. Building Inspector - No report.
8. Correspondence
- a. Letter from Jim Draeger, State Historic Preservation Officer re Nomination.
9. Adjournment

There was no further business; therefore, the Wednesday, July 27, 2016, 2016 Plan Commission meeting adjourned at 8:51 PM.

Minutes Prepared By:

Accurate Business Communications, Inc.