

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Call to Order

Mayor DeYoe called the Wednesday, September 28, 2016 Plan Commission meeting to order at 7:00PM.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call for the Wednesday, September 28, 2016 Plan Commission meeting:

Present

Michele DeYoe, Mayor

Tim Aicher, Ald.

Wayne Dehn

Dan Jashinsky

Jeff Miller

Jim Reiher

David Simon

Mike Court, Engineer/Interim Planner

Scott Hussinger, Building Inspector

Absent

Dave Greenway

PUBLIC HEARING #1:

Amended Conditional Use Permit for Ownership Change and Signage

TAX KEY/ADDRESS:

DELC 0784.971.003, 0784.971.004 and 0784.975 Westbrook Church, n/k/a Elmbrook Church Lake Country, 1100 Hwy 83, Hartland, WI.

OWNER/APPLICANT:

Owners: Elmbrook Church, Inc./Applicant: Mark Heckman

MATTER:

Applicant seeks approval of a Monument Sign and directional signs to be considered under the Elmbrook Church Conditional Use Permit for the change in ownership from Westbrook Church to Elmbrook Church Lake Country.

DeYoe opened the Public Hearing at 7:01PM., noting the process used in a Public Hearing.

Mark Heckman, 16035 Cornell Court, Brookfield, Wisconsin, explained he was present to request approval for a monument sign and wayfinding signage. Elmbrook Church had purchased Westbrook Church in July, 2016. Information regarding the request had been provided by the sign company.

DeYoe closed Public Hearing #1 at 7:03PM.

PUBLIC HEARING #2:

Amended Conditional Use Permit / Planned Development

TAX KEY/ADDRESS

DELC 0793.001.002 Be Fitness & Wellness, LLC, 405 Genesee St., Delafield, WI.

OWNER/APPLICANT:

Michael Braatz/Hendricks Group/Pete Davis of Johnson Design

MATTER:

Applicant seeks an amendment to the Conditional Use Planned Development to allow for outdoor yoga space and other building modifications at 405 Genesee Street.

DeYoe opened the Public Hearing at 7:04PM.

Pete Davis - Johnson Design, 211 West Second Street, Oconomowoc, Wisconsin explained BE Fitness wanted to complete minor modifications to the site including a new covered entrance into the fitness club. The bracketed entry would be constructed of a heavy timber bracket and a standing seam metal roof. A sign would be hung in front of the front doors for wayfinding purposes. Photo depictions of the proposed entry were shared. An optional outdoor yoga studio space was also requested with an Astroturf floor. Parking would not be impacted.

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

DeYoe closed Public Hearing #2 at 7:06PM.

<u>PUBLIC HEARING #3:</u>	<u>Conditional Use Permit</u>
<u>TAX KEY/ADDRESS</u>	DELC 0799.998 and 0799.999, 940 & 1050 Indian Spring Dr., Delafield, WI.
<u>OWNER/APPLICANT:</u>	Hope ELC Holdings, LLC (Hope Church)/Shawn & Colleen Kelly
<u>MATTER:</u>	Applicant seeks a Conditional Use Permit for a Church in the B5 Zoning District, proposed to be located at 940 & 1050 Indian Spring Drive, Delafield, WI.

DeYoe opened the Public Hearing at 7:07PM.

Brian Porter and Charlie Stubblefield, Hope Church representatives, were present. Porter explained a meeting was held with neighbors regarding concerns heard at the last Plan Commission meeting. It was a great exchange of information and he appreciated the exchange. Current locations of Hope Church and its office, as well as the strategy for expansion were shared. Changes had been made to the proposed site plans since the last Commission meeting. Discussion in the past had included removal of specimen trees. Incorrect information had been provided. Approximately eight trees would need to be removed and approximately 80 trees were being planted on the site. Concerns were heard about noise, traffic, lights and an impaired view for residents. For these reasons, the parking had been shifted to the north to allow for additional landscaping on the southerly end of the property with additional placement of several evergreens trees along the property line. Fencing would also span the entire length of the property line. Green space requirements were met. With regard to traffic studies completed and shared with the Commission at this meeting, the report indicated traffic would not be an issue and would not cause traffic to back up onto freeway ramps. The weekday traffic currently in existence posed issues and the traffic from the church on Sunday mornings was anticipated to be less than weekday traffic in the same timeframe. The Church used a large number of volunteers that tended to disperse at random times. The City Police Department had a policy that allowed for police officers to be hired to direct traffic. The Church was agreeable to hiring an officer to direct traffic on Sunday mornings in the area as a trial run. If the officer was needed for traffic flow, s/he would be retained weekly. If not, those services could be stopped. Regarding stormwater, information gathered since the last Commission meeting indicated there was less water coming off the site after the project completion than was currently there and the flow would be better managed. An underground retention storage system was being proposed. Sanitary sewer connections were not considered an issue; nor was capacity of use during the Sunday service times. Stubblefield provided a presentation regarding proposed changes to the architecture of the plan. Changes were made to soften the architectural materials used on the building to have a more natural look. Gables on the building would be monstrous and would impede aesthetics. Contact information had been provided for Hope Church.

Mary Reich, Lakes Area Free Clinic, Oconomowoc, Wisconsin, explained the Clinic was staffed by volunteers. Hope Church had approached the clinic asking how the Clinic and the Church could work together to support the clinic. Hope Church volunteers had provided hours of volunteer service through contributions of time and generous donations. She thought Hope Church would bring goodness to the community if allowed to build in the City.

Ellyn Helberg, Principal of Silver Lake Intermediate School, Oconomowoc, Wisconsin, explained she had been in education for 35 years with many of those as principal. As part of her leadership role, she worked with many community organizations. Hope Church had been meeting on Sunday mornings in the school. She had the privilege of observing the organization, its members and how the Church was run. Hope Church was to be commended for its interest and concern for the school. She had found members of the Church to be cooperative, self-sacrificing and always left the school grounds in better shape than before they arrived. They had provided countless service hours in numerous activities at the school. She wished they were able to have land next to the school to build because they were a pleasant, highly organized group of people.

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Laura Schult, 935 Bahr Road, opposed the currently proposed plan for construction of the Church. While there was no malice intended toward the members of the Church, she thought it important that they adhere to the same plans and codes that any developer would be held to in the same situation. The building was incompatible with the residential use around the site and the proposed plan met none of the requirements outlined in the Comprehensive Plan relative to this matter. The parking lot included too much asphalt. Snow plowing/maintenance would include salt which would be ruinous to her pine trees. She questioned the system return, maintenance, monitoring and responsibility for stormwater management and filtration, noting any water that would reach the creek nearby would reach Nagawicka Lake as well. A Core Sample report had been shared since the last Commission meeting. Several areas of concern were noted regarding the possibility of blasting through bedrock in certain areas. She did not want this to happen. She also questioned the on-site engineering requirements noted in the report and remained concerned about infiltration and impact into the local aquifers in her area. The steep slope areas noted in the Comprehensive Plan included her property and surrounding neighbors including the proposed Church property. She remained concerned about stormwater runoff from the Church property due to the steep slope in the area. In addition, she noted concern regarding the capacity of the Church building relative to safety, noise pollution from slamming car doors, as well as the traffic that would have to navigate a dead end roadway in an intense manner during a condensed window of time. She also questioned why the Church had not thought to build in Oconomowoc given that most members of the Church were from western County areas. Overall, the proposed plans were incompatible for construction at this time and she requested the Commission deny the request. *(Clerk's note: Statement is attached to these minutes.)*

Chris Potrykus, Delafield Dental, explained it was his experience that the people at Hope Church were very conscientious in how they were moving forward with the proposed plans. Details had been discussed and he thought they were smart in how they were going about things to try to make everyone happy. As long as issues could be addressed, he thought Hope Church would make good neighbors. They were working hard to appease people as much as possible.

Tom Wavernick, 920 Indian Springs Drive, had gone through a similar situation 36 years ago when the dental office was constructed. At that time the main concern was the watershed in the area. For this reason the dental office had pitched all water to the north away from Bahr Road. Things had improved as a result and no complaints had been received regarding water issues in that location. The dental office had a lower level with exposed walls and had no issues with water. The water ran to the north service road and then west to a catch basin located in the woods. The wooded area was rarely wet unless rainfall was excessive. He had not experienced any traffic problems on the dead end roadway and was unaware of neighborhood complaints regarding current traffic patterns.

Bill Wischer, 231 South Lapham Peak Road, provided his objections to the proposed construction of Hope Church. He shared the history of the area noting his property location included the 1,300 feet south of Bahr Road to the far end at Lapham Peak. The proposed Church property originally included a motel and restaurant when the roadway nearby was Highway 30. There was a gas station on the corner of Indian Springs Drive and Lapham Peak Road that lasted until 1960 and was removed when I-94 was constructed. Inground gas tanks were removed last year. In addition, there was an old apartment building near the proposed parking area that burned to the ground in 1975. He thought an old well was located near the old motel site as well; however, he thought there was another well in the area unaccounted for at this time. The well from the motel provided water to the gas station via a pipe. He had several questions remaining relative to the septic system, gas tanks relative to potential soil contamination and well impacts to the proposed site as a result of this history. He was in opposition to the project. He appreciated the reports provided by City staff in this matter because they made excellent points relative to the issues of the proposal. He noted several issues with the proposal relative to overall scale and size of the proposed building. He questioned the economic growth of the Church as well as future plans for viability and sustainability of the church congregation in this location, noting several churches were in debt. There were proposed building issues noted relative to the size of the building,

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

incompatible architectural style, view from neighboring properties, missing information on the plans and size of the proposed force main. Site contours and drainage issues included excessive asphalt, inadequate stormwater management facilities, concern for risks associated with soil borings, snow maintenance and overflow from winter storm melt, slope of the ditch along Lapham Peak Road and incorrect information on certain reports provided. Landscaping issues included incorrect tree inventory, green space, inadequate size of trees to be placed on the property, stability of fencing during snowplowing and parking lot lighting. Traffic issues were of major concern due to the short period of time and driving patterns that members would use to arrive at the church on Sunday mornings. The easement owned by the State was there so that people could see to navigate the corner. He suggested the proposal be scaled down to fit the neighborhood, match the building architecture to surrounding buildings, reduce the building height, limit or prohibit night services, prohibit overnight occupancy of the Church, limit parking lot lighting to turn off at 10PM, prohibit parking on Indian Springs Drive and Lapham Peak Road, prohibit daytime congregation of Church members for services during weekday hours, prohibit the use of the property as a school, revise grading to prohibit water and snow runoff to the adjoining properties, provide landscaping that would mature in five years or less and guarantee bond the property to avoid future eyesores for adjoining property owners. **(Clerk's note: Statement is attached to these minutes.)**

DeYoe read a letter of opposition into the record from **Dennis and Patricia Higgs, 1021 Bahr Road.**

Robert Punjak, 1106 Bahr Road, supported the statements made by Schult and Wischer. He did not think that location was suitable for the Church due to the issues requiring resolution relative to the sanitary sewer system and stormwater management systems. Traffic on Highway C would be negatively impacted. It was upsetting that another parcel was being developed in the City without having taxes provided for police and fire protection. This burdened taxpayers and he was totally against it. He did not want to look at a large concrete structure as was proposed and remained concerned about the size of the trees that would not cover this sight in his lifetime.

DeYoe closed Public Hearing #3 at 809PM.

<u>PUBLIC HEARING #4:</u>	<u>Amended Conditional Use Permit / Planned Development</u>
<u>TAX KEY/ADDRESS</u>	<u>DELC 0733.993.002, 4615 Vettelson Rd., Hartland, WI.</u>
<u>OWNER/APPLICANT:</u>	<u>James Jendusa/Jendusa Development LLC</u>
<u>MATTER:</u>	Applicant seeks a Conditional Use Permit in B6 zoning to allow for a change in use and an addition to the existing structure at 4615 Vettelson Rd., Hartland, WI.

DeYoe opened the Public Hearing at 8:10PM.

James Jendusa, 4615 Vettelson Road, explained he owned an engineering design firm in an office building located within the City. He wanted to expand the building due to a patent pending on a framing system that he was bringing to market. The addition would be used to put the panels together. Existing yard space would be used for storage.

DeYoe closed Public Hearing #4 at 8:11PM.

1. Approve Plan Commission meeting minutes of August 31, 2016 meeting.

Hearing no objections, the August 31, 2016 Plan Commission meeting minutes were approved.

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

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

Matt Grimmer, 1220 Aspen Court – Alderperson, thanked the Commission for its time, noting he was present regarding Item 4a. His past work experience afforded him an understanding of a community based residential facility (CBRF) designation. He also noted the state statutes relative to a CBRF. The testimony of Rogers Memorial staff had indicated family therapy, psychiatric counseling, experiential therapy with a staff of 30 and new patients arriving every several months. The proposed transformation of the current CBRF associated with Rogers Memorial did not fit the definition of a CBRF. This was not in the current Rogers Memorial site. He requested the conditional use for the existing property site be better defined prior to moving the proposed project forward. He had the utmost respect for Rogers Memorial institution; however, he thought there were appropriately zoned areas of the City for this type of operation. The proposal was not in keeping with the development of the surrounding residential neighborhood.

Keith Schermitzler, 343 Juniper Ct., asked the Commission to deny Rogers Memorial expansion plans and to reject the proposal to construct any new buildings. An expansion of services was not suitable for the current location. The Conditional Use Permit that governed the site needed clearer definition relative to the impacts to the surrounding residential neighborhood. He was concerned about the location of the services provided, not the intent. There were several commercially zoned properties available in the City for Rogers in its pursuit of expanded service offerings. He shared an incident that had happened recently. He also noted concern regarding noise pollution due to commercial business traffic and car doors slamming as people entered the buildings. Light pollution was a concern due to increased vehicular traffic, new building lighting and greenhouse lighting. It seemed Rogers Memorial had outgrown its current space. Other zoning designations were more appropriate for the expanded services being considered. He requested the Commission limit the Conditional Use Permit to current uses and attempt to reduce/control the noise and light pollution already in existence.

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

3. Consent Agenda

- a. **DELIC 0798.965.004, 400 Genesee Street Suite 3F, Delafield. Owner: Town Bank. Applicant: Steve May – Foster Crown LLC.** Applicant seeks approval of a Business Plan of Operation for a Physician Recruitment firm. Hours of Operation: Monday-Friday, 8 a.m. to 5 p.m., with 1 Full-time employee.
- b. **DELIC 0803.988.004, 2566 Sun Valley Drive, Delafield. Owner: Jim Pettit. Applicant: R. Gary Storts – Pure Barre – Lake Country.** Applicant seeks approval of a Business Plan of Operation for a fitness studio and related products and services. Hours of Operation: Monday-Friday, 5 a.m. to 9 p.m., Saturday 7 a.m. to 4 p.m., Sunday 7 a.m. to 5 p.m. with 8 Part-time employees and 2 Full-time employees.

Hearing no objections, the Consent Agenda items were approved as presented.

4. Unfinished Business

- a. **DELIC 0790.999.001, DELIC 0790.999.002, and DELIC 0790.999.003, W277, W345, and W367 Oakwood Road, Delafield. Owner: Rogers Memorial Hospital Incorporated. Applicant: John Curran – TWP Architecture.** Owner 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. Owner

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

also seeks approval of the CSM, site plan, architecture, landscaping, lighting and other site improvements for the proposed project. Recommend to Common Council of the same. [Click here to link.](#)

TAKEN FROM THE STAFF REPORT: Rogers Memorial Hospital: Amended Conditional Use, Site Plan and Architecture and CSM review – Rogers Memorial Hospital purchased the former site of Cedar Creek Community Based Residential Facility (CBRF), as such they have assumed the existing Conditional Use Permit as well. The application introduces a new building to be erected for an accessory use to the CBRF and associated site improvements. Per section 17.46 (27) of the zoning code, CBRF's are allowed in any zoning district with a conditional use permit. The CBRF allowances provide for use of residential structures as group housing for treatment centers. There are restrictions to the number of residents that impact the potential growth and development of the facility. Staff has recommended that the three residential lots be consolidated into one lot and treated as a campus rather than individual lots. With this modification the need for access easements and utilities easements are not complicated with extraneous requirements. A Public Hearing was held at the August Plan Commission Meeting. Based on input from the Plan Commission and adjacent residents the site plan and landscaping plan have been updated. The current submitted plan illustrates the two existing residential buildings accommodating 16 units in one building and 8 in the other. With the newly proposed Experiential Therapy Building positioned between the two existing buildings. The existing garage will be removed. A new parking lot configuration is proposed with improved driveway access. The majority of the parking is now shown to the north of the buildings. A proposed landscape buffer is shown on the plans east of the proposed parking to help shield the effects on properties to the east. The east lands are a platted single-family residential area. There is no plan to increase the unit count. Per Rogers Memorial, the proposed building will be an accessory use to the existing CBRF and will be used for the treatment of the existing residents of the CBRF. Since the new building does not introduce any new residential units the parking demand should be unaffected, however the proposed parking layout will further increase the available number of spaces for residents, guests and staff. The Plan Commission will need to determine if the proposed building and site improvements are compatible with the existing uses etc. The total Floor Area Ratio is far below the allowable amount and the required setbacks (with the proposed CSM) are respected by both building and parking. A new sign is desired but has not yet been incorporated into the site plan. Updated plans have been provided based on the public hearing comments and ongoing conversations with the neighbors. The parking lot has been shifted to the west, additional landscaping has been added, and a screening fence has been added to the east property line. Included in the packet is the review letter on the updated plans. A draft conditional use document has been prepared by the City Attorney and has been redlined by Rogers Memorial's Attorney for review by the Plan Commission. Architecture of the proposed building is a contemporary rural design and reasonable compatible with the campus aesthetics. Colors and materials are complimentary to the other structures on site.

Recommendation: The Plan Commission should share with the petitioner any direction for modifying their proposed architecture and site plan, 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. Recommend same to Common Council.

Paul Mueller, CEO – Rogers Memorial, explained he appreciated the opportunity to speak. He wanted to acknowledge all present and reassure the community that Rogers Memorial had continued its commitment to resolve reasonable concerns with the current property. To that end, he had met with the neighbors regarding concerns of light pollution. An amended landscaping plan was the result. In addition, parking plans had been altered to avoid the Lepke

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

property. A smoking policy had been revised. Delivery times had been reassigned to reduce light pollution from commercial vehicles. The business plan of operation had been amended to respect the neighborhood wishes. He committed to resolve all reasonable requests with the City and neighboring property owners. Rogers Memorial thought there was value in remaining in the City of Delafield.

John Curran, Architecture-TWP Architecture, provided an aerial photograph of the property, noting the location of the proposed larger 16-bed building and the smaller 8-bed unit on the southerly portion of the property. He noted a three car garage would be located in the current CBRF location. There was an eating facility that would be placed between the two current CBRF buildings with a trash enclosure nearby. Setbacks were noted as well as the single story wood frame contemporary building design proposed. Low lighting would be provided through downcast fixtures. Parking would move to the northerly portion of the property and all parking stalls would face internally. The Fire Department requested a turning radius and a Y-turn at the end of the driveway to allow emergency vehicle access. He also reviewed the landscaping plan noting the planting areas and a six foot high cedar fence along the easterly lot line. A natural barrier was also desired along with the fencing so plantings would break the fence line as well. Additional evergreens had been added to provide screening to the neighbors. The proposed floor plan for the greenhouse was reviewed, noting spaces for horticultural therapy and a central rec room and consultation offices. There would be no additional clinicians or patients than what was already located on the CBRF property currently. A commercial kitchen, small gymnasium and two car garage were also noted as well as location of bathrooms and main dining hall. No additional bedrooms, staff or office space were noted to be different than the program offered for the past nine years. Exterior materials would include a contemporary barnlike structure with Hardiplank, tongue/groove vertical siding with galvanized portions and accents on the building. Small downcast lights would be used on the exterior of the buildings.

Court noted several items were addressed from the Public Hearing held last month. Efforts had been made to work with the City Attorney regarding drafting the Conditional Use noted in the epacket for this meeting. The attorney from Rogers Memorial had "redlined" the draft document. Since then a letter had been submitted from Mueller pulling back on the proposed uses being established in the proposed conditional use document. Hard copies were available to Commissioners and the information had been distributed to the Commissioners prior to the meeting.

DeYoe questioned how long Rogers Memorial had owned the CBRF property. Mueller noted more than 40 years on the original site that had been constructed in the 1970s and nine years of ownership for the CBRF property. Aicher questioned the designation/use of the CBRF since Rogers Memorial had taken it over. Mueller explained it had operated as a CBRF and had been licensed as such by the state. Aicher expressed concern that the neighboring property owners and City should have been notified in 2007 that the change of use was going to be for children instead a nursing home facility. The change was noticed when the parking lot was expanded. Discussion ensued regarding the historic change in conditional use. Simon agreed with Aicher. Discussion further ensued regarding the timing of the request for scaling back the co-occurring care for anxiety and depression as an amendment of the expansion request. Additional discussion ensued. DeYoe explained that when the change was made in the use of the CBRF from a nursing home to a treatment facility an amendment and additional documentation should have been provided relative to a change in conditional use. Mueller explained the CBRF site was never licensed as a nursing home under Rogers Memorial ownership. When licensing with the State of Wisconsin a designation was provided by Rogers Memorial. Aicher noted the residential neighborhood continued to grow around Rogers Memorial and the expansion of the

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

non-residential use within that area seemed to be incompatible. DeYoe noted all wanted to resolve the conditional use issues and efforts remained in the fact finding stage at this time. No action would be taken and the attorneys would continue to work toward resolution of the Conditional Use permit documentation.

DeYoe recessed the meeting at 9:00PM and reconvened at 9:08PM.

- b. **DELC 0799.998 and 0799.999, 940 & 1050 Indian Spring Dr., Delafield, WI. Owner: Shawn & Colleen Kelly. Applicant: Hope ELC Holdings, LLC (Hope Church).** Applicant seeks approval of a Conditional Use Permit for a Church in the B5 Zoning District, proposed to be located at 940 & 1050 Indian Spring Drive, Delafield, WI. Owner also seeks approval of the site plan, architecture, landscaping, lighting and other site improvements for the proposed project. Recommend to Common Council of the same. [Click here to link to original submittal.](#) [Click here to link to resubmittal of 9-12-16.](#)

TAKEN FROM THE STAFF REPORT: Hope Church Project: Conditional Use, Site Plan and Architecture review - Hope Church is proposing to construct a Church at 940 and 1050 Indian Springs Drive. The current owner is Shaun Kelly. The two parcels would need to be combined into one and are currently zoned B-5 Office and Research Commercial. Per section 17.37 of the zoning code – churches are allowed in any zoning district as a conditional use per 17.40 -17.48 of the zoning code. Hope Church was at the August Plan Commission meeting for Preliminary consultation. For this meeting they have submitted a Conditional Use application for a Public Hearing. Included in your packet are the site/civil plans and elevations as well as a detailed description of the proposed Business Plan of Operation. A traffic study and storm water management report has been included in the submittal. The Church proposes to build approximately 27,000 s.f. building on approximately 4.8 acres. The site is currently 2 parcels. Hope Church is in the process of potentially acquiring a portion of the right-of-way triangle from the State. This would increase the overall acreage of the parcel. A CSM would be required to combine on the lands into one parcel. The approval of the submitted plan would need to be conditioned on acquiring the additional right-of-way. A detailed review has been completed by staff and has been included as part of the packet. We have suggested modifying the site plan to shift the parking lot to the north to allow for a larger buffer area along the south lot line as well as helping preserve some of the trees located in that area. We have also suggested reconfiguring the west parking lot to preserve the trees SW of the wetland pocket. Potentially the applicant will present a revised site plan at the Plan Commission Meeting. The Plan Commission should consider the following factors regarding the proposed use of the property: the health and safety and welfare of the community and of the immediate neighborhood in which such use would be located, including considerations as compatibility with existing uses, problems of fire and police protection, traffic movement and control, water, sanitation and utilities, impact (aesthetically or otherwise) on surrounding property values, noise, dust, smoke, odor, and such other factors appropriate to the granting of a conditional use.

Recommendation: The Plan Commission should share with the petitioner any direction for modifying their proposed architecture and site plan, 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. If the motion is to approve or approve with conditions, staff will draft a conditional use document for review at the next Plan Commission Meeting.

Brian Porter, Charlie Stubblefield, and representatives from the Hope Church design team were present.

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Court provided an overview of changes made as noted previously in the meeting. Porter confirmed the clarified changes including lighting, landscaping, shifting the building to the north, stormwater management through an underground system, architectural changes, and traffic.

John Bieberitz, of Traffic Analysis & Design, Inc., explained the traffic study indicated a level C or better for church traffic using Indian Springs Drive and clarified an average delay time of 20 seconds at the intersection.

Stephen Perry Smith, architect, provided a video of the site as it would look to someone driving past the property. It did not reflect the landscaping screening that had been enhanced. Various aspects of the architectural design changes were shared, noting the standup concrete aggregate, screening for mechanicals on the roof and wood materials that replaced the metal materials to give the overall building a “warmer” feel. This information had been presented to the neighboring property owners in the meeting with Church staff prior to this Commission meeting. A pitched roof would make the building taller than proposed and a modern look was suitable for the I-94 corridor frontage. The overall scale of the project was larger than a residential building as it was supposed to be due to its location on the frontage road for the interstate. Softer colors and a more natural look could be explored if desired.

Jashinsky explained he had been a resident of Indian Springs Drive for many years. He had three major concerns about the proposal. The proposal was too large for the site. There was not enough green space and he was concerned about the intensive use of the dead end road. The architecture remained very boxy. The soils reported serious challenges and it would be important to excavate the underlying top soil. The Public Hearing on this matter had heard positives from those that were non-citizens of the City. He requested the Public Works Committee review the proposal prior to Common Council approval. Jashinsky also expressed concern regarding the proposed stormwater management because it seemed a retrofit for cleanup efforts from past years. He thought it more important to have above ground storage to adequately monitor the runoff going into the creek as he remained concerned about the pollutants from cars potentially entering the lake. Consideration should be given to a smaller proposal for this site.

Dehn noted it was difficult to determine this proposal would be an asset to the City. No tax revenue was being provided and it was upsetting citizens. He did not care for the design and it seemed a huge proposal for 4.5 acres of land. Discussion ensued regarding the other uses available within a B-5 zoning district and anticipated impacts. Porter noted consideration had been given to this site and it was an effective site for the Church’s strategy for growth. Stubblefield explained the building had been designed to support research on how to create the best possible experience for congregants and new members. To construct a smaller church would impact the best way to accommodate people.

DeYoe explained City administration had been working with the City Attorney regarding the implementation of a pilot program in which all non-profits were being asked to pay an amount for infrastructure services such as police and fire protection. Hope Church representatives had been informed of this new program and had indicated support for participation.

Discussion ensued regarding the timing of information being provided to the Commission relative to this matter. The traffic study had been provided in the last day and this was a concern.

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Aicher noted there was still room for change in the plans to accommodate a slightly smaller scaled proposal with increased softening of the architecture. He thought the use of the space was appropriate as churches often made great neighbors due to predictability of impact in hours of operation, etc. The space had been idle for 30 years and was the highest point in the City so the appearance and architecture of the site mattered more than properties half mile in either direction. He struggled with the overall scale of the project for the site.

No action was taken. This item would be placed on the October Plan Commission agenda in order to allow further design modifications to be made.

5. New Business

- a. **DELIC 0784.971.003, 0784.971.004 and 0784.975 Westbrook Church, n/k/a Elmbrook Church Lake Country, 1100 Hwy 83, Hartland, WI. Owners: Elmbrook Church, Inc./Applicant: Mark Heckman**. Applicant seeks approval to amend the existing conditional use permit to include name change and sign package. Sign package to include a Monument Sign and directional signs for the site. Recommend to Common Council of the same.

TAKEN FROM THE STAFF REPORT: Elmbrook Church – 1100 Hwy 83, CU and Signage: Amended Conditional Use, Sign Package review: The applicant seeks approval of an amendment to the Conditional Use Permit for the Westbrook Church, now known as Elmbrook Church located on Hwy 83. The property is currently zoned P-1, public and semipublic use. The property has an existing conditional use permit under Westbrook Church. The permit will need to be amended to change the name as well as reference the new sign package. The sign package includes a front monument sign, wayfinding signs, and light pole signs. A sign review has been completed for the sign package and is included in the packet. The sign package complies with the zoning code. As the changes are considered minor, we will provide a draft conditional use amendment document for consideration at the meeting. This will allow the applicant to proceed with sign installation if the Plan Commission approves the changes. Recommendation: The Plan Commission should share with the petitioner any 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.

Mark Beckman, applicant, was present. He was aware of the pilot program for non-profits and wanted to be sure the Church was treated the same as other non-profits. It seemed there was a framework to move forward that could be accommodated.

AICHER MOVED TO APPROVE AMEND THE EXISTING CONDITIONAL USE PERMIT TO INCLUDE A NAME CHANGE AND SIGN PACKAGE WITH THE SIGN PACKAGE TO INCLUDE A MONUMENT SIGN AND DIRECTIONAL SIGNS FOR THE SITE FOR DELIC 0784.971.003, 0784.971.004 AND 0784.975 WESTBROOK CHURCH, N/K/A ELMBROOK CHURCH LAKE COUNTRY, 1100 HWY 83, HARTLAND, WI. OWNERS: ELMBROOK CHURCH, INC./APPLICANT: MARK HECKMAN, AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **DELIC 0793.001.002 Be Fitness & Wellness, LLC, 405 Genesee St., Delafield, WI. Owner: Michael Braatz/Hendricks Group. Applicant: Pete Davis of Johnson Design.** Applicant seeks approval of an amendment to the Conditional Use Planned Development to allow for

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

outdoor yoga space and other building modifications at 405 Genesee Street. Recommend to Common Council of the same.

TAKEN FROM THE STAFF REPORT: BE Fitness and Wellness – 405 Genesee Street: Amended Conditional Use, Site Plan and Architecture review: *The applicant seeks approval of an amendment to the Conditional Use Permit for the planned development at 405 Genesee Street, the BE Fitness building. The property is currently zoned CBD-3 with a planned development overlay. This building was originally known as the Jefferson Building. There is an existing conditional use permit approved for the Lang Campus in 1997 which included the Jefferson Building. At the June 29, 2005 Plan Commission meeting the location of BE Fitness in the Jefferson Building was approved as a minor change to the conditional use as was the BPO and architectural modifications for BE Fitness. The applicant is proposing to perform minor modifications to the east side of the building entrance as well as converting the loading dock at the south side of the building to an outdoor yoga area. The outdoor yoga area will be approximately 800 square feet and will be screened by a decorative fence. With the use extending to the outdoors, staff recommended that approval of an amendment to the conditional use was warranted. As the physical changes are considered minor, we will provide a draft conditional use amendment document for consideration at the meeting. This will allow the applicant to proceed with building permits if the Plan Commission approves the changes. Considering the additional outdoor yoga space as additional floor space related to minimum parking requirements, 3 additional parking spaces would be required. The overall original Lang Campus parking plan has 50 unimproved spaces shown on the original site plan. At this time we would recommend not installing the additional spaces until there is an actual need identified. It is my understanding that the outdoor class would take the place of the indoor class such that there would not be an increase in overall use of the facility. **Recommendation: The Plan Commission should share with the petitioner any direction for modifying their proposed architecture and site plan, 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.***

Court explained this request was considered a minor change; however, it should be noted in the conditional use permit.

DEYOE MOVED TO APPROVE AN AMENDMENT TO THE CONDITIONAL USE PLANNED DEVELOPMENT TO ALLOW FOR OUTDOOR YOGA SPACE AND OTHER BUILDING MODIFICATIONS AT 405 GENESEE STREET FOR DELC 0793.001.002 BE FITNESS & WELLNESS, LLC, 405 GENESEE ST., DELAFIELD, WI. OWNER: MICHAEL BRAATZ/HENDRICKS GROUP. APPLICANT: PETE DAVIS OF JOHNSON DESIGN AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. REIHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. **DELC 0733.993.002, 4615 Vettelson Rd., Hartland, WI. Owner: Jendusa Development LLC. Applicant: James Jendusa.** Applicant seeks approval to amend the Conditional Use Permit, Site Plan and Architecture for Lightweight Structures, LLC for a Fabrication and Yard Storage facility, and Business Plan of Operation in B6 zoning to allow for a change in use and an addition to the existing structure at 4615 Vettelson Rd., Hartland, WI. Hours of operation: Weekdays 7 a.m. to 5 p.m., with one part-time and three full-time employees.

TAKEN FROM THE STAFF REPORT: Jendusa Development – 4615 Vettelson Road: Amended Conditional Use, Site Plan and Architecture review - *The owner, James Jendusa,*

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

seeks approval of an amendment to the Conditional Use Permit for the planned development at 4615 Vettelson Road. The property is currently zoned B-6. Jendusa Development, LLC owns and operates a multi-tenant office building with outdoor storage space. The existing Conditional Use Permit allows for the office building and storage for 100 boats. The owner is requesting approval of a building addition for a 2,600 square foot shop to house a new business. The proposed addition is located north of the office building and south of the existing metal building. The proposed business is named Lightweight Structures, LLC and would be generally described as a fabrication shop. The business would utilize the new shop area as well as the majority of the outdoor storage area. The business would be owned and operated by James Jendusa. Also requested at this time, is to allow the north portion of the storage area to be leased to two different companies: a landscaping company and a masonry company. The site plan illustrates approximate location of the areas for lease. These companies are not owned by Mr. Jendusa. Normally these types of proposed uses fit best in the M-1 zoning district, but with the property zoned as B-6, there is flexibility to allow for these uses. Per section 17.39(27)b. Intent – “The intent of this zoning district is to create a district which will enable flexibility in terms of the specific types of land uses, but will assure that any development occurring in this area will be planned and designed within the context of a business district or integrated planned development.” The owner has provided a detailed description of the business plan of operation. The business appears to tie into the existing structural engineering business located in the current office and per staff’s opinion would meet the intent of the B-6 zoning. The building addition would need to be considered as part of the principal building to allow for the 22 foot height. Setbacks and F.A.R. meet the zoning code. Impervious area calculations and parking calculations have been provided on an updated site plan submitted September 21, 2016. **Recommendation: The Plan Commission should share with the petitioner any direction for modifying their proposed architecture and site plan, 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. If the motion is to approve or approve with conditions, staff will draft a conditional use document for review at the next Plan Commission Meeting.**

James Jendusa, applicant, was present. Court reviewed the request. The proposed parking spaces were considered adequate. Jendusa explained the location of the property, noting the proposed site addition would be used for shop space that would support five to ten employees. The framing would be put together using screw guns and a fork truck would be onsite to load and unload materials on site. Materials would be delivered weekly on flatbed trailer trucks. The use was less intensive than prior uses of the site. Hours of operation and delivery times should be included in the conditional use. Staff was directed to work with the City Attorney to draft a new conditional use permit with final Plan Commission approval prior to review by the Common Council.

- d. **DEL C 0788.017, 1341 Milwaukee Street, Delafield, WI. Owner: Ronald K. Erhardt. Applicant: Carl Merisalo – Century Landscaping CO.** Applicant seeks approval of a retaining wall encroachment into the side yard setback.

TAKEN FROM THE STAFF REPORT: Erhardt Retaining Wall - 1341 Milwaukee Street. Applicant Carl Merisalo of Century Landscaping seeks approval of a retaining wall encroachment into the side yard setback. The applicant is requesting approval for a retaining wall. The retaining wall is proposed to be within the side yard setback, per Section 17.17 (6) (c.) 2., the retaining wall needs Plan Commission approval. The wall is located approximately 5.5 feet off the side property line. The lot is zoned RL-2 with a side yard setback of 8 feet.

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

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.

Recommendation: Approval of the retaining wall, subject to the City Building Inspector's final review.

Applicant Carl Merisalo of Century Landscaping was present. He had been asked to work on the project after the retaining wall was already started. Court explained the retaining wall encroached into the sideyard setback. Notification to neighbors had been provided with support from the neighboring property owner. The retaining wall request supported by the neighbor included a two tier wall with plantings on both tier.

AICHER MOVE TO APPROVE, SUBJECT TO THE CITY BUILDING INSPECTOR'S FINAL REVIEW. DEHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- e. **DELIC 0798.122, 1018 Milwaukee Street, Delafield, WI. Owner/Applicant: Kathy and Ron Bero.** Owner seeks approval of a Certified Survey Map to combine two parcels into one.

TAKEN FROM THE STAFF REPORT: Bero CSM – 1018 Milwaukee Street: Owner seeks approval of a Certified Survey Map to combine two parcels into one. This will allow the owner to build a garage on the lot. A review letter for the CSM has been included in Plan Commission packet. **Recommendation: Approval of the CSM, subject to satisfying the CSM review letter.**

Kathy and Ron Bero, applicants, were present.

AICHER MOVE TO APPROVE A CERTIFIED SURVEY MAP TO COMBINE TWO PARCELS INTO ONE, SUBJECT TO SATISFACTION OF THE CSM REVIEW LETTER FOR DELIC 0798.122, 1018 MILWAUKEE STREET, DELAFIELD, WI. OWNER/APPLICANT: KATHY AND RON BERO. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. Zoning and Ordinance Revision - None.

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

7. Reports of City Officials:
 - a. Clerk
 1. Plan Commission Meeting Dates & Deadlines
Meeting: October 26, 2016
Regular submittal deadline: October 11, 2016
Public Hearing submittal deadline: September 29, 2016
 - b. Planner - No report.
 - c. Building Inspector

The total number of permits to date was 38 with two commercial occupancy permits this month.

8. Correspondence – None.

9. Adjournment

There was no further business; therefore, the Wednesday, September 28, 2016 Plan Commission meeting adjourned at 10:15 PM.

Minutes Prepared By:

Accurate Business Communications, Inc.