

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Call to Order

Mayor DeYoe called the Wednesday, May 31, 2017 Plan Commission meeting to order at 7:01PM.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call for the Wednesday, May 31, 2017 Plan Commission meeting:

Present

Absent

Michele DeYoe, Mayor

Tim Aicher, Ald.

Wayne Dehn (arrived 8:38 PM)

Dave Greenway

Dan Jashinsky

Jeff Miller

Jim Reiher

David Simon

Roger Dupler, Planner

Scott Hussinger, Building Inspector

Jim Hammes, Attorney

PUBLIC HEARING #1:

Amended Conditional Use Permit for an Existing Cell Tower

TAX KEY/ADDRESS:

DELC 0801.999.009 1785 Golf Road, Delafield

OWNER:

Nagawaukee Square LLC

APPLICANT:

Phase One Consulting

MATTER:

Applicant seeks an amended Conditional Use to extend the height of the cell tower from 50' to 75' height, and to add a ground-mounted generator and equipment cabinets.

DeYoe opened the Public Hearing at 7:01PM

Dan Berny 157 North Delaplain Road, Riverside, IL, was present as a representative of Verizon Wireless. Verizon, along with the owner of the cell tower, wanted to raise the height of the cell tower from 50 to 71 feet and add a generator. This would allow additional capacity, increase bandwidth of the cell service and add a generator for back-up purposes.

There was no one present wishing to speak at this time. DeYoe closed the Public Hearing at 7:04PM.

PUBLIC HEARING #2:

Amended Conditional Use Permit

TAX KEY/ADDRESS:

DELC 0793.014.023 601-23 Genesee Street, Delafield.

OWNER/APPLICANT:

Hendricks Commercial Properties, LLC.

MATTER:

Applicant seeks approval to amend the existing conditional use to allow for a mobile outdoor vender.

DeYoe opened the Public Hearing at 7:04PM. The applicant was not present.

There was no one present wishing to speak at this time. DeYoe closed the Public Hearing at 7:04PM.

PUBLIC HEARING #3:

Zoning Ordinance Text Amendment

OWNER/APPLICANT:

City of Delafield

MATTER:

The City seeks to repeal and recreate Chapter 17, Section 22, relating to allowed boathouse size and location.

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DeYoe opened the Public Hearing at 7:05PM.

Dupler explained the Lake Welfare Committee had recommended a change to the current boathouse zoning ordinances. The intent was to allow boathouse owners to expand the width to 24 feet on larger lots.

Beth Leonard, 2313 Nagawicka Road, expressed concern regarding the boathouse ordinance change presented. She could not find minutes that discussed a need for the change. Typically zoning issues arose during Plan Commission discussions; however, this seemed to be recommended by the Lake Welfare Committee. Zoning changes were not within the role of that Committee. She also noted the staff report provided for this meeting did not contrast the existing ordinance with the current proposal. She questioned the impetus for the change and wondered if there were several people coming forward or a single person. It did not seem that there was enough information provided to the public on this topic prior to this public hearing. There was no demonstrated need in any records that could be found for this proposed change. Boat houses on the lake were typically used for storage or party decks. Boats were stored on lifts not in the boathouses. Sizes proposed were approximately 25% larger than currently found in the ordinance and this seemed an excessive increase. It did not seem appropriate to have a structure that size at the lakeshore. The City should consider re-evaluating development at the lakeshore comprehensively. Impervious surface regulations were needed for Nagawicka Lake as well.

DeYoe closed the Public Hearing at 7:13PM.

PUBLIC HEARING #4: **Conditional Use Permit for a Care Facility**
TAX KEY/ADDRESS: **DELC 0790.999.001, DELC 0790.999.002, and DELC 0790.999.03, W367**
 Oakwood Drive, Delafield.
OWNER: **Roger's Memorial Hospital Incorporated.**
APPLICANT: **City of Delafield.**
MATTER: The City seeks to authorize issuance of a conditional use permit for the CBRF operated by Rogers Memorial Hospital in accordance with the conditional use permit issued to Cedar Ridge, and amended on August 29, 2007 at the request of Rogers. Changes in the operation since 2007 and the impact on neighboring properties will be considered. Issuance of the conditional use permit may authorize and/or limit modifications of the CBRF that have occurred since 2007.

DeYoe opened the Public Hearing at 7:13PM.

Bob Snyder, Rogers Memorial Hospital, Inc. attorney, explained the Cedar Ridge Facility was purchased by Rogers Memorial Hospital (hereafter referred to as Rogers) in 2007. Cedar Ridge had operated two CBRF facilities under Conditional Use Permits. Rogers does not believe that the City placed any restrictions on the Conditional Use Permit to limit the use to any type of CBRF. Rogers operates these facilities under Conditional Use Permits. Records provide no evidence of any the restrictions associated with CBRF conditions attached to the Conditional Use Permit governing the site. Approvals were received and an occupancy permit granted for Rogers. in the past. The underlying zoning continued to be in place and the City could put in reasonable restrictions and force the review of those restrictions. Rogers had agreed to work with the City to document the existing Rogers operations and to add reasonable restrictions to the Conditional Use Permit. Rogers operated two community based residential facilities (CBRF). The buildings met all density, height and setback requirements as well as open space requirements. The CBRF facilities housed 24 adults and eight adolescents with eating disorders, depressive disorders and obsessive-compulsive disorders using experiential and horticultural based therapies to overcome these disorders. Residents were bused from the main Rogers site or other facilities. The majority of the food for these facilities was trucked in with some foods prepared in the small kitchens by staff or therapies. The layout of the facilities had remained the same over time with remodeling approved by the City in 2015. During the entire operations of the Rogers facility, traffic and parking had remained similar over time. During times of construction traffic had increased but returned to

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typical levels after the construction was completed. In 2015, Rogers received temporary approval of additional stalls including 15 paved and 18 gravel stalls with parking along two sides of the roadways; however, that had decreased due to construction being completed. Rogers now wanted to pave the gravel areas to reduce side-road parking, save grass and reduce light pollution coming out of the property. In 2015, Rogers was open and honest in its efforts to receive approvals from the City and state for the approvals to operate as a CBRF. There are no restrictions on existing conditional uses. This facility has not grown and has been licensed annually by the state of Wisconsin as a 24 CBRF since before Rogers took occupancy. This CBRF was an appropriate use in this neighborhood. The City zoning code allowed it. Rogers did not believe it was in the best interest of anyone to allow the use of the site to go on without being subject to appropriate restrictions. Rogers would like to work in good faith with the City and neighbors to provide restrictions on the type of CBRF on this property. To that end, Rogers had agreed in the past to install landscaping features and an expensive privacy fence to work with neighborhood concerns. Residents in this CBRF provided no threat to the neighborhood and City. Treatment provided was appreciated by many people in the area. They had a right to be treated and fed as well as a constitutional right to be at the facility. Rogers respectfully requested moving forward with establishing restrictions for the CBRF on site.

Keith Schermitzler, 343 Juniper Court, questioned how Rogers was allowed to operate without an approved Conditional Use permit produced by Rogers or the City. Residents never received any notification about the changes made at the CBRF in 2007. He remained upset that his government did not notify him of the future changes to the site when it changed from a nursing home facility to Rogers. His issue was not with the services offered but where these services were offered in his residential neighborhood. He expressed concerns about additional traffic and noise in 2016 that remained. He remained concerned about the potential decline of property values as a result of the operations in this neighborhood. In the past, Rogers indicated the neighbors had support. Rogers had offered him landscaping and participation in their corporate committees. He was not interested in these things. He did not think he needed to deal with corporate operations in his residential neighborhood. He recently received emails from Rogers regarding planting trees on his property. Last fall a petition was presented to the Plan Commission providing opposition to expansion and change of services at this CBRF. Because neither the City nor Rogers could produce a conditional use for operations, it seemed logical that the conditional use governing the Cedar Ridge nursing home facility would be the conditional use permit used to guide operations at this time. He questioned whether a street light and parking could be added to property without approvals from the City. He asked the Commission and Council to support the residents in conducting an investigation into the conditional use permit for this property, to begin retracting and rescinding the current conditional use for Rogers, deny any future attempts for expansion and remove Rogers operations from his residential neighborhood.

Matt Grimmer, 1220 Aspen Court, thanked the attorney from Rogers for his comments. He politely disagreed with comments made regarding hostility in discussions. He continued to be concerned about how adolescents in the past years had already changed and intensified the use of the property as well as increased traffic. An article in Milwaukee Journal Sentinel had noted increased residential activity with Rogers Memorial Hospital could increase traffic at this site. He agreed with his neighbor that the site had already changed with regard to traffic, noise and property values could have already been negatively impacted. He was not in agreement with Rogers characterization of traffic volume. He agreed with Snyder that a lack of conditional use permit history should not allow them to operate without restriction. All had great respect for the work that the Rogers organization did; however, the issue remained that this was not a great location for Rogers to provide that work.

DeYoe read letter from **Donna and Edward Weir, 2058 Mill Rd**, noting opposition to the proposed plans for Rogers due to increased traffic. In addition, the portrayal of working with the neighbors was not correct. The neighbor in support did not have the affected residence as her primary residence. Emails recently received from Rogers seemed disingenuous in their timing as they prepared for this meeting. The Weirs requested the proposal be denied and efforts made to return to the conditional use that governed the CBRF site prior to Rogers taking over the site. (include attached)

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DeYoe closed the Public Hearing at 7:38PM.

1. Approve Plan Commission meeting minutes of March 29, 2017 meeting.

Hearing no objections, the March 29, 2017 Plan Commission meeting minutes were approved.

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

Susan Atherton, 2221 Patrick Lane, Waukesha, retired municipal clerk for the Village of Pewaukee and was present to speak to Item 5F. She was the clerk of record at the time that applicant applied for a similar operation and similar facility in a neighborhood in Pewaukee. She was present in support of this business and noted the applicant complied with all requests of the Plan Commission to run a thriving business.

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

3. Consent Agenda

- a. **DELC 0736.988.001, Campbell Trace and Hwy 83, Hartland. Owner: CELA Holdings, LLC. Applicant: Steven Kubasa and Suzanne Dauer.** Applicant seeks approval of a Temporary Business Plan of Operation for a corn stand. Hours of Operation will be 8:00 A.M. to 7:00 P.M. all days of the week. July 1 to September 30, 2017.
- b. **DELC 0787.079, 621 Milwaukee Street, Delafield. Owner: Provenio Properties. Applicant: Sheryl M. Volpano.** Applicant seeks an amended Business Plan of Operation to change the operator's name from Be-Be Inc. to JLV Inc. for Angelina's Ristorante.
- c. **DELC 0793.014.023, 637 Genesee Street, Delafield. Owner: Hendricks Commercial Properties. Applicant: Paula Hornbeck.** Applicant seeks approval of an amended Business Plan of Operation to relocate Eye Candy from 524 Milwaukee Street to 637 Genesee Street and approval of a new sign package.
- d. **DELC 0793.014.023 631 Genesee Street, Delafield. Owner: Hendricks Commercial Properties. Applicant: Signworks.** Applicant seeks approval of an amended Business Plan of Operation and a permanent sign for Waterford Wine & Spirits.
- e. **DELC 0793.014.002, 515 Wells Street, Delafield. Owner/Applicant: PrimeOne LLC.** Applicant seeks approval of a building color change for PrimeOne.
- f. **DELC 0807.987.005, 3562 Hillside Drive, Delafield. Owner: Bill Isler. Applicant Erin O'Boyle.** Applicant seeks approval of a Temporary Business Plan of Operation for Social Style Dance to host an outdoor fund-raising event Saturday August 19, 2017, or rain date Sunday August 20, 2017, from 11:00 A. M. to 8:00 P.M.
- g. **DELC 0794.017.015, 240 Enterprise Road, Delafield. Owner: ACW Holdings. Applicant: Automotive LLC.** Applicant seeks approval of a Business Plan of Operation for a light Auto Customization operation. Hours of Operation are 8:00 A.M. to 5:00 P.M. Monday through Friday, with one full-time employee.
- h. **DELC 0794.017.20, 250 Enterprise Road, Delafield. Owner: Robert William Amble.** Applicant seeks approval of a personal hobby garage with storage. Hours of Operation are 6:00 A.M. to 10:00 P.M. all days, with no employees

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

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4. Unfinished Business

- a. **DELC 0790.999.001, DELC 0790.999.002, and DELC 0790.999.003, W367 Oakwood Drive, Delafield. Owner: Roger's Memorial Hospital Incorporated. Applicant: City of Delafield.**
The City seeks to authorize issuance of a conditional use permit for the CBRF operated by Rogers Memorial Hospital in accordance with the conditional use permit issued to Cedar Ridge, and amended on August 29, 2007 at the request of Rogers. Changes in the operation since 2007 and the impact on neighboring properties will be considered. Issuance of the conditional use permit may authorize and/or limit modifications of the CBRF that have occurred since 2007 and recommend to the Common Council of the same.

PLEASE SEE PLANNER'S REPORT IN THE EPACKET FOR THIS MEETING TO LOCATE DETAILED INFORMATION ON THIS ITEM.

Hammes provided an update on the conditional use permit documentation issue. He suggested that the current operation be discussed and review conditions that need to met, such as the fencing and landscaping. In this case, the documentation should be reviewed at the next Plan Commission meeting in a draft form and then recommended to the Common Council at the next meeting. He had questions remaining regarding parking, lighting plan approvals, etc. Snyder was in agreement with this plan to draft a document and return to the Plan Commission for formal review. Aicher questioned whether approval under a conditional use was approval of a specific use. Simply because a use was not restricted did not automatically grant approval for all uses to occur. While City minutes did not reflect the specifics of a change for this site in 2007 there was a summary change in activity on this site noted at that time. The change to the youth treatment did not take place in 2007. He questioned whether both sites were considered CBRFs. An eight-bed facility for this location did not show up as a CBRF on the state's website. It was listed under another type of designation through another agency granting licensure as an RCC. Snyder explained this location was handled through a special type of permit that met the definitions of a CBRF. Aicher noted the license specifically listed a host of other activities, including treatment of alcohol and drug abuse, in addition to licensing requests for treating residents that are emotionally disturbed and have mental illness. Snyder noted those other treatment activities were not being provided at this site. Aicher explained this was of concern to him. Earlier in the meeting it was explained that Rogers did not have free rein; however, it seemed as though Rogers had exercised free rein. Approval requests had not been submitted or granted by the City for those changes in use in 2015. It was important to clearly articulate the activities going on at Rogers and to give the neighbors the support needed for things that were changed in 2015. Hammes suggested that the Plan Commission forget the history and examine the Conditional Use as a new request. Simon noted the attitude being presented by Rogers in this matter was a bit offensive to him. Questions remained regarding concerns presented by neighbors such as traffic volume changes, parking, delivery issues, landscaping, etc. Reiher suggested a site visit to Rogers for all Commissioners in consideration of this matter. In 2007 when the CBRF residents changed from those with assisted living to mental illness, no issues were presented. The issue of change in 2007 would not be undone or redone. Rogers continued to be an asset and resource in the community for eating disorders and mental illness. It was important to work together as a community for the good of all in this matter.

Aicher noted the ratio of employees to residents. Shift changes and visiting hours implied very busy times to note in facility operations. There did not seem to be a slow period. This contrasted with what was on the site before.

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Barbara Whitstone, Vice President of Facilities, explained the request to build a kitchen onsite was to mitigate the traffic of food management vehicles.

Hammes noted parking was impacted and should be reviewed by the Plan Commission. Simply because a minimum was required did not mean that more parking was not a requirement of the Conditional Use moving forward. Snyder agreed, noting parking could be added to the parcel.

DeYoe requested Commissioners consider a site visit. This was a complex issue spanning a number of years with gaps and discrepancies in the record. It was important to make recommendation on restrictions and provisions without emotion and with thoughtful consideration. Individual visits should be pre-arranged due to privacy and required accompanying Rogers staff. Simon questioned whether operations could be structured in such a way to mitigate some of the neighbors concerns in moving forward. Whitstone noted that was the purpose of the 2016 fall proposal. Hammes questioned staff training onsite during the week. Whitstone explained residents could not be left unattended and certain staffing levels were required for any CBRF as part of licensing. Aicher noted parking and lights as well as hours of operations were part of typical review of conditional use. Outdoor activities should be restricted to certain times.

Items suggested for inclusion in the conditional use included traffic, timing of staff training, parking, lights, hours of operation, restrictions for outdoor activities, patient care categories, street lights, facilities management tasks, and a lighting plan. Reiher suggested that conditional use factors required for consideration by the Plan Commission should be reviewed. Discussion took place regarding the possibility of consolidating all lots into one CSM. Dupler encouraged the petitioner to consider doing so; however it was not a requirement. No action was taken at this time. This item would be placed on the next Commission agenda.

5. New Business

- a. **SUMT 0672.999.004, 1382 Waterville Road, Summit. Owner: Tree Ridge LLC. Applicant: Lake Country Engineering.** Applicant seeks preliminary input regarding infrastructure linkage to Evelyn Avenue.

PLEASE SEE PLANNER'S REPORT IN THE EPACKET FOR THIS MEETING TO LOCATE DETAILED INFORMATION ON THIS ITEM.

Rob Davy Lake County Engineering Oconomowoc, applicant, was present to request permission to access city property for approximately 20 feet in order to connect a path to Evelyn Avenue for this area. Discussion ensued regarding the topography, critical habitat and emergency vehicle access. This request would be far less invasive than working through the environmental corridor. DeYoe noted that in the past she had been opposed to this request.. Information provided this evening was a bit different and would allow an emergency access road that would allow for pedestrian and bike traffic to move freely, but would be gated with knock-down gates in the event of an emergency. Aicher noted this would create a cut-through to Lapham Peak for bike and pedestrian traffic. He was concerned about the residents that had chosen to live on the current cul-de-sac and this project represented a detriment to them. DeYoe was not in favor of this proposal because it would create a cut-through to an area in another community that could be accessed another way. Dupler explained how access to Waterville Road could be provided without going through the primary environmental corridor. It was suggested that neighbors in that area be contacted to provide input and return to the Plan Commission for additional consideration. No action was taken.

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- b. **DELC 0807.985.005, 3635 Kettle Court East, Delafield. Owner: KB Investments LLC. Applicant: Design 2 Construct.** Applicant seeks approval of a building Development Plan and Architecture.

PLEASE SEE PLANNER'S REPORT IN THE EPACKET FOR THIS MEETING TO LOCATE DETAILED INFORMATION ON THIS ITEM.

Dan Hernandez, 4033 Mary Lane, spoke about his plans for a new 16,200 sf pre-cast building on Kettle Court East with a factory use, storage use and office use. He noted locations of docks and doors on the plans, noting satisfaction of lighting, landscaping and engineering requirements. Parking had been banked and he requested additional pole lights be "banked" in the same way. Building lighting would be adequate to light the lot for cars. Operations would be approximately 8AM -5 PM, Monday through Friday.

Dupler noted all concerns had been met. He noted an error in his report related to lighting plans; however, the plans had been located and were without issue. Greenway questioned the need for the shed on the property that would house the boiler. The boiler could be enclosed in the proposed building plans. Discussion ensued regarding enclosing the boiler within the proposed building.

GREENWAY MOVED TO APPROVE BUILDING DEVELOPMENT PLAN AND ARCHITECTURE DELC 0807.985.005, 3635 KETTLE COURT EAST, DELAFIELD. OWNER: KB INVESTMENTS LLC. APPLICANT: DESIGN 2 CONSTRUCT, CONTINGENT UPON ADDING STUCCO AND OTHER AESTHETICS TO THE BACK-SHED AREA AND TO RECOMMEND TO CITY STAFF FOR FINAL APPROVAL. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. **DELC 0801.999.009 1785 Golf Road, Delafield. Owner: Nagawaukee Square LLC. Applicant: Phase One Consulting.** Applicant seeks an amended Conditional Use to extend the height of the cell tower from 50' to 75' height, and to add a ground-mounted generator and equipment cabinets, and recommend to the Common Council of the same.

PLEASE SEE PLANNER'S REPORT IN THE EPACKET FOR THIS MEETING TO LOCATE DETAILED INFORMATION ON THIS ITEM.

Dupler noted location of the cell tower. Discussion ensued regarding the color and deterioration of the post and fall zone for the tower. It was suggested that the color and condition of the post be improved as it was looking rather shabby. Increased landscaping along the westerly property line was also requested to assist in screening for equipment.

AICHER MOVED TO APPROVE AN AMENDED CONDITIONAL USE TO EXTEND THE HEIGHT OF THE CELL TOWER FROM 50' TO 75' HEIGHT, AND TO ADD A GROUND-MOUNTED GENERATOR AND EQUIPMENT CABINETS CONTINGENT ON ADDITIONAL LANDSCAPING TO THE WEST AND REPAIR OR REPLACEMENT OF THE BOTTOM PART OF THE EXISTING TOWER AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME FOR DELC 0801.999.009 GOLF ROAD, DELAFIELD. OWNER: NAGAWAUKEE SQUARE LLC. REIHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED

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- d. **DELCO 0793.014.023, 601-23 Genesee Street, Delafield. Owner/Applicant: Hendricks Commercial Properties, LLC.** Applicant seeks approval to amend the existing conditional use to allow for a mobile outdoor vendor, and recommend to the Common Council of the same.

PLEASE SEE PLANNER'S REPORT IN THE EPACKET FOR THIS MEETING TO LOCATE DETAILED INFORMATION ON THIS ITEM.

Due to the absence of the applicant, this item was moved to the June 2017 Plan Commission agenda.

- e. **DELCO 0798.974.002, 1104 Kenora Drive, Delafield. Owner/Applicant: Behrend Property LLC.** Applicant seeks preliminary feedback regarding alteration to an existing Planned Development boundary.

PLEASE SEE PLANNER'S REPORT IN THE EPACKET FOR THIS MEETING TO LOCATE DETAILED INFORMATION ON THIS ITEM.

Richard Behrend, 2601 Nagawicka Road East, noted the request was to shift the lot line to the east as part of this request. Dupler provided background on the property noting the location and constraints associated with development opportunities in the future. Discussion ensued regarding the process to be used for consideration in this matter, noting a conditional use for Delafield Woods was involved and a public hearing would be required. It was suggested that a conceptual plan be provided to the Plan Commission for future consideration. This matter would be placed on a future agenda for consideration.

- f. **DELCO0807.982.002, 402 Kettle Drive, Delafield. Owner: DEEDEB LLC. Applicant: Ben Nader.** Applicant seeks approval of a Business Plan of Operation for Barkin' Up Delafield, Dog Daycare operation. Hours of Operation are Weekdays 6:00 A.M. to 7:00 P.M., Saturdays 8:00 A.M. to 7:00 P.M., and Sundays 8:00 A.M. to 3:00 P.M. with two full-time employees and two part-time employees.

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Ben Nader, 246 North Avenue, Hartland, WI, explained he wanted to open a second location for his dog day care business. He had heard the City often had issues with overnight boarding. He wanted to learn more about this. In caring for the 54,000 dogs that had come through his business in the past, no issues or complaints were received. The dogs were inside at night in individual kennels with a security system in place.

Dupler noted location and zoning for this property. Animal care facilities were not identified as permitted uses in the M-1 District. Overnight boarding was not allowed in other dog daycare businesses in the City with the exception of the veterinary clinics in the City. This site was in a commercial manufacturing location and overnight boarding was not anticipated to be an issue.

REIHER MOVED TO APPROVE BUILDING A BUSINESS PLAN OF OPERATION FOR BARKIN' UP DELAFIELD, DOG DAYCARE OPERATION. HOURS OF OPERATION ARE WEEKDAYS 6:00 A.M. TO 7:00 P.M., SATURDAYS 8:00 A.M. TO 7:00 P.M., AND SUNDAYS 8:00 A.M. TO 3:00 P.M. WITH TWO FULL-TIME EMPLOYEES AND TWO PART-TIME EMPLOYEES FOR DELCO0807.982.002, 402 KETTLE DRIVE, DELAFIELD. OWNER: DEEDEB LLC. APPLICANT: BEN NADER. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED

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- g. **DELC0792.988, 1111 Genesee Street, Delafield. Owner/Applicant: Church of St. John Chrysostom.** Applicant seeks preliminary feedback on a new monument sign and schedule a public hearing accordingly.

PLEASE SEE PLANNER'S REPORT IN THE EPACKET FOR THIS MEETING TO LOCATE DETAILED INFORMATION ON THIS ITEM.

John Choren, Church of St. John Chrysostom representative, explained signage at the church dated from the 1950's. It partially obstructed views on Genesee Street. The church wanted to replace the signage and move it approximately 25 feet south and back from the sidewalk. The dimension from the right-of-way was about 10-15 feet further than the current signage. Dupler explained this site was governed by conditional use. This request constituted a change to the site plan and therefore required a public hearing. The setback was 35 feet and the church was not able to respect that currently. The proposed sign was more modern looking and was to be internally illuminated with backlighting. The historic downtown district encompassed the church and internally lit signage, including letters, was not allowed.

Choren noted the Post Office had a new sign that was internally lit. He requested the internally lit sign and noted it would not have moveable letters. The face was aluminum and letters were routed out with plastic on the inside. The only changeable portion of the signage was on the lower panel that would change out the church service times in the winter and summer. Discussion ensued regarding the signage proposed. While only the letters would be illuminated, the proposed signage was not allowed in the historic downtown district because of the illumination coming from within. The signage style appeared more modern looking and did not match the historic charm of the church. Clarification was provided to the applicant regarding meeting with City staff to determine appropriate signage and lighting options. A public hearing would be required for this matter.

Tom Schlafer 1023 Milwaukee Street, clarified the issue. He noted internally lit signs in the City included Kurt's Steak House as well as others discussed. The proposed sign was entirely opaque with the exception of the letters. The letters were the only internally lit portion of the proposed signage. This type of signage would require little wattage and would cast less light than one externally lit. Dupler explained the historic aesthetic in the downtown district was established by the City over the past 20 years. Over time signage has had to conform to the overall historic aesthetic intent of the Plan Commission with regard to internally lit signs. Specific requirements for external illumination were noted within City guidelines. An internally illuminated sign was not allowed in the historic downtown district. In other areas outside this district, different lighting and illumination of signage was allowed.

6. Zoning and Ordinance Revision

- a. **Zoning Ordinance Text Amendment, 17.22(7), 17.22(9), and 17.22(12)** Text amendments relate to the size and location governing allowable boathouses, recommend to the Common Council of the same.

The Lake Welfare Committee recommended a text amendment to the City's zoning code regarding boathouses as shown in the epacket for this meeting. Boats were getting larger. On lots larger than 150 feet, a larger boathouse could be built without impacting sight lines, etc. to accommodate larger boats. In addition, another amendment was recommended regarding stormwater management. When stormwater management practices, such as rain gardens were added to lakeshore lots, many times the rain gardens were being "absorbed" into the lawn over

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time by owners mowing them and eventually these areas became part of the lawn with the stormwater management effort being lost. Discussion ensued regarding the measurement of the lot width and how best to articulate it in the amendment. It was important to define the measurement point clearly. Hussinger provided several options where the verbiage presented could be construed and challenged. Discussion took place regarding the process of approval for each boathouse. With the current process in place, there would be numerous opportunities to review proposed boathouses. To attempt to try to note each unique shoreline issue was daunting. Other municipal ordinances and codes did not demonstrate any consistency regarding this type of measurement issue.

AICHER MOVED TO APPROVE THE ZONING TEXT AMENDMENT FOR SECTIONS 17.22(7), 17.22(9), AND 17.22(12) AS PRESENTED AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

7. Reports of City Officials:

a. Clerk

1. Plan Commission Meeting Dates & Deadlines
 - a. June 28, 2017; next meeting.
 - b. June 13, 2017; submittal deadline.
 - c. May 31, 2017; Public Hearing submittal deadline.

2. Correspondence – None.

b. Planner – No report given.

c. Building Inspector

The total number of permits to date was 55 with one commercial and three residential occupancy permits this month.

8. Adjournment

There was no further business; therefore, the Wednesday, May 31, 2017 Plan Commission meeting adjourned at 9:39PM.

Minutes Prepared By:

Accurate Business Communications, Inc.

-----Original Message-----

From: "Weir, Donna E. (GE Healthcare)" <Donna.Weir@med.ge.com>

To: taicher@ci.delafield.wi.us, jobrien@ci.delafield.wi.us

Cc: "Edward Weir (ed_weir@vwr.com)" <ed_weir@vwr.com>, "Keith Schermitzler" <keith.schermitzler@alerus.com>, "Weir, Donna E. (GE Healthcare)" <Donna.Weir@med.ge.com>

Date: 05/30/2017 03:58 PM

Subject: Planning Commission Meeting May 31, 2017

Respectfully submitted to the Delafield Planning Commission regarding Rogers Behavioral Health Eating Disorder Therapy Center on Oakwood Drive in Delafield.

Unfortunately, my husband (Edward Weir) and I (Donna Weir) cannot attend Wednesday's meeting of the Planning commission, due to business commitments. We would, however, like this email to be read to the commission in our absence.

First off, we would like to thank Rogers Behavioral Health for attending to a few things as a result of the last meeting. Most notable, the cigarette smoking at the end of their driveway. That issue has been eliminated and we greatly appreciate that.

I would, however, like to reaffirm our position as neighbors to the facility. We live at 2058 Mill Road, and our backyard is on Oakwood Drive.

We are **NOT** in favor of the proposed plans for Rogers Behavioral Health. Since they have taken over the Cedar Ridge complex, and began both in- and out-patient therapy sessions, we have experienced a huge increase in traffic on Oakwood. The white Rogers vans are in and out all day, shift changes, and cars coming and going have made this "residential" area a high traffic "commercial" property.

Just after the last Planning Commission meeting, where we expressed our concerns on traffic, noise, etc., the Merits Asphalt company showed up at 7AM on a SATURDAY, to cut into and repair their driveway. We, as neighbors, don't even mow our yards that early on a Saturday.

While Rogers has tried to "work with the neighbors," we still do not support the facility. They have mentioned in emails that they are working with Lola Loepfe, whose primary residence is not impacted by this facility at all. I received an email last Friday (5/26) from Rogers offering to plant trees on Oakwood. I find the timing of that email offer rather disingenuous, as they prepared for today's meeting of the Planning Commission.

We have signed a petition in the past, we have attended planning commission meetings, we had a meeting at Rogers to understand the project they are proposing, and we still do not support these efforts. Please do what is right and just, so that regulations/rules that we as tax payers abide by, are also adhered to by a commercial institution such as Rogers Behavioral Health. Please reject any proposed expansion plans by Rogers on Oakwood Drive in Delafield.

Lastly, please restore and limit the Conditional Use Permit to that which was in place when Cedar Ridge operated at this location prior to Rogers taking over.

Sincerely,
Donna and Edward Weir



RE: Delafield
Mueller, Paul

to:
Keith Schermitzler
10/26/2016 12:15 PM

Cc:
"Weir, Donna E. (GE Healthcare)", "Feist, Joel", "Degner, Keith", "Harrison, Suzanne"

Hide Details

From: "Mueller, Paul" <PMueller@rogershospital.org>

To: Keith Schermitzler <keith.schermitzler@alorus.com>

Cc: "Weir, Donna E. (GE Healthcare)" <Donna.Weir@med.ge.com>, "Feist, Joel" <JFeist@rogershospital.org>, "Degner, Keith" <KDegner@rogershospital.org>, "Harrison, Suzanne" <SHarrison@rogershospital.org>

History: This message has been forwarded.

Keith,

I wanted to acknowledge receiving this. While disappointed by the lack of desire to communicate with us, we remain committed to inform you of activities at our location and are always available to hear any feedback or concerns you may have.

Paul

Paul A. Mueller
Chief Executive Officer/CEO
34700 Valley Road Oconomowoc, WI 53066
T- 262.646.1312 F- 262.646.3158
pmueller@rogershospital.org
www.rogershospital.org

A Key Corporation of Rogers Behavioral Health System, Inc.

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From: Keith Schermitzler [mailto:keith.schermitzler@alorus.com]
Sent: Wednesday, October 26, 2016 10:43 AM
To: Mueller, Paul <PMueller@rogershospital.org>
Cc: Weir, Donna E. (GE Healthcare) <Donna.Weir@med.ge.com>; Feist, Joel <JFeist@rogershospital.org>; Degner, Keith <KDegner@rogershospital.org>; Harrison, Suzanne <SHarrison@rogershospital.org>
Subject: RE: Delafield

Rogers Hospital Representatives,

In light of all recent events, meetings and ongoing discussions / discovery with the City of Delafield, I want to let you know that I am not in agreement with the expansion and existence of Rogers in my neighborhood.

I am no longer interested in working with you on the issues we previously discussed (smoking, garbage pick up, hours of operations, etc.)..

I am not interested in being part of any of your committee meetings or discussing any of your policies. As a resident in a neighborhood, these are things I shouldn't have to deal with in the first place.

I am not interested in you planting trees on my property.

I am not in favor of your expansion plans and I am not in favor of you conducting your business operations in my residential neighborhood.

Much has changed in our neighborhood, and the existence of a commercial business no longer fits.

Thanks.

Keith Schermitzler
Senior Retirement Plan Consultant

Alerus Retirement Solutions
N27 W23960 Paul Road, Suite 104, Pewaukee, WI 53072
262.347.2280 | Office
866.427.2731 | Toll Free
alerusretirementsolutions.com

▼ "Mueller, Paul" ---09/28/2016 05:04:54 PM---I agree, we need to put those to full resolution. Paul A. Mueller

From: "Mueller, Paul" <PMueller@rogershospital.org>
To: Keith Schermitzler <keith.schermitzler@alerus.com>
Cc: "Weir, Donna E. (GE Healthcare)" <Donna.Weir@med.ge.com>, "Feist, Joel" <JFeist@rogershospital.org>, "Degner, Keith" <KDegner@rogershospital.org>, "Harrison, Suzanne" <SHarrison@rogershospital.org>
Date: 09/28/2016 05:04 PM
Subject: RE: Delafield

I agree, we need to put those to full resolution.

Paul A. Mueller
Chief Executive Officer/CEO
34700 Valley Road Oconomowoc, WI 53066
T- 262.646.1312 F- 262.646.3158
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From: Keith Schermitzler [<mailto:keith.schermitzler@alerus.com>]
Sent: Wednesday, September 28, 2016 3:38 PM

file:///C:/Users/kschermi/AppData/Local/Temp/notes97E53A/~web7383.htm

5/30/2017

To: Mueller, Paul <PMueller@rogershospital.org>
Cc: Weir, Donna E. (GE Healthcare) <Donna.Weir@med.ge.com>; Feist, Joel <JFeist@rogershospital.org>; Degner, Keith <KDegner@rogershospital.org>; Harrison, Suzanne <SHarrison@rogershospital.org>
Subject: Re: Delafield

Paul,

Sorry for the late response. I have been traveling and out of town a lot for business the past two weeks.

I agree that the size, species, number and placement of the trees you are offering to plant on my property are consistent with our previous discussion. I confirm that.

That said, other items still remain from our previous discussion that have yet to reach resolve.

Those items include:

Designated garbage pick up times, for example we discussed between 9:00 PM and 3:00 PM.

Designated delivery times for when your vans run back and forth with people and food.

Limiting the hours that the deck would be open and available to patients, family and staff. Something like 9:00 AM to 5:00 PM.

Designating a smoking area somewhere on the property - but away from the street.

I appreciate your time that you are spending on this and look forward to working with you and your staff to find resolution that makes sense for all involved.

Thanks.

Keith Schermitzler
Senior Retirement Plan Consultant

Alerus Retirement Solutions

N27 W23960 Paul Road, Suite 104, Pewaukee, WI 53072
262.347.2280 | Office
866.427.2731 | Toll Free
alerusretirementsolutions.com

"Mueller, Paul" ---09/19/2016 01:51:08 PM---These plans showing the exact location of the trees is being submitted to Delafield today. I believe

From: "Mueller, Paul" <PMueller@rogershospital.org>
To: Keith Schermitzler <keith.schermitzler@alerus.com>, "Weir, Donna E. (GE Healthcare)" <Donna.Weir@med.ge.com>, "Degner, Keith" <KDegner@rogershospital.org>, "Harrison, Suzanne" <SHarrison@rogershospital.org>, "Feist, Joel" <JFeist@rogershospital.org>
Date: 09/19/2016 01:51 PM
Subject: Delafield

These plans showing the exact location of the trees is being submitted to Delafield today. I believe this to be consistent with our discussions. I have also attached a picture of the fence that will be constructed on the east side of the property.

Please email with any additional questions. If you agree this is consistent with our discussion, please confirm.

Paul A. Mueller
Chief Executive Officer/CEO
34700 Valley Road Oconomowoc, WI 53066

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pmueller@rogershospital.org
www.rogershospital.org

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(See attached file: L1.0_Planting Plan_091916_R.pdf)(See attached file: L1.1_Planting Notes_091916_R.pdf)(See attached file: Wood_shadow_box_fence.jpg)

Confidential information should be sent to us via our secure email portal.

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Introduction and follow up on screening your property line
Whitstone, Barbara to: keith.schermitzler@alerus.com

05/26/2017 11:20 AM

History:

This message has been forwarded.

Hi Mr. Schermitzler,

My name is Barb Whitstone and I am the new VP of Facilities for Rogers Memorial Hospital. One of the projects I am working on involves increasing the privacy for our neighbors at the Delafield Eating Disorder Clinic on Oakwood. I am currently working with Lola Loepfe on a project of this type, and wanted to reach out to you as well. I have gotten some preliminary estimates from Groundskeepers, a local landscape company, to plant trees for privacy.

We would be happy to plant either 6-7' tall junipers (planted 5' on center) or 10-12' tall assorted spruce (planted 10' on center) on your 135' property line adjacent to Oakwood Road. Of course Rogers would absorb the approximately \$9k cost to have the trees planted by our professional, insured landscaper. I think you would enjoy the additional privacy and it would increase your property value. Please let me know your thoughts on this, and enjoy the long weekend!

Thank you.

Barb

Barbara Whitstone

VP of Facilities

Rogers Memorial Hospital

34700 Valley Road

Oconomowoc, WI 53066

262-646-1141

Barbara.Whitstone@RogersHospital.org

#4
Keith

I am not in favor of the existence or expansion of a mental illness / emotionally disturbed treatment facility in my residential neighborhood.

Keith Schermitzler 343 Juniper Ct Keith Schermitzler 10-21-16
Name (print) Address Signature Date

Larry Schneider 340 Juniper Ct. [Signature] 10-21-16
Name (print) Address Signature Date

Jo Anne Connor 316 Juniper Ct. [Signature] 10/21/16
Name (print) Address Signature Date

Jennifer Maston 365 Juniper Ct. Jennifer R. Maston 10-21-16
Name (print) Address Signature Date

DONNA WEIR 2058 MILLROAD [Signature] 10/21/16
Name (print) Address Signature Date

Ed Weir 2058 Mill Road [Signature] 10/21/2016
Name (print) Address Signature Date

TIM PREVO 384 JUNIPER CT. [Signature] 21 OCT 16
Name (print) Address Signature Date

AMY CHOI 384 JUNIPER CT [Signature] 21 OCT 16
Name (print) Address Signature Date

Thomas Glanville 321 Juniper Ct [Signature] Oct 21, 2016
Name (print) Address Signature Date

Joe Bley 389 Juniper Ct [Signature] 10/21/16