

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Call to Order

Chair DeYoe called the Wednesday, March 28, 2018 Plan Commission meeting to order at 7:00PM.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call for the Wednesday, March 28, 2018 Plan Commission meeting:

Present

Michele DeYoe, Mayor
Tim Aicher, Ald.
Dave Greenway
Dan Jashinsky
Jeff Miller
Jim Reiher
David Simon
Roger Dupler, Planner
James Hammes, Attorney
Scott Hussinger, Building Inspector

Absent

Jeff Krickhahn

PUBLIC HEARING #1:

Hendricks Properties.

TAX KEY/ADDRESS:

DELCO 0793.021 and DELCO 0793.021.001, 705 Genesee Street, Delafield.

OWNER:

Hendricks Commercial Properties LLC.

APPLICANT:

Kent Johnson, Johnson Design Group.

MATTER:

Applicant seeks approval of a Conditional Use Permit to erect two four-story mixed-use buildings exhibiting Commercial and Residential uses.

The requested Conditional Use Permit will allow:

- 1) Building in excess of three floors above grade.
- 2) Reduced Setback Requirement.
- 3) Multifamily Residential Dwellings.

DeYoe opened the Public Hearing at 7:01PM.

Kent Johnson and Pete Davis, of Johnson Design, were present. Johnson explained a second iteration had been provided to the Commission in advance of this meeting. Two buildings were proposed on the property. Originally the eastern building was proposed as a five-story building. It had been reduced to four stories. This project was not about following the City's Municipal Code perfectly in terms of constructing buildings lot line to lot line. In an effort to give back to the City and have the project stand out, the proposal included two buildings that could act as a City center. The first building would be constructed forty feet back from Genesee Street in order to create a public plaza. The lower level would have artisan retail locations, similar to a public market that would create activity where people could potentially come in and get food to take with them. Three commercial floors would be located above. The second building was separated by 48 feet. Another interior courtyard would be created through outdoor space. Both buildings would have an individual look. The second building was set back from Main Street by 48 feet with three residential floors above and would have 15 surface parking stalls including handicapped accessible parking. Johnson noted that while the proposed buildings were taller than the zoning code allowed, they were not overwhelming or massive. The three-story building would look diminutive compared to the Delafield Square condominiums nearby. This iteration of plans was more turn-of-the-century style than originally proposed. The windows were smaller with additional bracket and brick details, such as Cream City brick, being used on the residential building. The retail

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building on the north would be similar to the brick noted through the City similar to Delafield Square. The renderings and pictures demonstrated that the height of the buildings was not obtrusive.

Pat Deklotz, 601 Genesee Street, Unit #305, had no issue with the mixed use and multi-family aspects of this project; however, the three floors above were excessive. When purchasing her condo unit, she was told that there was a three-story height restriction in the City. Additional height would impact her view. She was also concerned with the look of the overall project. Part of the charm and ambience of the City was the architectural look. This building did not blend as well and still looked “blocky.” The Commission should keep in mind the current zoning requirements, nature of the area and the destination that the City was known to be.

Joe Deklotz, 601 Genesee Street, Unit #305, was supportive of the mixed-use multi-family building. Concern was expressed for the excessive three-story height and setbacks. The overall project was not in keeping with the City of Delafield. He had sent a letter indicating the areas of the project that were supported. Concerns remained about the parking and overall look of the proposal.

Dave Lechtenberg, 370 Arlington Drive, had moved to the City four years ago because he loved the character of the City. The three-floor maximum was desired. Support was given to the mixed-use aspect of the development. The overall appearance of the proposal still looked “boxy,” was not historical and did not match the architecture of the buildings to the south. Concern was expressed for additional traffic brought to the area and whether additional traffic signs or signals would be needed as a result of the project.

Lee Krmpotich, 900 Hawks Hollow, noted the renderings were impressive; however, he wondered how it would look from the street level. He also questioned whether the courtyard areas would be available to the public or were for residents only. He was impressed with the design of the building and appreciated that an attempt had been made to maintain the old-style look found throughout the City.

Dan Collins, 726 Milwaukee Street, loved what he saw in the renderings. All aspects had been considered including the number of units, mixed-use options, setbacks and parking. Overall the project was a winner and he hoped the Commission approved it.

Chloe Wandschneider, 834 Mill Street, noted the proposal did not fit into the City and she was surprised it was still being discussed. No screening was provided. Water filtration was a concern. This project would create additional runoff and lacked replenishment of healthy air. The proposed project would exceed the condominium and apartment limitations written in the City’s Comprehensive Plan documents. She had properties in the community and was aware that developers pushed the increased tax base as a reason for supporting development. The more development, the higher private property owners’ taxes would be due to increased service needs as a result of additional people needing the services. The proposed buildings did not complement other City buildings or ambience. Delafield’s attraction was the quaintness and Williamsburg style buildings. The height of the proposed buildings would dwarf the rest of the buildings that were already attractive in Delafield. There had been no discussion of an impact study to date. When St. John’s Northwestern Military Academy sold its summer camp in the 1940’s, there was a very thick impact study that noted the impacts to the surrounding area, properties, natural resources, etc. While these were very expensive, she requested an impact study be done for this project. The land beneath the Wells Street Station project had historically been wetlands and was not suitable for construction. After that project was constructed, there was flooding at the Fish Hatchery property. Additional runoff went into the river and lake. These were all impacts that people didn’t necessarily see as being related to the developmental progress. The recent lake study explained that this area was in serious trouble with increased impervious surface. Development was ruining the lake and watershed. All lived in the watershed and had a responsibility to protect it. She requested the Commission consider the impacts to the area, focus on continued use of Williamsburg style architecture and eliminate this “skyscraper” in the City.

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Matt Planning, 715 North Shore Drive, moved to the City 11 years ago and would likely remain forever at this location. The proposed project was an improvement to previous renderings. He requested consideration of the potential traffic increase. People would be drawn to this area. Parking would be a problem. He requested the Commission consider the unintended consequences of parking requirements and related traffic control. The architecture would be better suited to the 1800's and should remain at three stories.

Jeff Nepper, 608-610 Milwaukee Street, liked the proposed project. He no longer lived in the City but hoped the Commission approved the proposal. People did not want the Williamsburg look when it was proposed and they grew to love it. This situation was similar. The project should be approved and people would grow to love it.

Ross Wandschneider, 834 Mill Street, was concerned regarding the historic water situation related to proposed underground parking. He had grown up in Delafield in this area. The area behind the current BP station was marshland where he used to catch frogs and feed them to the bass in the fish ponds at the Fish Hatchery when he was a boy. Since then all had been filled in west of the current BP station. All present needed to understand that the water flowed northward from south of I-94 to this area. There used to be a fountain in the downtown area of the City that was spring fed from south of I-94. To construct underground parking seemed risky. The height of the proposed project should be researched. This proposal was better than the last one but the project would be adjacent to one of the oldest buildings in the City. It was very difficult to blend this structure when it was right next to historic buildings. The construction of three floors should be satisfactory. The Commission should stick to the Delafield Comprehensive Master Plan and not move in the wrong direction. All development was not positive.

Laura Schult, 935 Bahr Road, had lived in the City nearly 45 years. When she moved to the City, all that was currently present in the downtown area was not there. When Mr. Lang came to Delafield with a vision of Williamsburg style for the City, there were many arguments about height. The hotel was well received due to variations in height among the buildings on the site. People came to the City of Delafield noting its style of architecture. This project would be directly north of a three-story building. This was an oddity in design making the proposed project incompatible with the surrounding building architecture. Parking was a current problem. Zoning ordinances provided setback requirements that should be adhered to in this matter. If the zoning ordinances were not going to be followed, they should be thrown out and residents allowed to do whatever they wanted.

DeYoe closed the Public Hearing at 7:29PM.

1. Approve Plan Commission meeting minutes of February 28, 2018 meeting.

Hearing no objections, the February 28, 2018 Plan Commission meeting minutes were approved.

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

Joan Zepecki, N8W3054 Cherokee Trail, explained her family purchased her house and property that shared a lot line with the Hartland Sportsman's Club (HSC) in April, 1996. At that time, the HSC was closed. Approximately 1.5 years later, the City annexed the land owned by the HSC and the gun club reopened. Her house was destroyed in a fire during that time and when reconstructed, triple pane windows and sound proof insulation were installed into their home to avoid the noise. At that time the HSC allowed shooting four days per week and they rarely heard the noise from shooting. Her husband was a member of the HSC at that time as well. At no point in history did the HSC meet all the conditions of their CUP. About 6-8 years after she moved in, berms were constructed to mitigate the

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noise. There had been no sound study conducted before the berms were added and there was nothing conducted after that as well. The shooting could be heard all the time after that and the berms seemed to have the opposite effect on the noise. Bow and arrow shooting also began at the HSC. The bow and arrow range had the targets aimed at the property line they shared and she would often find arrows on her property. In 2010 the gun range was open and switched from four days to seven days of operation. The change was substantive. Her family could no longer have birthday parties and cookouts on Sundays. The HSC was approved for Rim Fire shooting that kept the range open until 8PM, seven days a week. Then a woman was shot at the Brewhaus and the gun range was closed. She strongly suggested the Commission and Common Council reject the CUP from 2010 and keep the HSC closed.

DeYoe read into the record a letter from Eric Jorgenson, President & CEO of JX Enterprises, Inc., noting concerns about re-opening the HSC.

There was no one else present wishing to speak at this time. DeYoe closed City of Delafield Citizen's Comments.

3. Consent Agenda

- a. **DELC 0793.001.003, 440 Wells Street, Delafield. Owner: Hendricks Commercial Properties, LLC. Applicant Brett A. Quas.** Applicant seeks approval of a Business Plan of Operation for Connected Healthcare Solutions, a consulting service.
- b. **DELC 0790.987.004, West Oakwood Drive, Delafield. Owner/Applicant: Edward Thordsen, Himanshu Agrawal et al.** Applicant seeks approval of a Certified Survey Map to split one lot into two and recommend to the Common Council.
- c. **DELC 0803.002, 2420 Milwaukee Street, Delafield. Owner: Daniel and Patricia Leavitt. Applicant: Maria Luther.** Applicant seeks approval of a Business Plan of Operation for The Smiley Barn, a toy and candy store. Hours of Operation are 9:00 A.M. to 7:00 P.M. all days, with three full-time and two part-time employees.
- d. **DELC 0803.011, 11 Crossroads Court, Delafield. Owner: A+ Development LLC. Applicant: Michele Kelly.** Applicant seeks approval of a Business Plan of Operation for Delafield Family Dental. Hours of Operation are 7:00 A.M. to 6:00 P.M. Monday through Friday, with four full-time employees and one part-time employee.
- e. **DELT 0780.082.004, W303 N2595 Maple Avenue. Owner: Bryant E. Ferguson and Sarah E. Ferguson, Applicant Siepmann Realty Corp.** Applicant seeks an extraterritorial plat approval for a Certified Survey Map and recommend to the Common Council.
- f. **OCOT 0577.001 N48 W3411 Jaekles Drive. Owner/Applicant: Suzanne Alberti.** Applicant seeks an extraterritorial plat approval for a Certified Survey Map to combine two adjacent parcels and recommend to the Common Council.
- g. **DELC 0798.006, 628 Milwaukee Street, Delafield. Owner: Janet M. Vincent Trust. Applicant: Andrea Johnson.** Applicant seeks approval of a Business Plan of Operation for Encompass Realty, a home occupation. Hours of Operation are 8:30 A.M. to 5:30 P.M., Monday through Friday, with one full-time employee.
- h. **DELC 0793.001.005 528 Wells Street, Delafield. Owner: Hendricks Commercial Properties, LLC. Applicant: Crivello Carlson SC.** Applicant seeks approval of a permanent building sign.
- i. **DELC 0802.006.001 1023 Milwaukee Street, Delafield. Owner: Juanita H. Neuman Revocable Trust. Applicant Gregory J Harrold.** Applicant seeks approval of a Certified Survey Map to divide one parcel into two and recommend to the Common Council.

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Item 3i was removed from the Consent Agenda at Dupler's request. Hearing no objections from Commissioners, Consent Agenda item 3a-3h were approved as presented in the Planner's Report for this meeting and where appropriate recommended to the Common Council.

- 3i. **DELIC 0802.006.001 1023 Milwaukee Street, Delafield. Owner: Juanita H. Neuman Revocable Trust. Applicant Gregory J Harrold.** Applicant seeks approval of a Certified Survey Map to divide one parcel into two and recommend to the Common Council.

The applicants were not present. This item had been reviewed since placing the matter on the Consent Agenda. It was not possible to accomplish the desired goal without creating a special exception in this matter. Therefore, this matter was removed from the Consent Agenda with a recommendation of denial suggested to allow the matter to proceed in its appropriate process of consideration. Aicher requested historical information regarding the lot creation and development options for the future prior to consideration of this matter.

AICHER MOVED TO DENY APPROVAL OF A CERTIFIED SURVEY MAP TO DIVIDE ONE PARCEL INTO TWO FOR DELIC 0802.006.001 1023 MILWAUKEE STREET, DELAFIELD. OWNER: JUANITA H. NEUMAN REVOCABLE TRUST. APPLICANT GREGORY J HARROLD, AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

4. Unfinished Business.

- a. **DELIC 0825.994, 701 Maple Avenue, Delafield. Owner/Applicant: Hartland Sportsmen Club.** Discussion and possible action on a request from the Hartland Sportsman's Club for a Conditional Use Permit to operate a firing range and trap shooting range at the current location and recommend to the Common Council.
<http://www.cityofdelafield.com/Archive.aspx?ADID=3676> (HSC Special Meeting 3-21-18)
<https://1drv.ms/f/s!AkowketzfFatyRjumfOuk1P4zL-F> (HSC Court Documents, etc.)

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

A summary of draft Findings of Fact had been presented to the Commission on March 27, 2018 regarding the request from the Hartland Sportsman's Club (HSC) for a Conditional Use Permit to operate a firing range and trap shooting range at the current location and as a result, had not been included in the epacket for this meeting. Comments had been received at the last Commission meeting pertaining to safety, building setback requirements, violation of firearms discharge within the City and adverse impacts to the health, safety and welfare of the community, specifically noise, safety and diminished value of surrounding properties. There had been no other evidence or documentation submitted by the HSC since the last meeting.

Commissioners discussed the request presented in this item. The HSC had been given ample notice and opportunity to be present and heard today regarding this matter. The Findings of Fact should be approved by the Commission as recommended. Proposed hours of operation would allow shooting seven days a week and little was limited related to noise control. Concern had been expressed by residents and business owners in the area. There was a pattern of conduct from 2000-2010 that resulted in four incidents with bullets that left the HSC premises. There had been no presentation by the HSC at the recent Plan Commission meetings despite

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being given reasonable opportunity to be heard and substantial evidence presented to them about the purpose of discussions at those meetings. There were unresolved issues with the CUP submittal from the HSC. Fencing of the perimeter of the HSC property had never taken place. There was nothing currently in place to prevent curious people from wandering across the property lines and walking into the line of fire. Also, at the time of submittal, the Skeet Shooting Range had no specific limitations on the type of shot to be used. While there was conjecture on what would satisfy requirements, there should be no shots that leave the HSC premises. With the current application, an errant shot could leave the HSC premises that would constitute littering at a minimum. Copies of letters affording the opportunity to appear at the March 21, 2018 Special Plan Commission Meeting and at this meeting, along with population reports and related Police reports and other related documents, such as the Findings of Fact, were now part of the record.

DEYOE MOVED TO ADOPT THE FINDINGS OF FACT AS PRESENTED REGARDING THE REQUEST FROM THE HARTLAND SPORTSMAN'S CLUB FOR A CONDITIONAL USE PERMIT TO OPERATE A FIRING RANGE AND TRAP SHOOTING RANGE AT THE CURRENT LOCATION FOR DELC 0825.994, 701 MAPLE AVENUE, DELAFIELD. OWNER/APPLICANT: HARTLAND SPORTSMEN CLUB AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. REIHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

5. New Business

- a. **DELC 0793.021 and DELC 0793.021.001, 705 Genesee Street, Delafield. Owner: Hendricks Commercial Properties, LLC. Applicant: Johnson Design, Inc.** Applicant seeks approval of a Conditional Use Permit for two mixed use commercial and residential buildings and recommend to the Common Council.

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

Robert Gerbitz, Hendricks Commercial Properties, and Kent Johnson, Johnson Design, were present.

Commissioners discussed the conditional use permit request for two mixed use commercial and residential buildings to be located at 705 Genesee Street. While the concept of the mixed-use, multi-family buildings were acceptable, issues remained relative to aesthetics, size, building height and setbacks. A traffic study should be conducted relative to this project as well as parking impacts. Water issues required consideration. The height was difficult to compromise relative to setbacks. Equipment should be hidden on the roof and the character of the downtown architecture and buildings maintained. Other Commissioners liked the proposed design, noting all buildings in the City did not need to be Williamsburg style or Lang style buildings. The project would be of great benefit to the City. The renderings presented demonstrated the building would not stand out inappropriately in height. Several aspects requested in future planning that were noted in the City's Comprehensive Plan for the downtown area. The use of green space and fountain area was considered beneficial. Other current public space elements should be incorporated into future designs for this project.

Johnson noted there would be residential access only to a rooftop plaza that was part of the original plan and remained part of the current proposal. The plaza on the street would be open to the public. Gerbitz explained the tenants that would be desired for the commercial portion of

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the first floor would be artisan or smaller independent shop owners similar to the Milwaukee Public Market style. Office tenants on the upper floors could seek the entire floor or portions of the floor for various office activities, such as a business incubator or accelerator with mentoring, small business owners, etc. Residential units in the other building would be condominium style. Additional information would be provided on this matter at a future Commission meeting.

6. Zoning and Ordinance Revision. – None.

7. Reports of City Officials:

a. Clerk

1. Plan Commission Meeting Dates & Deadlines
Plan Commission Meeting – April 25, 2018
Submittal Deadline – April 10, 2018
Public Hearing Deadline – March 26, 2018

2. Correspondence

- a. Email to Mayor DeYoe from Mary Cimbalnik in opposition to the new construction proposed.

b. Planner.

Dupler explained staff required direction regarding the evaluation of potential on oversize properties in consideration of discussion on the Commission meeting agenda that could result in flag lots which were prohibited. Discussion ensued regarding the mechanisms for approval to be used in future consideration of these types of lots. Additional information would be presented at a future Commission meeting.

DeYoe returned to item 4a at this time. Krickhahn was not present to sign the Findings of Fact. Once signed by all Commission members, the Findings of Fact document would be distributed to appropriate people in this matter.

DeYoe returned to Item 7c and the remainder of the agenda.

c. Building Inspector.

There were 28 total permits two commercial and three residential occupancy permits this month.

DeYoe thanked the Commission for all the hard work, dedication and effort displayed during her tenure. She will retire from public life on April 16, 2018.

8. Adjournment

There was no further business; therefore, the Wednesday, February 28, 2018 Plan Commission meeting adjourned at 8:34PM.

Minutes Prepared By:

Accurate Business Communications, Inc.