

**CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES**

Call to Order

Attwell called the Wednesday, July 25, 2018 Plan Commission meeting to order at 7:00PM.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call for the Wednesday, July 25, 2018 Plan Commission meeting:

Present

Absent

Kent Attwell, Mayor

Tim Aicher, Ald.

Dave Greenway

Dan Jashinsky

Ed Marek

Jeff Miller

Laura Schult

Jim Reiher

Roger Dupler, Planner

Scott Hussinger, Building Inspector

PUBLIC HEARINGS:

**PUBLIC HEARING #1:**            **Amended Conditional Use Permit and Site Plan.**  
**TAX KEY/ADDRESS:**       **DELC 0792.988, 500 Church Street, Delafield.**  
**OWNER/APPLICANT:**      **Church of St. John Chrysostom**  
**MATTER:**                      Applicant seeks approval to erect a new monument sign.

Attwell opened the Public Hearing at 7:01 PM. No comments were heard. Attwell closed the Public Hearing at 7:02PM.

**PUBLIC HEARING #2:**            **Amended Conditional Use Permit and General Development Plan.**  
**TAX KEY/ADDRESS:**       **DELC 0792.988, 935 Main Street, Delafield.**  
**OWNER/APPLICANT:**      **Clearview Home Corp.**  
**MATTER:**                      Applicant seeks approval to redevelop the existing health provider campus to include multiple residential units in addition to the continued operation of the 18 bed licensed facility.

Attwell opened the Public Hearing at 7:03 PM.

**Chloe Wandschneider, 834 Mill Street**, expressed concern regarding the design plans presented in Item 6e. Clearview was located in the oldest part of the City with housing present from 1850 to 1950. The proposed design and lighting was too modern for this area. She wondered if the drainage report had considered all the drainage to this area. While she understood approximately 86 inches of trees were being removed for the six bed facility and 96 inches of trees added, younger trees did not provide the same benefit that mature trees did. Each expansion of the facility would repeat this same concern. Several other development projects had incurred water in this area as a result of run-off. Plans relied on the ditching and stormwater system to move the water in rain events. She circulated 14 pictures that demonstrated the current ditch system in the area of the development. Ditch maintenance was needed in these areas and remained important for the future as this development was constructed. She provided information from the Town of Rushford, noting that ditches could be used in areas that were not expansive. Boundaries should be set for the six-bed facility and owners notified of what could be done on their land.

**CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES**

No additional comments were heard. Attwell closed the Public Hearing at 7:10PM.

1. Approve Plan Commission meeting minutes of June 27, 2018 meeting.

A correction in the first sentence at the top of Page 3, Item 4, under Milstad-Valde's comments was requested. The sentence should be changed to read "It was time for the City to assist them in a simple approval of a resolution to an issue that was imposed upon them."

**AICHER MOVED TO APPROVE THE JUNE 27, 2018 PLAN COMMISSION MEETING MINUTES AS AMENDED. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

2. City of Delafield Citizen's Comments pertaining to subjects on the Consent Agenda.

Hearing no comments pertaining to subjects on the Consent Agenda, Citizen's Comments pertaining to subjects on the Consent Agenda were closed.

3. Consent Agenda

- a. **DELC 0803.998.004, 2566 Sun Valley Drive, Delafield. Owner: R. Gary Stortz. Applicant: Trae Hoepner Sr.** Applicant seeks approval of a permanent building sign for Performance Running Outfitters.
- b. **DELC 0798.006, 630 Milwaukee Street, Delafield. Owner: Andrea Johnson. Applicant: Lake Country Boutique.** Applicant seeks approval of a permanent blade sign.
- c. **DELC0804.982, 2900 Golf Road, Delafield. Owner: Ramco Delafield II LLC. Applicant: Keiffer Signs.** Applicant seeks approval of a replacement sign for Message Envy.
- d. **DELC 0803.001, 2400 Milwaukee Street, Delafield. Owner/Applicant: Delafield Realty, LLC.** Applicant seeks approval of new architectural lighting and sign panel for Perkin's Restaurant.

**AICHER MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. MAREK SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

4. City of Delafield Citizen's Comments pertaining to items on or off this Agenda.

**Emily Kieck, 1626 West Shore Drive**, was recently made aware that a City resident who owned a parcel of land (Lot 8), typically used for lake access from the marsh off West Shore Drive, had intentions of building a small house on that lot. The house and access drive would be directly across from 1632 and 1640 West Shore Drive but would impact other property owners. She and other neighbors to the north on West Shore Drive were opposed to this development. Documents could be provided that noted this area as a protected area historically. A former resident of the land was told there could be no development there. There were two issues with this development. One was the environmental concern. The second concerned the flood plain. If land were to be filled in at the bottom of the hill where the property lies, flooding issues would result. Gas and oil effluvia would also go into the channel and there would be loss of lake and wildlife habitat as well as contamination for swimmers and boaters. The neighbors were united in opposition to this development

Attwell closed all City of Delafield Citizen's Comments pertaining to items on or off this Agenda.

5. Unfinished Business

**CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES**

- a. Comprehensive Plan Resident Survey status update.

Information had been sent to City residents regarding the Comprehensive Plan Resident Survey. To date, approximately 205 people had responded with 97 surveys completed and more coming in. Verification of residency was required to preserve control of information. The deadline for submittal was Monday, July 30, 2018. A Citizens Planning and Participation Meeting was scheduled for Thursday, August 30, 2018 at 7PM at City Hall. Data from the survey results would be available at that meeting.

6. New Business

- a. **DEL C 0792.988, 500 Church Street, Delafield. Owner/Applicant: Church of St. John Chrysostom.** Applicant seeks approval of a new monument sign and corresponding Amended Conditional Use 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.***

**Tom Schlaefer, Senior Warden of St. John Chrysostom,** was present last year regarding a sign request for this site. Since that time, discussions had taken place and new signage was proposed. The desired sign at this time was from a New York company specializing in historic church signs that were representative of sign styles, scale and size of signage from 75-150 years ago. The church, built in 1851, was one of the oldest historic buildings in this area. The signage was designed to fit into the historic nature of downtown Delafield and provide clear visible information that would appeal to people that might consider attendance. He noted the location of the proposed signage and agreed to work with the City regarding the sign location.

Dupler noted the proposed sign location was within the front setback area; however, it more than doubled the existing setback for the current sign. There would be no other new external lights for the sign. No obstructions were noted for motorists turning to the south from Church Street.

**AICHER MOVED TO APPROVE A NEW MONUMENT SIGN AND CORRESPONDING AMENDED CONDITIONAL USE FOR DELC 0792.988, 500 CHURCH STREET, DELAFIELD. OWNER/APPLICANT: CHURCH OF ST. JOHN CHRYSOSTOM AS PRESENTED AND TO ALLOW PLACEMENT OF THE SIGNAGE IN THE FRONT SETBACK LOCATION AS DESCRIBED AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. GREENWAY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. **DEL C 0754.983, 2872 Nagawicka Road, Hartland. Owner/Applicant: David Frank.** Applicant seeks approval of a Certified Survey Map to divide one RE-3 lot into two 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.***

Various lot configurations had been presented for resolution of this item. The creation of two non-conforming lots was not supported by ordinance.

**CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES**

**David Frank, applicant**, was present to gather feedback on this issue. The goal was to add additional trees to the lot without having to remove major trees for the lot split. The house was located on the proposed lot for privacy. He learned there was a bike path proposed along the roadway. Fifteen feet of land had been granted along the front of the property in order to allow the bike path as well as providing a common area under a planned unit development that would allow 374 feet to remain along the front roadway. While the plan was to serve two lots from one driveway off the front of the lot, he was open to other solutions. Aerial views showed there were no other properties similar to this one with this amount of acreage. The majority of the houses to the north were three acre lots. The easterly side of the lake had two similar lots; however, they were bound by wetland restrictions. Discussion ensued regarding future subdivisions in the area and how best to configure the lot split. Frank explained there was no preference at this point for any option presented. It was suggested that this matter be returned to the Plan Commission at the next meeting in order to gather additional information.

**REIHER MOVED TO CONTINUE THIS AGENDA ITEM TO THE AUGUST 29, 2018 PLAN COMMISSION MEETING. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- c. **DELC 0807.985.009 3871 Kettle Court East and DELC 0807.985.017 3884 Kettle Court East. Owner: KB Investments LLC. Applicant: Shaun Sullivan.** Applicant seeks conceptual input on a Certified Survey Map to consolidate two M-1 parcels and erect a new manufacturing building.

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

**Shaun Sullivan, architect and John Barker, owner- 3884 Kettle Court East**, were present. Information in the epacket showed a building location that was no longer applicable because of recent Southeastern Wisconsin Regional Plan Commission (SEWRPC) rulings. SEWRPC had modified mapping recently and the site was removed from an environmental protection corridor. The orientation of the building and building architecture would remain the same; however, the building location on site would be moved. There would be a retention pond on the south end of the site. The northeast corner of the building would be two stories with a third story component at the corner as shown in the epacket. Parking requirements were met. Building materials were noted as shown in the epacket. The certified survey map (CSM) had not been approved by a surveyor. This matter would be placed on the August 2018 Plan Commission meeting agenda for additional review and consideration.

- d. **DELC 0797.982, 1306 Main Street, Owner/Applicant: David and Denise Labott.** Applicant seeks approval of an oversized privacy fence.

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

**David and Denise Labott, owner/applicants**, were present. The housing development near their property began in August, 2005. Screening should have been provided by the developer along the east and south property lines and did not take place. Outlots were to have been maintained and they were currently overgrown with weeds and buckthorn. This had happened over the past 13 years and they had visited City Hall to discuss this matter three times without

**CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES**

resolution. The Labotts had tried to work with The Sanctuary Homeowners Association (HOA) in the past. Landscaping had been planted and the plantings died without replacement. Currently a tree assessment noted the HOA was deficient in planting 49 trees. The Labotts first priority was to get the trees planted around their property. They also requested a privacy fence to screen out light pollution from the surrounding four properties that had illuminated exterior lighting 24 hours a day. David Labott noted a fence that was six feet in height was allowed; however, he requested the Commission consider adding another two feet of fence due to height elevations on his property. Discussion of the proposed fence location took place relative to ordinance requirements. The Labotts wanted to construct the new fence in the same location as the existing fence that was located six inches inside the property line.

**Jacke Valde, District 3 Alderperson**, had attended a meeting in June 2018 with the City Forester regarding this matter. Even with trees fully developed, light pollution from the other properties would still enter the Labott's property due to the location of their house on the knoll on the hill. While she understood there were legal parameters involved, the Labott's had spent 13 years waiting for tree growth. This was a small exception to make to resolve this situation.

Discussion ensued regarding the placement of the proposed fence, the color of the fence and whether there would be gaps in the fencing if allowed.

**AICHER MOVED TO ALLOW A SPECIAL EXCEPTION FOR APPROVAL OF AN OVERSIZED PRIVACY FENCE, NOT TO EXCEED 8 FEET IN HEIGHT ALONG THE PROPERTY LINE AS DESIGNATED IN THE DRAWING IN THE EPACKET FOR THIS MEETING FOR DELC 0797.982, 1306 MAIN STREET, OWNER/APPLICANT: DAVID AND DENISE LABOTT. GREENWAY SECONDED THE MOTION.**

**AICHER MOVED TO AMEND THE MOTION TO ALLOW A SPECIAL EXCEPTION FOR APPROVAL OF AN OVERSIZED PRIVACY FENCE, NOT TO EXCEED 8 FEET IN HEIGHT ALONG THE PROPERTY LINE AS DESIGNATED IN THE DRAWING IN THE EPACKET FOR THIS MEETING WITHIN TWO FEET OF THE EXISTING FENCE ON THE INSIDE OF THE PROPERTY LINE AND TO REMOVE THE EXISTING FENCE FOR DELC 0797.982, 1306 MAIN STREET, OWNER/APPLICANT: DAVID AND DENISE LABOTT.. GREENWAY SECONDED THE AMENDMENT.**

**AICHER MOVED TO AMEND THE MOTION TO ALLOW A SPECIAL EXCEPTION FOR APPROVAL OF AN OVERSIZED, NATURAL WOOD COLORED, PRIVACY FENCE, NOT TO EXCEED 8 FEET IN HEIGHT ALONG THE PROPERTY LINE AS DESIGNATED IN THE DRAWING IN THE EPACKET FOR THIS MEETING WITHIN TWO FEET OF THE EXISTING FENCE ON THE INSIDE OF THE PROPERTY LINE AND TO REMOVE THE EXISTING FENCE FOR DELC 0797.982, 1306 MAIN STREET, OWNER/APPLICANT: DAVID AND DENISE LABOTT.. GREENWAY SECONDED THE AMENDMENT.**

**THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR OF THE AMENDED MOTION TO INCLUDE THE NATURAL WOOD COLORED FENCE.**

**THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR OF THE AMENDED MOTION TO ALLOW PLACEMENT OF THE FENCE WITHIN TWO FEET OF THE EXISTING FENCE ON THE INSIDE OF THE PROPERTY LINE AND TO REMOVE THE EXISTING FENCE.**

**CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES**

**THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR OF THE MAIN MOTION TO ALLOW A SPECIAL EXCEPTION FOR APPROVAL OF AN OVERSIZED, NATURAL WOOD COLORED, PRIVACY FENCE, NOT TO EXCEED 8 FEET IN HEIGHT ALONG THE PROPERTY LINE AS DESIGNATED IN THE DRAWING IN THE EPACKET FOR THIS MEETING WITHIN TWO FEET OF THE EXISTING FENCE ON THE INSIDE OF THE PROPERTY LINE AND TO REMOVE THE EXISTING FENCE FOR DELC 0797.982, 1306 MAIN STREET, OWNER/APPLICANT: DAVID AND DENISE LABOTT. MOTION CARRIED.**

- e. **DELC 0798.999.001, 935 Main Street, Delafield. Owner: Clearview Home Corp. Applicant: Plunkett Raysich Architects LLP.** Applicant seeks approval of an Amended Conditional Use Permit and Site Plan to redevelop the existing healthcare campus 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.***

All proper documentation had not been received from the applicant prior to the application deadline for this meeting. Consideration would be required at the August 2018 Plan Commission meeting because proper notification to the public had not taken place on this matter. The applicant was allowed to present information for discussion only. No action would be taken by the Commission on this item at this meeting.

**Chris Sauve, VJS Construction Services, Inc., and Elizabeth Harned, Executive Director of Clearview Home Corporation,** were present. Harned explained that plans had been submitted according to what was understood from discussions held last month. A compromise had been presented that would reduce the amount of parking in front of the building, moved the parking to the west and east sides of the building and would allow for flow-through traffic patterns at the front of the building. A landscaping plan was prepared that would allow green space between the street and the building to reduce the appearance of parking. Clearview needed to begin construction before winter to allow occupation of the building next spring.

**Jim Medinger, Plunkett, Raysich Architects, LLC, and Rob Davy, Lake Country Engineering,** were also present representing the applicant. Sauve explained changes to drawings were made as expeditiously as possible in this case with drawings being sent to the City earlier in the day. Information provided in the epacket for this meeting closely resembled the changed drawings submitted earlier in the day. Drawings submitted earlier in the month showed commercial parking in front of the parking lot. There was a curved drive that came around the front and separated parking into two areas. Increased green space and enhanced landscaping had been added at the request of the City.

Parking, building locations, landscaping, stormwater drainage and potential issues with traffic flow patterns were discussed. A complete review of the proposed plans would take place at the August 29, 2018 Plan Commission meeting.

Attwell recessed the meeting at 9:10PM and reconvened the meeting at 9: 15PM.

**CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES**

7. Zoning and Ordinance Revision.

- a. Discussion regarding zoning text amendment pertaining to Conditional Uses and schedule public hearing.

Dupler explained a zoning text amendment pertaining to Conditional Uses had been provided in draft form in the epacket for this meeting. Commissioners should review the draft and ask questions of him as needed. Changes in the state legislature relative to ACT 67 modified how conditional uses could be used. These changes impacted planned development districts (PDD) as well. PDDs would be discussed at a later date. This was a complicated change and it was important that all understood the implementation.

- b. 2040 Comprehensive Plan – Chapters 1-3 discussion regarding review procedure.

Dupler provided a plan for chapter review of the 2040 Comprehensive Plan for the Commission. Feedback from Commissioners was desired on the initial overview chapters 1 -3. Opportunities for public input would take place in the future.

8. Reports of City Officials:

- a. Clerk
  - 1. Plan Commission Meeting Dates & Deadlines
    - a. Meeting August 29, 2018; Submittal Deadline August 14, 2018; Public Hearing Submittal Deadline July 30, 2018.
  - 2. Correspondence

- b. Planner

Dupler noted the correspondence in the epacket for this meeting.

- c. Building Inspector.

There was nothing to report.

9. Adjournment.

There was no further business; therefore, the Wednesday, July 25, 2018 Plan Commission meeting adjourned at 9:31PM.

Minutes Prepared By: Accurate Business Communications, Inc.





NARROW FUNCTIONAL  
DITCH

N.





Same Ditch Shows Contour of Ditch<sup>K3</sup>





Trees near ditch

· Another Angle  
· Functional, Narrow,--Ditch

· DITCHES DO NOT  NEED LARGE LAND USAGE

## dlabott

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**From:** Tom Hafner <thafner@ci.delafield.wi.us>  
**Sent:** Wednesday, March 11, 2015 11:35 AM  
**To:** dlabott  
**Cc:** 'Roger Dupler'; 'Mike Court'; Jackie Valde  
**Subject:** RE: Landscaping

Denise and Dave,

Following is a summary of the action items from our meeting on 2/19/15:

1. There are 3 Balsam Firs (10' – 12') missing from what is shown on the approved plans for the area south of the Labott property. City will require landscaper to plant these 3 trees as required. Locations to be coordinated with Labott.
2. City will require landscaper to replace the dead Balsam Fir east of the Labott property.
3. City will seek approval from Tim O'Brien Homes to plant 2 additional Balsam Firs at end of driveway east of Labott property, intended to block headlights of cars pulling into said driveway. Upon approval, City will pay landscaper to plant these additional trees.
4. City will require landscaper to properly backfill/mulch exposed root balls of improperly planted trees.
5. City will require landscaper to move one of the two Balsam Firs south of the Labott property that were improperly planted with no separation to allow for future growth. Location of moved tree to be coordinated with Labott.
6. City will require the area south of Labott and Beemis property to be properly restored to a mowable condition. This will include removal of weeds, final grading with screened topsoil, seed, fertilizer, mulch and watering as required to establish consistent coverage of healthy, weed-free, turf grass.

Mike Court is coordinating with the contractor. Mike – please let us know when a schedule is established for this work to be completed. My understanding from Roger Dupler is that the Balsam Firs often are not ready to be dug from the nurseries until June. My expectation is for this work to be completed by June 15 at the latest. Mike – please advise if that is not feasible.

If I've missed anything, please let me know.

Thanks ~ Tom

**Thomas J. Hafner, P.E.**

City Administrator/Director of Public Works



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July 25, 2018

Dear Delafield Planning Commission:

It has come to our attention that Dan Miller, who resides at 805 Milwaukee Street with his wife Michelle, have a small parcel of land, Lot 8. The Millers use this for lake access from the marsh off West Shore Drive. Our understanding is that Mr. Miller, who has owned the property since 2011, \* would like to put a house there in the wetlands.

The house and drive would be directly opposite property owners at 1632 West Shore Drive and 1634 West Shore Drive, (the channel goes between these houses, and 1640) and also affects 1620, but the impacts would be felt far beyond these four homeowners.

We the neighbors on the entirety of the upper part of W. Shore Drive (eight households and counting; we have only learned of this recently) are united in our opposition to any house there, no matter what the size. We can and will furnish documents indicating that the lands have been treated as protected historically; as wetland with lake access allowed (which is low impact.) Indeed, one owner, just south, at 1605, owns three "parcels" and that is to preserve the wetland. One former neighbor, Tom Loehner, inquiring about the lots in 2008, was expressly told "no development could take place there." (\*Somehow, several years later, Mr. Miller purchased this land--we are looking into this.) This misunderstanding between Mr. Miller and the Planning Commission, that, indeed a house could be built in these wetlands, --involving fill, grading, wetland removal, asphalt ---must be corrected immediately.

There are two issues. One is environmental sensitivity, the other concerning the flood plain.

1) We not only have indigenous Wisconsin species in the wetland: tree frogs, sand hills, wild turkeys, large lake turtles, and many many other creatures which use the wetlands and which we thrill to enjoy. (We have documents, pictures, sound recordings of the wetlands at night)

2) West Shore Drive is very low there, and goes lower and lower.. .... Down an old glacial esker beside the lake. The hill is paved--that's West Shore Drive -- but gravity is gravity. We would have major flooding issues if land were filled in at the bottom of that hill where the lake's water drains (there already have been flash floods), gas and oil effluvia going into the channel which goes into the lake (a channel Mr. Miller and his wife now use) and the loss on the lake of habitat for wildlife and contamination for boaters and swimmers. Also, paddleboarders, kayakers, canoeists-- -people who would be coming from the new kayak dock anticipated downtown, as the property is not far up the lake. All these lake users

perhaps a thousand feet or so from Mr. Miller's Lot 8 -- the direct contamination of our waters make housing in the wetlands an almost unthinkable idea.

We will be exploring how to file for permanent protection of this wetland in our city. In the meantime, we wanted to bring to your attention that whatever the Planning Commission may have heard, there is stiff and united neighborhood opposition.

We want to contribute to Delafield, and the lake's health -- not the ruining of something we can never regain, and which means so much to our community's beauty, health and economy.

Thank you,

Sincerely,

Jacki Lyden & Atty. Cyndi Lyden, 1614 W. Shore Dr., Delafield, WI

Travis Hecker, 1615 W. Shore Dr.

Sally and Ron Hammerschlag 1620 W. Shore Dr.

Robert Lamb, 1704 W Shore Drive.

Carol and Robert Buech, 1632 W Shore Dr.

Emily Kieck and Dr. Bart Schmidt, 1634 W. Shore Dr.

Tracy and Jeremy Lunn, 1529 W. Shore Dr.

Kathy Jorsch, 1823 W. Shore Drive