

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Call to Order

Attwell called the Wednesday, August 29, 2018 Plan Commission meeting to order at 7:00PM.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call for the Wednesday, August 29, 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:

Conditional Use Amendment and Site Development Plan

TAX KEY/ADDRESS:

DELC 0801.999.006. 2107 Golf Road, Delafield.

OWNER/APPLICANT:

State of Wisconsin Department of Transportation

MATTER:

Consider redevelopment of the Park'n Ride to expand the boundary, create additional parking and erect a commuter station.

Attwell opened the Public Hearing at 7:01 PM.

Andrew Levy, Planning Supervisor Wisconsin Department of Transportation (DOT) and Frank Ferter, DOT Park and Rides- Southeastern Wisconsin, were present. A project summary included a public private partnership intended to achieve five goals related to greater use of public transportation through the increase of ridesharing opportunities by reducing single occupancy trips and to create a facility for everyday commuters. The facility would provide access for commuters in an aesthetically enhanced safe environment making use of current land use development patterns. The development would be undertaken by a private developer. Ferter explained the Request for Proposal (RFP) process noting the most recent plans submitted included a bus rider pickup area that was approximately 5,000 sf and located on the site plan where the building was originally situated in previously submitted plans. Revised plans also included location of several parking spaces due to an easement acquired from WE Energies for the project. The total number of required parking stalls (191) were being retained.

No comments were heard. Attwell closed the Public Hearing at 7:05PM.

1. Approve Plan Commission meeting minutes of July 25, 2018 meeting.

AICHER MOVED TO APPROVE THE JULY 25, 2018 PLAN COMMISSION MEETING MINUTES AS PRESENTED. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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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 0733.998.002, 3261 Village Square Drive, Hartland. Owner: Delafield Station LLC. Applicant: Pick'n Save.** Applicant seeks approval for a Grocery Pick-up service to include tobacco and liquor sales.
- b. **DELC 0793.001.002, 505 Wells Street, Delafield. Owner: Hendricks Commercial Properties LLC. Applicant: Guarantee Digital.** Applicant seeks approval of an amended Business Plan of Operation to relocate the business from 514 Wells to 505 Wells.
- c. **DELC 0793.018.003, 527 Milwaukee Street, Delafield. Owner: Hendricks Commercial Properties LLC. Applicant: Bark River Cross CF, LLC.** Applicant seeks approval of a Business Plan of Operation and signage for Bark River CF, a training and fitness service. Hours of Operation are Monday through Friday 5:00 A.M. to 8:00 P.M., Saturday and Sunday 6:00 A.M. to 5:00 P.M., with ten part-time employees.
- d. **DELC 0793.020.003, 524 Milwaukee Street, Delafield. Owner: Hendricks Commercial Properties, LLC. Applicant: Century 21 Affiliated.** Applicant seeks approval of an Amended Business Plan of Operation and signage for Century 21 Affiliated, a real estate sales office. Hours of Operation and number of employees are not changed.
- e. **DELC 0798.037.001, 711 Wells Street, Delafield. Owner: Hendricks Commercial Properties, LLC.** Applicant: Ann Lestina. Applicant seeks approval of a building sign for Delafield Jazzerercise.
- f. **DELC 0793.001.005, 440 Wells Street, Delafield. Owner: Hendricks Commercial Properties, LLC. Applicant: Montage.** Applicant seeks approval of a permanent building sign.

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

4. City of Delafield Citizen's Comments pertaining to items not on the Consent Agenda.

Susie Townsend, 700 Milwaukee Street, was present in support of Item 6a on the agenda. She had discussed landscaping with Mr. Drees and noted that no further landscaping was needed on the westerly side of the property. Jim and Jan Stouffer owned the property behind her and were also in support of the project being considered in Item 6a on the agenda.

Attwell closed all City of Delafield Citizen's Comments pertaining to items not on the Consent Agenda.

5. Unfinished Business

- a. **DELC 0792.988, 935 Main Street, Delafield. Owner/Applicant: Clearview Home Corp.** Applicant seeks approval of an amended Conditional Use Agreement to redevelop the existing health provider campus to include multiple residential units in addition to the continued operation of the 18 bed licensed facility, a General Development Plan, Specific Implementation Plan for Phase One and recommend to the Common Council of the same.

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

Chris Sauve, VJS Construction Services, Inc., Rob Davy, Lake Country Engineering, and Elizabeth Harned, Executive Director of Clearview Home Corporation, were present. The requested revisions requested at last month's Plan Commission meeting had been completed. The site plan had been simplified. One duplex was removed and the "cottage" would remain in its current location. Stormwater concerns had been addressed as well.

Dupler noted that tree mitigation remained an issue. There were many less than desirable trees located on the property at this time. In Phase 1 of the project, 79.3 inches would be removed and 90 were proposed. Thirty caliper inches proposed were acceptable and the remaining 50+caliper tree inches should be planted or cash in lieu of planting provided. These items could be included in the elements listed in the Conditional Use approval as well.

Sauve clarified the dumpster would be enclosed with two access doors and would have landscaping around it. The entrance drive location to the west was questioned, noting outgoing headlights would likely shine into a house across the street. Harned explained that the homeowner had no issue with the current driveway location. If the driveway location became an issue, it could potentially be addressed to make it a one-way entrance drive to avoid headlights into the house in the next phase of development. Downcast LED lighting was discussed. Harned noted a light study had been conducted. The lights were minimalistic style and energy efficient. None of the four lights on the property would shine into neighboring properties.

AICHER MOVED TO APPROVE AN AMENDED CONDITIONAL USE AGREEMENT AND GENERAL DEVELOPMENT PLAN FOR DELC 0792.988, 935 MAIN STREET, DELAFIELD. OWNER/APPLICANT: CLEARVIEW HOME CORP, CONTINGENT UPON APPROVAL BY THE PUBLIC WORKS COMMITTEE AND CONDITIONAL USES UPDATED TO PROVIDE THAT TREE MITIGATION WOULD BE INCLUDED IN THE FINAL AGREEMENT AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. MILLER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

AICHER MOVED TO APPROVE A SPECIFIC IMPLEMENTATION PLAN FOR PHASE ONE FOR DELC 0792.988, 935 MAIN STREET, DELAFIELD. OWNER/APPLICANT: CLEARVIEW HOME CORP, CONTINGENT UPON RESOLUTION AND APPROVAL OF THE CONDITIONAL USE AGREEMENT AND THE GENERAL DEVELOPMENT PLAN AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **DELC 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.

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David Frank, applicant, explained he had worked with **raSmith National, Inc. land surveyor, John Casucci,** since the last Commission meeting regarding a proposal that he thought met all

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the criteria. The only neighboring property owners, the Durmick's, had provided a letter stating there were no issues with development of the property. (Clerk's note: Information pertaining to this item is attached to these minutes.) Casucci explained the size of the lot and the specific ordinance related to the Certified Survey Map (CSM). The lot was more than 8.5 acres. The distance from the rear of the house to the back lot line was more than 250 yards in length and was located in a three-acre lot size zoning district. Despite this size, the lot was not able to be properly divided to accommodate standard CSM requirements with regard to minimum lot width. The property would be 27.9 yards short of the conventional CSM. The City Zoning Code related to land division allowed alteration of lot lines in conjunction with the subdivision control ordinance. Flag lots were to be avoided whenever possible particularly in residential lots. Given the size of the lot and lot width, it was his interpretation and configuration within the ordinance to be able to legally divide the lots. Several sections of the ordinance pertained to flag lot dimension requirements. Placement of the new lot would occur so the building setback line was at the deeper portion of the lot where it was more than 360 feet wide. While flag lots should not be approved, there was the ability to approve the submitted plans as presented. There would be 300 feet between structures located on the proposed lots with screening. There would be no view of the other structures from each location. The properties would both be owned by the Franks with construction of a dwelling on the second lot for family members. Other alternatives for the property would look similar because the property could not be split in other ways in order to allow two lots to have street frontage.

Dupler noted staff could not recommend the approval of a flag lot in this case. Discussion ensued regarding the historic use of flag lots in the past in the City. Commissioners discussed the rationale behind avoiding flag lots and noted the Master Plan discouraged the use of increasing density other than in the downtown. Actions available to the Commission in this matter were clarified.

AICHER MOVED TO DENY THE CERTIFIED SURVEY MAP AS PRESENTED TO DIVIDE ONE RE-3 LOT INTO TWO FOR DELC 0754.983, 2872 NAGAWICKA ROAD, HARTLAND. OWNER/APPLICANT: DAVID FRANK. MILLER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. **DELC 0801.999.006, 2107 Golf Road, Delafield. Owner/Applicant: State of Wisconsin Department of Transportation.** Applicant seeks approval of an Amended Conditional Use Agreement and Site Plan to redevelop the Park'n Ride to expand the boundary, create additional parking and erect a commuter station, and recommend to the Common Council of the same.

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Dupler provided a history of the item noting a public hearing was held on this matter in October, 2017. Revisions for the conditional use and site plan since that time included an increased intensity of the institutionally zoned site that would be accommodated by an additional 31 parking spaces provided via an easement allowed by WE Energies. In addition, the building was originally proposed at 3,000 sf and had now increased in size to approximately 6,000 sf. The originally proposed drive thru was prohibited and was removed from any proposed elements to be included in the building.

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Ferter noted the DOT was not the developer on this project. The building would be a multi-lease property with one builder. Elements to be included in an RFP would be helpful in working with developers on this project. In this way, the developer could design the site and have increased flexibility and efficiency. The building and curved area that would allow a bus turning movement would be no more than 5,000 sf. WisDOT would have the waiting area and the developer would be responsible for the maintenance of the whole lot with approximately 3,000 sf leased to various retailers. It was noted that 191 parking spaces were currently planned and the revised plan included an additional 26 spaces. Ferter explained no parking spaces had been lost in the revisions; they had been relocated. A connection to the bike trail was suggested in the RFP as well as a commuter waiting area. The purpose was to have support of the concept at this point and then developers would present specifics of the site and amenities to the City in the future. The goal was to enhance transportation. This type of facility had not been done in the state to date. Discussion ensued. The desire was to have responsible commuting. Any business that would encourage the use of increased single occupancy vehicle traffic such as a restaurant with carhop/pick-up service would not be considered helpful. A bike shop or bicycle tool station with an air pump could be included. An electric car charging station was suggested. Levy noted the box shown on the current plan included a 5,000 sf pad with a 3,900 sf commercial building on it. The additional space would be left for signage and a sidewalk. Anything associated with the structure would be contained on the building pad. The box in the drawing was supposed to represent all that was contained within it. A survey of the community to determine desired retailers and amenities for the commuter facility was suggested. This matter required further discussion with staff to work through remaining legal issues. Additional information would be available in the future.

6. New Business

- a. **DEL 0789.045, 710 Milwaukee Street, Delafield. Owner/Applicant: Michael Drees.**
Applicant seeks approval of a Site Plan and Architecture for a new commercial building.

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

There were no issues with the Site Plan and property; however, stormwater issues remained for resolution. The stormwater flowed from the alleyway across two residential properties to the west. The applicant had submitted a plan designed to take a comprehensive approach to resolving the water in this area. Originally proposed lighting would be moved to the south side of the alley. Additional landscaping information was needed. The backside of the building was considered the primary entrance. Overhead doors were used to transport cars from the inside of the building to the exterior. There would be no parking of the restored cars in the front of the building; however, currently allotted spaces would remain in the front of the building for customers entering the business. The building would be constructed of brick and "Hardi Plank" siding with a metal roof. The façade was similar to the current business property across the street. There would be a flat sidewalk placed on the property. Discussion took place regarding the route of the gutters along the building. The Public Works Committee should review the plans for stormwater runoff.

JASHINSKY MOVED TO APPROVE THE SITE PLAN AND ARCHITECTURE FOR A NEW COMMERCIAL BUILDING FOR DEL 0789.045, 710 MILWAUKEE STREET, DELAFIELD. OWNER/APPLICANT: MICHAEL DREES AS PRESENTED, CONTINGENT UPON PUBLIC WORKS COMMITTEE REVIEW AND APPROVAL AND STAFF APPROVAL OF

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LANDSCAPING AND LIGHTING ON THE SITE. GREENWAY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **Discussion and possible action on boathouse application for DELC 0782.030, 2112 Bay Point Lane, Hartland. Owner/Applicant: Joseph and Antoinette Logli as recommended by the Lake Welfare Committee at their July 11, 2018 meeting.**

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GREENWAY MOVED TO APPROVE A BOATHOUSE APPLICATION FOR DELC 0782.030, 2112 BAY POINT LANE, HARTLAND. OWNER/APPLICANT: JOSEPH AND ANTOINETTE LOGLI AS PRESENTED. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

7. Zoning and Ordinance Revision - None.

8. Reports of City Officials:

- a. Clerk

1. Plan Commission Meeting Dates & Deadlines
a. Meeting September 26, 2018;
Submittal Deadline September 11, 2018;
Public Hearing Submittal Deadline August 27, 2018.

2. Correspondence

A letter from Bob and Mary Mazurek, 637 Sanctuary Lane, had been received since the epacket for this meeting was distributed (Clerk's note: Information pertaining to this item is attached to these minutes.)

- b. Planner

The results of the recent planning survey were provided in the epacket for this meeting. There were 267 requests for the survey with 185 responses received. Approximately 170 of the surveys were taken on the internet. The survey would be made available to the public via the City website.

- c. Building Inspector.

There was 2 commercial permits and one residential permit with this month.

9. Adjournment.

There was no further business; therefore, the Wednesday, August 29, 2018 Plan Commission meeting adjourned at 9:01PM.

Minutes Prepared By:

Accurate Business Communications, Inc.

August 29, 2018

To: Members of city of Delafield Plan Commission

From: Bob and Mary Mazurek

Re: Fence Construction at 1306 Main Street, Delafield

Dear Committee Members:

Mary and I moved into our home at 637 Sanctuary Lane in late 2016. Previous to that we lived at 1307 Milwaukee Street for 10 years. Needless to say we were surprised when in late July a fence company began to put up a 8 foot cedar fence along the east end of the Main Street property which borders our backyard . The fence covers about 1/3 of my backyard from south to north. I spoke with the contractor and he said a permit had been granted. This was the first time we knew anything about it.

The fence was approved by your committee in spite of a negative recommendation by staff: 2 ft. higher than allowed; does not meet yard setbacks; the fence is a solid wall and not 50% open. It is really an eyesore and not what we believe is the landscape vision of Delafield residential areas are about.

The fence had not accomplished anything as it relates to my property. The Main Street homeowners were able to look east from their deck and the windows of their house into my backyard and patio. After the fence was installed they still look down on my back yard and patio (and we can look up). They would need an 11-12ft fence to accomplish complete privacy which seems the main issue. (We are not recommending a higher fence.)

I would like to ask the committee members to take a walk down Sanctuary Lane from the West entrance and look at the fence you approved. Our hope is that you will feel as we do that something like this will never be installed again.

Communication: Many people knew that this fence was being proposed; the homeowner; The Plan Commission members and staff; Alderperson Valde who represents this district; Board members of the Sanctuary Lane Homeowners Association. I understand that there was a discussion about the fence install at the June Plan Commission meeting and additional discussion and approval at the July meeting. In addition, I was told that there was meeting in the Mayor's office regarding this issue where HOA representatives were present.

It, quite frankly, boggles our mind that in all this discussion not one person asked if all property owners affected by this fence install have been notified. We were not. It seems that it would be an easy administrative task that all affected property owners, whether residential or commercial, be specifically notified when an item such as a non-conforming fence is being requestedPost card, email, etc. We wish we would have had that opportunity to appear before your committee in July.

Next Steps: Looks like Mary and I our going to have to spend our money to try to mitigate what the fence install has done to the landscape look of our back yard. This "GREAT WALL" should not have been approved and disappointed that the Plan Commission and our Alderperson did not do their due diligence in recommending and approving it.

Sincerely,

Bob and Mary Mazurek

August 28, 2018

We, Dan and Michelle Durmick, are supportive of David and Rosina Frank at 2872 Nagawicka Road dividing their property.




