

**CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES**

Call to Order

Aldersperson Michele DeYoe called the meeting to order at 7:00 P.M.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call for the March 27, 2013 Plan Commission meeting:

Present

Michele DeYoe, Ald.

Kevin Fitzgerald

Dan Jashinsky

Matthew Katz

Chris Smith

Roger Dupler, Planner

Gina Gresch, Clerk-Treasurer

Scott Hussinger, Building Inspector

Absent

Ed McAleer, Mayor

Kent Attwell

Tony Drake

**PUBLIC HEARING #1:**

**TEMPORARY BUSINESS PLAN OF OPERATION FOR A SPECIAL EVENT**

**APPLICANT:**

Craig Hoaglund, Event Chairman

**OWNER:**

Delafield American Legion Post 196

**MATTER:**

Applicant seeks a temporary Business Plan of Operation for the Delafield Legion Riders Ranch, to allow a temporary campground for the Harley Davidson 110th Anniversary Celebration.

**PUBLIC COMMENTS:**

**Jane Lazynski, 722 Main Street**, stated she is the Aldersperson for District 3. The only comment she has received is from one of the neighbors and they don't mind the noise; it is a great event for the City.

**Debra Caracci, 450 N. Lapham Peak Road**, stated she does not object to this. Everyone coming to this event are all American Legion members, former and current military personnel; this is a way to honor our veterans.

**Scott Krueger, Legion Member, 1016 E. Kenora Road**, stated he has worked with the Legion for 15 years and this is a great way to showcase the businesses in the City and get Delafield some recognition. The more people brought into the City, the better off we are.

**Ed Marke, 1435 E. Devonshire**, stated he is also in favor of this as it is a great opportunity for the City and Legion. He is looking forward to it.

**Mike Proulx, 943 W. Criaglis, Wales**, stated he has been a member of the Legion for 10 years and has seen what the Legion has brought to this community. This event will bring some revenue into the City. It is also important to have a place for these people to camp.

**Charles Holland, 741 Milwaukee Street**, stated his elderly mother used to live at this address and she always enjoyed the music from the bands and the other events the legion held. The veterans should be shown the same courtesy as other groups and this should be approved.

**George Finch, 23 N. Lapham Peak Road**, stated he is a Legion member and is in favor of this event.

**Tom Hennig, 318 N. Lapham Peak**, stated he has lived here 22 years has seen many events held at the Legion in which he and his children participated in. He cannot ever remember having a problem with any Legion events. The Legion members served our military and are the reason why we have our freedom today.

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He agrees with the event and hopes they are given the opportunity to proceed. The Legion has always been a thoughtful and respectful neighbor.

M. DeYoe stated one letter came in the mail from Mr. & Mrs. Schuetz, 929 W. Devonshire Road and they are in favor of the event.

**Craig Hoagland, Event Chair, 452 N. Lapham Peak Road**, addressed the issues raise in the letter included in the ePacket. The person who wrote the letter had concerns regarding the length of time, number of people, traffic routes, security and hours of operation. He requested seven days to leave enough time for setup and take down and blocked off those days so no one else reserved the grounds during that time. Also, any more than seven days creates a permanent campground and more rules and regulations to adhere to. Most attendees will be arriving Thursday and leaving Monday; the large RV people might come a day earlier. There is a limit of 150 people but that doesn't mean there will be 150 bikes; most will be riding in pairs. Any more than that and that would trigger more health regulations and approvals by the state and county. He is issuing maps showing attendees to use CTH C to Main Street to Lapham Peak Road and not using the neighborhood behind them; he will put up signs to direct them through downtown. Everyone will receive a gift bag with coupons for local business and maps of the area. Quiet time is between 11pm and 7am and it will be strictly enforced by the security staff on the property. No one is allowed to arrive/leave between 2am and 5am. There will not be any outdoor bands or vendors. Anyone violating rules will be asked to leave. This permit is for this event and dates only. Any other time of the year they wouldn't be asking for this but this is the 110<sup>th</sup> anniversary and all other campgrounds and hotels are already full for those dates.

**K. FITZGERALD MOVED TO CLOSE PUBLIC COMMENTS PERTAINING TO THE TEMPORARY BUSINESS PLAN OF OPERATION FOR THE DELAFIELD LEGION RIDERS RANCH, TO ALLOW A TEMPORARY CAMPGROUND FOR THE HARLEY DAVIDSON 110TH ANNIVERSARY CELEBRATION PUBLIC HEARING AT 7:17 P.M. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

1. Approve Plan Commission meeting minutes of February 27, 2013 meeting.

K. Fitzgerald stated there two minor typographical errors.

**K. FITZGERALD MOVED TO APPROVE THE FEBRUARY 27, 2013 PLAN COMMISSION MEETING MINUTES WITH CORRECTIONS. C. SMITH 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 this agenda.

**Bob Hamilton, 3410 Nagawicka Road**, stated the proposed Christian School is on tonight's agenda. M. DeYoe stated it is not on tonight's agenda.

**M. KATZ MOVED TO CLOSE CITIZEN'S COMMENTS PERTAINING TO SUBJECTS ON THE AGENDA AT 7:20 P.M. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

3. Consent Agenda (Recommended approvals in accordance with the staff report).
  - a. **DELC 0792.056.001, 803 Genesee Street, Delafield. Owner: Ace Delafield Properties. Applicant: Clear Water Outdoor, LLC. Applicant seeks approval of a Business Plan of Operation for a specialty retail store, Clear Water Outdoor.** Hours of Operation are Sunday 7AM to 10PM and Monday through Saturday 7AM to 12AM with 10 part-time and 6 full-time employees.
  - b. **DELC 0803.991.003, 2580 Sun Valley Drive, Delafield. Owner: Richard Flath, Marty's Pizza. Applicant: Jody Knoebel. Applicant seeks approval of a Temporary Business Plan of Operation for a produce stand, Jelli's Market.** Hours of Operation are Sunday through Saturday, 11:00 a.m. to 6:00 p.m., June 1 through September 1.

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- c. **DELC 0793.052, 425A Genesee Street, Delafield. Owner: James W. Mack, DDS. Applicant: Tina Butschli. Applicant seeks approval of a Business Plan of Operation for a hair salon, The Essence.** Hours of Operation are Weekdays 9AM to 8PM and Saturday 9AM to 5PM with one full time employee.
- d. **DELC 0793.052, 425A Genesee Street, Delafield. Owner: James W. Mack, DDS. Applicant: Chris Roberts. Applicant seeks approval of a Business Plan of Operation for a hair salon, Symmetrix by Chrissy.** Hours of Operation are Weekdays 9AM to 8PM and Saturday 9AM to 5PM with one full time employee.
- e. **DELC 0787.076, 808 Genesee Street, Delafield. Owner: Tom Aul. Applicant: Eugenia Uhelan. Applicant seeks approval of a Business Plan of Operation for a hair salon, Wild Roots Hair Salon.** Hours of Operation are Monday through Saturday 8AM to 8PM with four full time employees.

R. Dupler requested item #3e be pulled from the consent agenda for discussion.

**C. SMITH MOVED TO APPROVE ITEMS 3A THROUGH 3D ON THE CONSENT AGENDA IN ACCORDANCE WITH THE STAFF REPORT. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

R. Dupler stated the Wild Roots Hair Salon is moving into the building next to the building next to Mazatlan, not the building attached as his staff report indicated.

**K. FITZGERALD MOVED TO APPROVE ITEM 3E ON THE CONSENT AGENDA WITH THE CORRECTION TO THE STAFF REPORT AS REPORTED BY PLANNER DUPLER. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

4. Final Consideration, Approvals, Previous Approval.

- a. **DELC 0798.977.001, 333 N. Lapham Peak Road, Delafield. Owner: Delafield American Legion Post 196. Applicant: Craig Hoaglund, Event Chairman.** Applicant seeks approval of a temporary Business Plan of Operation for the **Delafield Legion Riders Ranch**, to allow a temporary campground for the Harley Davidson 110<sup>th</sup> Anniversary Celebration.

***TAKEN FROM PLANNER DUPLER'S STAFF REPORT:*** *The Delafield American Legion proposes to host a temporary campground for attendees of the Harley Davidson 110<sup>th</sup> Anniversary. Guests would be allowed access to the grounds and set-up camp sites for multiple days. The property is Zoned R-3 and as such the proposed expansion of the existing commercial use throughout the grounds would normally not be considered, albeit the Legion has a unique arrangement with the City, and the Legion grounds are managed as recreational space within the center of the City and perceived as a park. 17.39(13)(c): The R-3 district allows for Conditional Uses as a permitted use.(see 17.40-48). 17.46(4): Allows for Noncommercial Clubs and recreational facilities, such as recreational camps in any district. 17.46(4)(a): Requires such uses to be relegated to three acres or more, but exempts "war veterans' clubs" from that requirement. Recommendation: The Legion has satisfied all aspects of submittal requirements and has demonstrated their intent to conduct the Temporary Business in compliance with the City ordinance. Determine the appropriateness of this proposal after receiving public input.*

K. Fitzgerald stated every online mapping software directs drivers through the take them the Devonshire neighborhood and suggested a sign at CTH C and Poplar Path telling drivers to not turn there.

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K. FITZGERALD MOVED TO APPROVE THE TEMPORARY BUSINESS PLAN OF OPERATION FOR THE DELAFIELD LEGION RIDERS RANCH, TO ALLOW A TEMPORARY CAMPGROUND FOR THE HARLEY DAVIDSON 110<sup>TH</sup> ANNIVERSARY CELEBRATION FOR DELC 0798.977.001, 333 N. LAPHAM PEAK ROAD, DELAFIELD. OWNER: DELAFIELD AMERICAN LEGION POST 196. APPLICANT: CRAIG HOAGLUND, EVENT CHAIRMAN. MATT SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

5. Plans of Operation, Signage and Site Plan.

6. Preliminary

- a. **DELC(S) 0797.979.005 – 0797.979.024, Sanctuary Lane, Delafield. Owner: Commerce State Bank. Applicant: Miller Marriott Custom Homes, LLC.** Applicant seeks preliminary feedback regarding Planned Unit Development Amendment for The Sanctuary and schedule Conditional Use Public Hearing for the same.

***TAKEN FROM PLANNER DUPLER'S STAFF REPORT:*** *Miller Marriot Custom Homes appears before the Plan Commission to request consideration for an amendment of the existing Conditional Use Permit for the Sanctuary. This project has been idle since 2006. Their purchase of this project is contingent upon City approval of the new program. The subdivision exists as a single family condominium where each home site footprint is owned by the homeowner and all other lands are held in common ownership. This project was developed as a Planned Development, where the developer offered a number of tangible community benefits in exchange for a number of setback and lot size variances. At this time it is possible for the new developer and the City to restructure the conditions of this Conditional Use. As proposed, the new development plan introduces reduced building footprints on fee simple lots. To accommodate this, the developer requests a conversion to the R-4 underlying zoning district and a variance for a 25' front setback instead of the district standard 35'. In the existing condition the condominium homes are allowed reduced front setbacks that range from 25' to 1'. With this variance, 21 single family lots may be realized. Two of those lots exhibit existing homes that were constructed as part of the original development. Conversion of the underlying zoning to R-4 is appropriate, immediately to the east is an R-4 neighborhood. In the conversion of this project the developer will maintain the intent of the original landscape plan. A number of landscape features are already in place, some have suffered mortality and have been documented against the existing Letter of Credit. The balance of plant material yet to be installed shall become the responsibility of the new developer. Tree mitigation has already been incorporated into the approved landscape plan. Although the new plan introduces home sites immediately east of the parking lot, the trees in this area are documented as low quality invasive species by the City Forester and do not trigger mitigation. Residential architecture is scaled back from the original designs. Included in the Plan Commission packet are photographic examples of the proposed architecture. These examples appear very similar to the small single family home approved in the Delafield Woods project and are expected to be very popular in the market. **Recommendation:** Share opinions and concerns with the petitioner and request additional information, if necessary, to be provided prior to the public hearing. Schedule a public hearing accordingly.*

Chris Miller of Miller Marriot Custom Homes stated The Sanctuary was approved to be developed as 20 single unit condominiums and only two units were built. He is proposing to turn the condominiums development into a single family home subdivision and remove the condominium association. He showed the Plan Commission pictures of houses he feel will fit into the City's scheme nicely.

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M. DeYoe stated she received a letter from one neighbor concerned about the landscaping, screening and replacing the dead trees. C. Miller stated the bank owns the property currently and understands there is some landscaping in need of repair and they will work to fix it. A new landscaping plan will be brought to the Plan Commission for approval. K. Fitzgerald asked where the two requested new lots are going to go. R. Dupler stated they will be to the east of the parking lot where it is currently green space which is consumed with trees of zero quality. There was further discussion about the zoning of R-3 versus R-4 and if a zoning change is needed. R. Dupler stated since the Planned Unit Development has to be amended, a zoning change to R-4 will also be acted on at the same meeting.

K. Fitzgerald stated the Plan Commission approved smaller footprints a few years ago however the architecture stayed the same. Now it appears as though not only will the footprints be smaller but the houses will have a different look and feel from what is there now. C. Miller stated by nature of a subdivision there will be a variation of houses but doesn't think it will look that different. There will be features required on the houses like masonry exterior for the fireplace and trimmed windows. These new standards will be set through the homeowners association and with the builder. D. Jashinsky asked who will maintain the community well. C. Miller stated the homeowner's association or the City; he is open to either option. C. Smith stated he saw a small park on the plan. C. Miller stated it would be nice to have a community area with a playground and access to the trail behind the development. M. Katz asked how the existing homeowner's association is affected. C. Miller stated approval is required from both property owners and lenders, one of which they have already and they are working on the other. M. Katz asked about the brick sidewalks which were to be installed based on the original plan. R. Dupler stated they were in the plan but were removed along with the other amenities the original developer originally proposed. The City owns and has the paving bricks in their possession and the City can install them if they want to. Plan Commission members concurred landscaping is going to be a big issue with this development. C. Smith suggested showing the park as a rest stop on the trail so the Plan Commission can receive feedback on it.

**D. JASHINSKY MOVED TO SCHEDULE A PUBLIC HEARING FOR WEDNESDAY, MAY 29, 2013 FOR DELC(S) 0797.979.005 – 0797.979.024, SANCTUARY LANE, DELAFIELD. OWNER: COMMERCE STATE BANK. APPLICANT: MILLER MARRIOTT CUSTOM HOMES, LLC. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. **DELC 0799.998 & 0799.999, 940 Indian Spring Drive and 1050 Indian Spring Drive, Delafield. Owner: Marion J. Doermer. Applicant: Shawn Kelly, Kelly's Greenscapes.** Applicant seeks preliminary feedback regarding site re-development of Indian Spring Motel into a landscaping business and schedule Conditional Use Public Hearing for the same.

**TAKEN FROM PLANNER DUPLER'S STAFF REPORT:** *The business operation is proposed at the site of the Indian Springs Motel. This site is currently zoned as B-5 and is identified in the City's Comprehensive Plan as Office. Although the proposed operation is not an office park, the Plan Commission may determine that it does qualify as a B-5 use. The landscape business will use the site as a headquarters for their operation, host their patrons in their sales department, and utilize the grounds for sales displays. Vehicles, equipment, and materials will be stored out of sight. In order to make the site buildable, the petitioner is willing to extend sewer from the north side of I-94 for the use of this business and perhaps the existing office use immediately to the west. The proposed site plan illustrates compliance with the mandatory setbacks and floor area ratio. Parking is not an issue if all vehicles are to be kept inside. The site exhibits many small trees that are most likely first succession growth of low quality, a tree survey will need to be conducted. In addition this proposal will require full engineering before moving forward. **Recommendation:** The proposal merits some consideration in that this is a very difficult site to redevelop. It is uniquely removed from*

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*the balance of B-5 Office property to the west, and will most likely not be realized as an eastward extension of that larger campus. If the Plan Commission determines that this operation may be allowed in the B-5 zoning district it may be advantageous to create a Conditional Use Permit to control the on-site activities and operation.*

Shawn Kelly, owner of Kelly’s Greenscapes in Sussex, stated he is here to discuss possible building on Indian Spring Drive where the motel currently is. He showed the Plan Commission an overview of the plan and what the buildings could look like; none of the materials have been picked out yet. He stated the sewer pipe will be a two inch pressurized pipe with a grinder on it and run laterally under the freeway to North Lapham Peak Road. Parking and signage still has to be determined based on what Delafield requires. Traffic will enter and exit on Indian Spring Drive. He expects about 10 to 12 vehicles coming to and from the business as most of the work and equipment is stored on the job site. Hours are Monday through Friday, 7AM to 7PM. Work is seldom done on Saturdays. He also hasn’t checked into lighting yet but will meet city codes. He will want lighting for security purposes.

R. Dupler stated it is up to the Plan Commission to determine if this business satisfies the requirements of the B-5 zoning designation. C. Smith stated he feels comfortable with this business fitting the B-5 zoning designation. R. Dupler stated it does match the B-5 description and feels it is the best fit of anything the City has seen to date. S. Kelly stated his business is a design build firm; not a nursery; no plants on site. He is currently running his business in Sussex but that site is too small and confining; this site works much better for his business. K. Fitzgerald stated not having plants and stone on site for purchase is good but there is still a nine-door garage on site which isn’t typical for this zoning district. This property can be developed into a traditional office space and there is already one there right now, the dentist office. R. Dupler stated if the Plan Commission doesn’t think this business neatly fits in the B-5 zoning district, the business could be regulated under a Conditional Use rather than a standard site development approval. This proposal is not much different than the Yaggy Colby office where there are professionals indoors, yet there are survey crews with storage on site. S. Kelly stated he purposely positioned the garage in a way so people won’t see the doors. D. Jashinsky is concerned with noise. S. Kelly stated the trucks do not have backup alarms on them. Berms and trees will be used for screening and noise abatement.

7. Zoning and Ordinance Revision.

8. Reports of City Officials:

- a. Clerk
  - 1. April 24 (Meeting); March 27 (PH Deadline); April 10 (Reg. Deadline)
  - 2. Correspondence
    - i. Letter from Michael & Gina White regarding proposed Christian Education Leadership Academy.
    - ii. Letter from Todd & Kerri Richardson regarding the Delafield Legion Riders Ranch.
- b. Planner
  - 1. Downtown Directional Signs

R. Dupler stated the City created an ordinance to regulate the downtown directional signs stating a lottery shall be used for distribution and use of signs which happens on an annual basis and there have been no new applications in a few years. There are enough sign spaces and not enough businesses asking to be on them. He asked the Plan Commission to give permission to suspend the application and enforcement of the ordinance to not have to conduct the lottery until there is a need to do so. Plan Commission members concurred with R. Dupler’s recommendation and asked that the ordinance be amended to do so.

c. Building Inspector

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S. Hussinger stated the total number of permits to date was 36 with three occupancy permits this month.

9. Adjournment.

**D. JASHINSKY MOVED TO ADJOURN THE MARCH 27, 2013 PLAN COMMISSION MEETING AT 8:05 P.M. C. SMITH SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.**

Minutes Prepared By:



Gina C. Gresch, MMC/WCPC  
City of Delafield Clerk-Treasurer  
Waukesha County