

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Call to Order

Mayor McAleer called the meeting to order at 7:00 P.M.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call for the Wednesday, June 26, 2013 Plan Commission meeting:

Present

Ed McAleer, Mayor
Michele DeYoe, Ald.
Kent Attwell
Dan Jashinsky
Matthew Katz
Jane Lazynski
Roger Dupler, Planner
Gina Gresch, Clerk-Treasurer
Scott Hussinger, Building Inspector
Tom Hafner, City Administrator/Public Works Director
Jim Hammes, City Attorney

Absent

Chris Smith

PUBLIC HEARING #1:

MASTER PLAN AMENDMENT

OWNER:

CELA Holdings, LLC.

APPLICANT:

City of Delafield

MATTER:

The City seeks to amend the City of Delafield 2030 Comprehensive Plan to allow the conversion of property designated for Agricultural Land Use to Institutional Use.

E. McAleer opened the public hearing at 7:01PM. He stated this is the first time the City has had a public hearing for a Master Plan amendment since 2010. City Attorney Jim Hammes stated all amendments must be recommended by the Plan Commission by a resolution then forwarded to the Common Council. The Common Council then conducts a public hearing 30 days after it is brought to the Common Council by the Plan Commission's recommendation. Tonight's Plan Commission meeting has two public hearings; one hearing is to amend the plan and if that receives favorable recommendation, then a second resolution amendment to the map, to allow the zoning to be changed along with plan amendment, which deals with the language.

Jim Siepmann, Andrew Neumann, Michael Uden and Dean Richards were present and represent CELA. A. Neumann stated education is very important and parents need to be provided with options. CELA's three pillars for education provide rock solid character formation and leadership skills which prepares the children for the workforce and future. There are 50,000 children within a 15 mile radius and 65,000 within 25 miles of the site. Many families in the area fit CELA's demographic. For CELA to work there needs to be 200 families and he believes there are enough children to fill the school.

M. Uden stated CELA represents a new choice. CELA is a school of distinction, not competition. It intends to draw from a larger region and collaborate with other schools. It will invest in the bright future of education and in the community. As a new school CELA is eager to connect with the established world of education and will transcend education.

D. Richards stated the City's 2030 Master Plan needs to be amended to change the land use from Agricultural to Institutional use. There are two sections of text in the Master Plan which state land planned as Agricultural that can be changed to Rural Estate use. At the time the Comprehensive Plan was adopted, the City only looked at Institutional uses as they existed that day and didn't take into consideration as to where schools could be developed in the future. Amending the Master Plan from Agricultural to Institutional is an inevitable adjustment; it will have to be done at some point in the future. The City might want another library, fire or

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public works site. The second amendment is to change the designation on the zoning map to reflect the Master Plan amendment from Agricultural to Institutional. D. Richards further explained why a change from Agricultural to Institutional is allowable. The change is controlled. Private schools can be allowed under permitted and Conditional Uses. CELA's developer is aware that if the land is not used for agricultural purposes it would likely be used for residential which would generate a relatively high revenue stream from property taxes. CELA is willing to make a payment in lieu of taxes (PILOT) payment to the City to make up for the lost property tax revenue. Conversations with the City Administrator regarding this have begun and is reflected in the Administrator's memo.

J. Siepman reviewed the project as he did at the prior month's meeting. He again reviewed the parking, proposed roads, soils, sewer, lighting, building materials and traffic. CELA listened to the Plan Commission last month and took their suggestions into consideration. They also met with the City's Park and Recreation Commission regarding the City's park plan. CELA is not willing to build a park so instead they will pay the City monies for not having to build a park.

PUBLIC COMMENTS:

Michael White, 3787 Campbell Trace, asked what happened to Smart Growth Plan. The plans calls for this area to be residential. If CELA is built the property taxes from residential will be lost forever. Can the City really afford to lose this much tax base? The land should be developed into a residential subdivision. If the City wants a connector road at Faire Lakes Parkway they should wait for a residential development to pay for it. Also the Lake Country School District doesn't want or need another school. There are enough schools off of the tax rolls for perpetuity. He has nothing against a Christian school but doesn't think this is the property for it. Students will be coming from other schools in the area not from far away. The existing schools cannot afford to lose students. They lose students, then revenue, then property taxes go up.

Todd Sobotka, Pewaukee resident, stated this idea is intriguing for Lake Country and CELA will draw people and families in. This will be a feather in the City's cap. It is refreshing and excellent for a school to focus on leadership with Christian values.

Ken Mennen, 3811 Nagawicka Road, is an engineer and presented a traffic impact numerical analysis. The traffic impact will be greater than what CELA claims. He used CELA's numbers and found there will be over 500 trips a day to and from the school, not CELA's estimated 335. There will be 2,500 trips per week in and out of the area; CELA estimates 1,675. This traffic impact is significant. Lake Country School District already says kids can't walk or bike to school because the roads are unsafe for the children to be on. CELA would only compound that. He then showed a Google search of the local area for private schools and our area already shows our area has the highest density of private schools. With regards to the PILOT is there going to be a guarantee or escrow to ensure the payments don't stop suddenly?

Tim McCarthy 467 W. Jefferson Street, Oconomowoc, stated he is the lead pastor at an Oconomowoc church. There are numerous families from his church asking for a Christian school as many parents are home schooling because parents are not happy with the current school options. He supports CELA.

Jennifer Keller, Nashotah resident, spoke on behalf of children who receive special education at Lake Country School. The Lake Country School District is obligated to service special education children in the district whether they attend a Lake Country School District school or private school. When teachers from the Lake Country School District have to go to another location to serve children at private schools that takes away time from the district's own children and that isn't fair to them. This area doesn't need another private school.

Dave Brabson, 3629 Nagawicka Shores Drive, stated he is the Lake Country School Board Vice President, City of Delafield resident and City of Delafield Park and Recreation Commission member. The motion passed at the Park and Recreation Commission last week was not unanimous. CELA agreed to pay the City more money to avoid having to build a park. Tonight he heard CELA tell the Plan Commission they will pay the City for lost property tax revenue. It sounds like CELA is trying to buy the City off. The City can't just change their

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plans because a developer is willing to pay to do that. With regards to the Lake Country School District, the area in question has been planned to be developed as residential and that is what the school district has anticipated happening, that's what they've planned for. Changing the Master Plan comes up every now and then and it is a sensitive issue, it should not be changed. The City needs to take the time to make the right choice and to not change anything.

Jeff Krickhahn, 4506 Vettelson Road, echoed the concerns of most of the people who have spoken tonight. Changing the land from Agricultural to Institutional will allow that change to be made in the whole City and is not show how easy it will be to control that in the future. Will CELA give the City a lifetime guarantee on the PILOT? Will it increase as the land value increases? Will the City be receiving this guarantee in writing? How can CELA afford to pay everyone off and what happens if the school fails? If CELA is approved the City will have 150 acres of land it can't collect taxes on, limited number of options for new business if CELA fails, increased costs to schools, increased traffic volumes at peak traffic times. He lives on Vettelson Road and getting in and out of his driveway at peak times with Lake Country School and University Lake School is difficult. Since this issue came up in December 2012, he hasn't found anyone in District 1 who is in favor of it. He is the voice for those that don't or can't come to meetings. There were some who came forward to say they are in favor of this project but do they live in the City of Delafield? The City has a Master Plan and it should be adhered to. Lake Country School was built with this property to be developed into a subdivision. The Lake Country School District is ready to take on those children. There were other developer's requests in the past they were not approved because their proposal didn't fit the Master Plan, so the City is being consistent. It seems as though there has been a lot of time spent on meetings, deals discussed before the issue even came to a public hearing and that is putting the cart before the horse; stop the cart. Just say no tonight.

Laura Schult, 935 Bahr Road, read a statement which is attached to the minutes.

Shamus McFadden, 3801 Campbell Trace, stated one of the main reasons he moved to the community and purchased home here is because the Master Plan indicates homes will be developed in this area. He was led to believe Jim Siepmann has the first right of refusal and that he builds excellent subdivisions. He would not have purchased this home knowing a developer could change the Master Plan so easily. He has always believed the Master Plan could not be changed without an overwhelming need for the item being proposed. He did some research by contacting public and private schools in the area, there are 400 available seats for students in in the K-8 community. Lake Country's public schools are rated #1 in the state and are consistently in the Top 10 districts rated for education. CELA offers nothing new. Their proposal will double the number of available seats in schools while taking new homes off the market where people could live and pay taxes. This does not add up. Homes add to the tax base and supply students which can be accommodated by vacant school seats. This is the height of irresponsible planning. He is opposed to the project as it is not in the best interest of the community and only in the best interest to someone who has a big checkbook.

Andrea Shrednick, 3603 Ridge Drive, stated she wears many hats; she is the Lake Country School Board President and the City's Library Board President. She is very much opposed to CELA for several reasons, many of which have already been discussed. She watched the last Common Council meeting where the Common Council stated they might not have the money to invest in the lake, then how can the City afford to take this property off the property tax roll and lose that revenue. The Lake Country School District is the number one district in the state. Lake Country Schools have already proven their excellence and are not afraid of competition but they don't need to share their limited resources. They work very well with the other schools in the district. She doesn't understand how CELA can offer to exchange money in lieu of services. What hasn't been talked about yet is the legality and morality of CELA stating only Christians can use their park. She discussed this with the ACLU and Jewish Defense League and CELA's Christian only usage is illegal and immoral. The Supreme Court just today ruled for equality and this is not equal; this feels Hitlor-esk. There are already numerous open classroom seats in the area, where are these potential children coming from? She begged the Plan Commission to vote no on this project.

Ralph Gerber, 3707 Campbell Trace, stated the Master Plan was created with time and an expansive work effort and now three years later we are talking about changing it. Keeping the land agricultural isn't practical

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and the Master Plan acknowledged that by designating this land as residential when it is developed. He read a portion of the 1991 Comprehensive Plan which states back then this land should be developed as residential so that the new development doesn't change the character or qualities of these existing neighborhoods. CELA doesn't maintain the quality or character of the surrounding neighborhood. His land borders this property on three sides and if CELA is approved the values of the neighboring homes will decrease which will affect re-sales. What happens if the school fails; what else can this building be used for? What will happen to the PILOT payment then? There are 17 private schools in the Lake Country area; four in the City. Precedent has already set and it needs to be followed.

Cindy Pelegrin, 3901 Campbell Trace, stated so much has already been said as to why CELA isn't a good fit. Surrounding schools will have to compensate for lost property tax revenue. What happens if the school fails? The compensation CELA is offering the City sounds like bribery. She gets nervous when people make promises and there is no guarantee. She is also against this because of the increased traffic, noise and lighting. She is not against a Christian school but we already have top notch schools in our state and area. The pillars they are teaching are already taught in our public schools. She spoke with the developer about how to teach spirituality to children of different faiths who don't agree on things like that. He responded that is one aspect that will be taught in a more general manner than other items. This school really won't be teaching any specific religion or doctrine.

Lynn Holton, 485 Lillian Court, read a statement which is attached to the minutes.

Vladimir Matejic, 2419 Fair Lakes Parkway, stated he has heard some very intriguing comments and the Plan Commission's job is going to be a difficult one. He hopes considerate thought is given to this. With regards to the collector street, it makes sense to put it in for a residential subdivision but what is the point of a collector street if CELA is approved. He and other residents who are absent tonight are in opposition to CELA for a number of reasons, which safety is the top one. There are already safety issues and bus routes which have been changed because of those safety issues. Traffic will increase and so will the safety issues if the street is opened. He asked the Plan Commission give considerate thought in pushing a collector street through for a different function and purpose versus the intent stated in the Master Plan.

Kevin Fitzgerald, 510 North Ponderosa Drive, is concerned with consistency. If the land is changed to Institutional he will have no idea what the Master Plan is for anymore.

Bart Wellenstein, Phyllis Parkway, Town of Delafield, stated if the education is excellent parents will be willing to make the drive. There won't be a problem filling the school.

Richard Dagostini, 3727 Campbell Trace, stated the plan looks great, building looks great but he is against it because of the expense to the community. The opportunity costs of about \$600,000 have not been talked about yet. There will be costs to the Lake Country School District, increased traffic and lost revenues. CELA states there will be 700 parking spaces which means they will expect 700 cars at an event; that is a lot of traffic which will dramatically change traffic patterns. You don't built an 800 seat auditorium if you only expect 300 people to attend; their numbers need to be reviewed. Existing private schools are excellent. This comes down to balance; balance what we already have and CELA is not a good balance. The City can and should do better.

Gina White, 3787 Campbell Trace, stated if the City takes 50 homes out of the tax base that is 50 homes and people we take away from our community; people who will shop and do business in the City. This will affect our local business and we can't forget about them. Please be considerate when making choices.

Paul Decker, 325 Parkview Court, stated he is a Waukesha County Board Supervisor for Delafield, Hartland and Nashotah. Another challenge is the traffic on STH 83. The traffic years ago was already too high for a two lane road. He is concerned about STH 83 and that Waukesha County is under pressure from the Department of Transportation and the Southeast Regional Planning Commission that STH 83 should be four lanes. Traffic counts went up in a recession. Waukesha County is responsible for maintenance on state roads and as STH

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83 deteriorates it will cost Waukesha County taxpayers more money. He's in favor of development but understands there are costs and it is the tax base that is most affected; we try to keep taxes even.

K. ATTWELL MOVED TO CLOSE PUBLIC COMMENTS PERTAINING TO AMENDING THE CITY OF DELAFIELD 2030 COMPREHENSIVE PLAN TO ALLOW THE CONVERSION OF PROPERTY DESIGNATED FOR AGRICULTURAL LAND USE TO INSTITUTIONAL USE PUBLIC HEARING AT 8:50 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

PUBLIC HEARING #2: LAND USE PLAN AMENDMENT

OWNER: CELA Holdings, LLC.

APPLICANT: Jim Siepmann c/o Siepmann Realty Corp.

MATTER: Applicant seeks to amend the City of Delafield Land Use Plan to convert the described property from Agricultural Land Use to Institutional Land Use, and to rezone the property from A-1 Agricultural and Residential Holding District to Public and Semipublic Use District.

E. McAleer opened the public hearing at 8:50pm. If anyone has any new ideas specific to the zoning and land use change now is time to do it.

PUBLIC COMMENTS: None

K. ATTWELL MOVED TO CLOSE PUBLIC COMMENTS PERTAINING TO AMENDING THE CITY OF DELAFIELD LAND USE PLAN TO CONVERT THE DESCRIBED PROPERTY FROM AGRICULTURAL LAND USE TO INSTITUTIONAL LAND USE, AND TO REZONE THE PROPERTY FROM A-1 AGRICULTURAL AND RESIDENTIAL HOLDING DISTRICT TO PUBLIC AND SEMIPUBLIC USE DISTRICT PUBLIC HEARING AT 8:51 PM P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

PUBLIC HEARING #3: CONDITIONAL USE AMENDMENT FOR SIGNAGE

OWNER/APPLICANT: Summerset Holdings, LLC.

MATTER: Applicant seeks to amend the Conditional Use to change the business name and install building signage for the same.

E. McAleer opened the public hearing for Summerset Holdings at 8:52pm. This item sounds minor but the business operates under a Conditional Use and any changes to the business require a public hearing.

PUBLIC COMMENTS: None.

K. ATTWELL MOVED TO CLOSE PUBLIC COMMENTS PERTAINING TO AMENDING THE CONDITIONAL USE TO CHANGE THE BUSINESS NAME AND INSTALL BUILDING SIGNAGE PUBLIC HEARING AT 8:52 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

The Plan Commission took a break at 8:52pm.

1. Approve Plan Commission meeting minutes of May 29, 2013 meeting.

M. DEYOE MOVED TO APPROVE THE MAY 29, 2013 PLAN COMMISSION MEETING MINUTES AS PRESENTED. K. ATTWELL 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 this agenda.

K. ATTWELL MOVED TO CLOSE CITIZEN'S COMMENTS PERTAINING TO SUBJECTS ON THE AGENDA AT 9:01 P.M. D. JASHINSKY 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 0787.075, 810 Genesee Street, Delafield. Owner: Martina Verre. Applicant: Brianna Zweg & Linda Flint. Applicants seek a Business Plan of Operation for an interior design business, Portico Interiors, LLC.** Hours of Operation are Sunday through Saturday, 7AM to 10PM with no employees indicated.
- b. **DELC 0787.075, 810 Genesee Street, Delafield. Owner: Martina Verre. Applicant: Kathy Ek. Applicant seeks a Business Plan of Operation for an interior design business, Koe Studio, LLC.** Hours of Operation are Sunday through Saturday, 7AM to 10PM with no employees indicated.
- c. **DELC 0787.075, 810 Genesee Street, Delafield. Owner: Martina Verre. Applicant: Susan Radloff. Applicant seeks a Business Plan of Operation for an interior design business, Susan Louise Design.** Hours of Operation are Sunday through Saturday, 7AM to 10PM with no employees indicated.
- d. **DELC 0804.994.005, 2835 Heritage Drive, Delafield. Owner: Hahn Investments Delafield, LLC & PB Hahn and Company, LLC. Applicant: Perry & Barbara Hahn. Applicant seeks a Business Plan of Operation Amendment to change the name of a business from Warden Ace Hardware to Hahn Ace Hardware.** Hours of Operation are Weekdays 7AM to 8PM, Saturday 7AM to 6PM and Sunday 9AM to 5PM with 15 part-time employees and 6 full-time employees
- e. **DELC 0799.982.002, 468 S. Genesee St, Delafield. Owner/Applicant: Jim and Mary Zahorik. Owner/Applicant seeks a Business Plan of Operation for inventory reduction at Zahorik Greenhouses.** Hours of Operation are Sunday through Saturday, 9AM to 7PM.
- f. **DELC 0793.001.003, 440 Wells Street, Delafield. Owner: Ace Delafield Properties. Applicant: The Maverick Innovation Lab, LLC. Applicant seeks a Business Plan of Operation for a training center, The Maverick Innovation Lab, LLC.** Hours of Operation are Saturday 8AM to Noon and Weekdays 7AM to 7PM with 2 part-time and 2 full-time employees.

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

K. Attwell stated he would like clarification on item #3e from the petitioner. Jim Zahorik stated the greenhouse currently serves retail outlets from Green Bay to Kenosha to Madison as a wholesaler. There are many times people stop by wanting to buy product and they currently don't allow that. He would like to be able to sell retail at the end of the growing season if there is any extra product left. The site can accommodate 20 parked cars and meets the criteria in the zoning code for this type of business. He requested hours of 9am to 7pm but that doesn't mean he is going to be open those hours. If wholesale sales go smoothly there may never be a retail operation. He will work with the Administrator on signage, something as simple as "public welcome".

K. ATTWELL MOVED TO APPROVE ITEM 3E ON THE CONSENT AGENDA IN ACCORDANCE WITH THE STAFF REPORT. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

K. Attwell stated he would like clarification on item #3F from the petitioner. Paul Decker stated IT IS A training center for manufacturing companies to come to their lab and work on a project's engineering if they don't have the money to hire full time engineers. The site will be used two to three times a week.

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K. ATTWELL MOVED TO APPROVE ITEM 3F ON THE CONSENT AGENDA IN ACCORDANCE WITH THE STAFF REPORT. M. KATZ SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

4. Final Consideration, Approvals, Previous Approval.

a. **DELCO 0753.995, STH 83, Hartland. Owner: City of Delafield. Applicant: CELA Holdings.**

The City seeks to amend the City of Delafield 2030 Comprehensive Plan to allow the conversion of property designated for Agricultural Land Use to Institutional Use. Discussion and action to adopt Resolution 2013-08, A Resolution by the City of Delafield Plan Commission, Waukesha County, Amending the City of Delafield 2030 Comprehensive Plan and recommendation to the Common Council to hold a public hearing for the same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: *As an integral part of the pending deliberation for the Christian Education Leadership Academy the City has been asked to consider amending the current text of the Comprehensive Plan. Chapter 7- Land Use Element specifically describes the City's intent for conversion of the areas designated as Agricultural Land Use. Section IV, Subsection C Agricultural Projections describes the following:*

"The intent of the Agricultural Land Use designation will be to secure the rural atmosphere and undeveloped nature of these areas for the perceived benefit of preserved open space as well as to promote future residential development nearer the City center. It is anticipated that these lands may eventually succumb to development pressures. Any consideration for conversion to any other use should require an approved Master Concept Plan for the entirety of land holdings under a single ownership thereby promoting a planned strategy for future residential development. These lands should only be considered for conversion to Rural Estate land use. Table 7-12 demonstrates the land use projection of these lands being converted from Agriculture to Rural Estate land use." "These lands should only be considered for conversion to Rural Estate land use" is unduly restrictive for the Plan Commission to exercise its discretion to alter planning goals or growth strategies. Amending the text to allow for conversion of Agriculture land use to Institutional land use may be in the City's interest. The Comprehensive Plan Subsection V – 2030 Land Use Plan identifies that Institutional uses are readily applicable in A-1 zoned property. It is clearly the intent that such application of Institutional uses was anticipated in the Agricultural areas. The Plan Commission may determine that the limiting language in Subsection IV is inappropriately restrictive and in need of revision. A resolution to that affect must be recommended to the City Council. If the Plan Commission determines that an Institutional use is not appropriate in the agriculture areas then a revision should be made to the Institutional description in Subsection V to remove the allowable application of Institutional use in A-1 zoning districts.

Recommendation: *The Plan Commission should determine if an Institutional land use is an appropriate conversion in the Agricultural land use. It may also be beneficial to include language to describe the allowable conversion via the Planned Development process. A resolution to that affect must be recommended to the City Council.*

Attorney Hammes stated the action on this item would change only the Master Plan text, allowing conversation of agricultural lands. M. Katz stated CELA's plans are beautiful but changing the Master Plan concerns him since it would straying from the intent of 20 years ago to designate this land to be residential if and when converted. E. McAleer stated the City has always has this land designated as two acre rural estate and the City should keep it that way. M. DeYoe stated there were many challenges to the Master Plan over the years and the City

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should stick to the Master Plan. She hopes CELA is eventually built, somewhere where it fits in a plan, but not in the City of Delafield where it would cause a radical change to the Master Plan.

K. ATTWELL MOVED TO DENY ADOPTION OF RESOLUTION 2013-08, A RESOLUTION 2013-08, A RESOLUTION BY THE CITY OF DELAFIELD PLAN COMMISSION, WAUKESHA COUNTY, AMENDING THE CITY OF DELAFIELD 2030 COMPREHENSIVE PLAN, FOR DELC 0753.995, STH 83, HARTLAND. OWNER: CITY OF DELAFIELD. APPLICANT: CELA HOLDINGS, BECAUSE THE CELA PROPOSAL DOES NOT FIT WITH THE CITY'S MASTER PLAN. D. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED BY ROLL CALL VOTE:

K. ATTWELL	YES
M. KATZ	YES
M. DEYOE	YES
E. MCALEER	YES
J. LAZYNSKI	YES
D. JASHINSKY	YES

- b. **DELC 0753.995, STH 83, Hartland. Owner: CELA Holdings. Applicant: Jim Siepmann.** Applicant seeks to amend the City of Delafield Land Use Plan to convert the described property from Agricultural Land Use to Institutional Land Use, and to rezone the property from A-1 Agricultural and Residential Holding District to Public and Semipublic Use District. Discussion and action to adopt Resolution 2013-09, A Resolution by the City of Delafield Plan Commission, Waukesha County, Amending the City of Delafield 2030 Master Land Use Plan and recommendation to the Common Council to hold a public hearing for the same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Following action on the proposed text amendment to allow conversion of Agriculture land use to Institutional land use the Plan Commission may wish to amend the land use map to reflect the CELA proposal. To change the designated land use the Plan Commission must approve the amendment by resolution and recommend to the City Council. The legal description provided by the petitioner defines the boundary of the proposed land use change. This same boundary shall be used for the zoning district change. ***Recommendation:*** If action on the text amendment to allow the conversion is approved then this item may also be approved. Plan Commission must act by resolution and recommend to the City Council for final approval.

****CLERK'S NOTE:** Due to the denial of Resolution 2013-08, no action is required on this agenda item.

- c. **DELC 0742.986, W73 East Wisconsin Avenue, Nashotah. Owner/Applicant: The Boat House of Lake Country, LLC.** Owner/Applicant seeks a Conditional Use amendment to change the business name from Summerset Marine, LLC to The Boat House of Lake Country, LLC. and install building signage for the same. Hours of Operation and number of employees remain the same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Summerset Marine, on Wisconsin Avenue has changed its name. The Boat House is the new operation, subject to all of the conditions of the existing Conditional Use Permit. The proposed change of signage is an allowable change and conforms to the ordinance requirements. The proposed sign is actually smaller than the existing sign. Due to the fact that this property is governed under a Conditional Use any proposed change is required to undergo a public hearing prior to Plan

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Commission action. Recommendation: Approval, recommend to Council accordingly.

M. DEYOE MOVED TO AMEND THE CONDITIONAL USE AMENDMENT TO CHANGE THE BUSINESS NAME FROM SUMMERSET MARINE, LLC TO THE BOAT HOUSE OF LAKE COUNTRY, LLC. AND INSTALL BUILDING SIGNAGE FOR THE SAME. HOURS OF OPERATION AND NUMBER OF EMPLOYEES REMAIN THE SAME, AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME, FOR DELC 0742.986, W73 EAST WISCONSIN AVENUE, NASHOTAH. OWNER/APPLICANT: THE BOAT HOUSE OF LAKE COUNTRY, LLC. K. ATTWELL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

d. **DELC(S) 0797.979.005 – 0797.979.024, Sanctuary Lane, Delafield. Owner: Commerce State Bank. Applicant: Miller Marriott Custom Homes, LLC.** Applicant seeks final approval of the Specific Implementation Plan for their PUD, including the following items:

1. Discussion and action on Ordinance No. 677, Ordinance Changing the Zoning Classification From R-3 PUD To R-4 PUD, for the Sanctuary of Delafield, City of Delafield, Waukesha County, Wisconsin, and recommendation to the Common Council of the same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: *The Sanctuary exists as a single family condominium where the ownership of each home site is limited to the building footprint and a minimal amount of area surrounding the foundation, 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. The project has been inactive since 2006.*

At this time, the petitioner offers the City a change in the subdivision program to convert the property from a condominium development to a standard Planned Development that exhibits 21 single-family fee simple lots. As proposed, the new development plan introduces reduced building footprints and building envelopes that are much more compatible with the surrounding neighborhood. A Preliminary Plat is submitted but the City need not take action on it specifically, rather it is possible to waive the requirement and allow the petitioner to proceed directly to the Final Plat.

The developer requests a conversion to the R-4 underlying zoning district and a variance to the district standard 35'; it is proposed to afford a 25' front setback for conventional orientation and 14' for side loaded garages. In the existing condition the condominium homes are allowed reduced front setbacks that range from 25' to 1'. With this proposed variance, 21 single family lots may be realized with a variety of garage orientations. Two of the existing homes that were constructed as part of the original development, have been incorporated into the new layout and will be legal lots in the Planned Development. Conversion of the underlying zoning to R-4 is appropriate, the Master Land Use Plan identifies this area as appropriate for R-4 development and immediately to the east is an existing R-4 neighborhood.

There is no proposed change to the existing signage, lighting, or infrastructure except that sewer laterals may be relocated. The City Engineer's review of the storm water management plan has found no critical issues to warrant concern. In comparison between the sizes of the proposed homes, to the size of roofs that were originally approved, it is evident that impervious areas are greatly reduced. A revised grading plan will need to be produced that reflects the adjusted building location. Resolutions to tree preservation and proposed house pad elevations are yet to be created.

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In the revised subdivision configuration the internal path system has been eliminated from the site program. Originally this internal pathway was offered in compensation for a typical sidewalk along Main Street. Now that the neighborhood no-longer benefits from the internal pathway the City may wish to reinstate the Main Street sidewalk. A copy of an approved design document from the initial days of the Sanctuary development is included in the Plan Commission packet to illustrate the original intent of the sidewalk.

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 City is taking the appropriate action to redeem the letter of credit and replace the missing plant materials. The Developer will implement the additional street trees as documented on the submitted landscape plan.

Architectural controls have been established in the subdivision Covenants.

Recommendation: *Approval and recommend to the City Council. The Plan Commission should refer to the accompanying Conditional Use Review, Determination and Approval guide sheet to appropriately frame a motion. The rezoning, as well as the Conditional Use Permit, may be judged by the same criteria and should be clearly recommended to the Council for action. Approval should be contingent upon the addition of a sidewalk along Main Street and continued coordination with Staff regarding grading vs. tree preservation. The Plan Commission may waive the requirement for Preliminary Plat review and approval.*

Dean Richards stated this is the first time he and the developer have heard about the sidewalk request along Main Street and asked the Plan Commission to reconsider such request. He reviewed the history of the sidewalk with the Plan Commission that it was in the plan and then removed by the prior developer. What will be the purpose of a sidewalk along Main Street? If the sidewalk is to be installed from the west to the east it will be interrupted by the two existing houses. Installing a sidewalk is costly and they would be happy to do it if they can come up with viable reasons as to why there should be one there and the benefits of having a sidewalk in that location. The development already has internal sidewalks. D. Jashinsky stated the Public Works Committee discussed it and agree with D. Richards about the issue. M. DeYoe stated she is not comfortable acting on a sidewalk with no information about it. E. McAleer stated he doesn't want to hold up any of the approvals because of a possible sidewalk issue. T. Hafner stated the sidewalk has been discussed at Public Works Committee and Common Council; the Common Council asked the Plan Commission to review it.

M. DEYOE MOVED TO REFER THE SIDEWALK DISCUSSION TO THE PUBLIC WORKS COMMITTEE FOR DELC(S) 0797.979.005 – 0797.979.024, SANCTUARY LANE, DELAFIELD. OWNER: COMMERCE STATE BANK. APPLICANT: MILLER MARRIOTT CUSTOM HOMES, LLC. J. LAZYNSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION FAILED WITH NAYS BY ALL PLAN COMMISSION MEMBERS.

There was further discussion among the Plan Commission members regarding the sidewalk, it's functionality, definitions such as width, curb/gutter, drainage, etc. Those questions couldn't be answered. There was more discussion that the sidewalk could be installed if Main Street is every reconstructed.

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K. ATTWELL MOVED TO ADOPT ORDINANCE NO. 677, ORDINANCE CHANGING THE ZONING CLASSIFICATION FROM R-3 PUD TO R-4 PUD, FOR THE SANCTUARY OF DELAFIELD, CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME, FOR DELC(S) 0797.979.005 – 0797.979.024, SANCTUARY LANE, DELAFIELD. OWNER: COMMERCE STATE BANK. APPLICANT: MILLER MARRIOTT CUSTOM HOMES, LLC. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

2. Discussion and action on the Conditional Use and recommendation to the Common Council of the same.

K. ATTWELL MOVED TO APPROVE THE CONDITIONAL USE, AS REVIEWED BY THE CITY ATTORNEY. WITH VARIANCES OF THE FRONT SETBACK OF 25 AND 14 FEET IN LIEU OF 35 FEET IN DISTRICT STANDARDS AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME, FOR DELC(S) 0797.979.005 – 0797.979.024, SANCTUARY LANE, DELAFIELD. OWNER: COMMERCE STATE BANK. APPLICANT: MILLER MARRIOTT CUSTOM HOMES, LLC. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. Discussion and action on the Declaration of Restrictions

K. ATTWELL MOVED TO APPROVE THE DECLARATION OF RESTRICTIONS FOR DELC(S) 0797.979.005 – 0797.979.024, SANCTUARY LANE, DELAFIELD. OWNER: COMMERCE STATE BANK. APPLICANT: MILLER MARRIOTT CUSTOM HOMES, LLC. M. KATZ SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

4. Discussion and action on the Landscaping Plan

M. DEYOE MOVED TO APPROVE THE LANDSCAPING PLAN FOR DELC(S) 0797.979.005 – 0797.979.024, SANCTUARY LANE, DELAFIELD. OWNER: COMMERCE STATE BANK. APPLICANT: MILLER MARRIOTT CUSTOM HOMES, LLC. D. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

5. Discussion and action on the Preliminary Plat

M. DEYOE MOVED TO WAIVE THE REQUIREMENT TO APPROVE THE PRELIMINARY PLAT FOR DELC(S) 0797.979.005 – 0797.979.024, SANCTUARY LANE, DELAFIELD. OWNER: COMMERCE STATE BANK. APPLICANT: MILLER MARRIOTT CUSTOM HOMES, LLC. D. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. Discussion and action on Common Council request to consider installation of a sidewalk on Main Street.

M. DEYOE MOVED TO DENY THE COMMON COUNCIL'S REQUEST TO CONSIDER THE INSTALLATION OF A SIDEWALK ON MAIN STREET FOR DELC(S) 0797.979.005 – 0797.979.024, SANCTUARY LANE, DELAFIELD. OWNER: COMMERCE STATE BANK. APPLICANT: MILLER MARRIOTT CUSTOM HOMES, LLC. M. KATZ SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH ONE NAY BY K. ATTWELL.

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D. Richards asked the Plan Commission to consider action on the grading plan.

M. DEYOE MOVED TO APPROVE THE GRADING PLAN SUBJECT TO STAFF APPROVAL, FOP DELC(S) 0797.979.005 – 0797.979.024, SANCTUARY LANE, DELAFIELD. OWNER: COMMERCE STATE BANK. APPLICANT: MILLER MARRIOTT CUSTOM HOMES, LLC. K. ATTWELL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

5. Plans of Operation, Signage and Site Plan.

- a. **DELC 0798.024.001, 606 Genesee Street, Delafield. Owner/Applicant: Steiner Group.** Owner/Applicant seeks approval of a Site Plan to construct and add a handicap accessible ramp to the existing building which modifies the exterior architecture.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: *The Steiner Group requests Plan Commission consideration for architectural improvements to 606 Genesee Street. The proposed addition of a ramp will afford handicapped access to the elevated first floor of the retail space. The ramp conforms to ADA requirements and is appropriately designed. This is the site of the former Presbyterian Church and an iconic landmark in the City. Staff has requested that the petitioner demonstrate other alternatives that take into account the preservation of the historic architecture. The ramp could not be realized inside of the building, accessible directly from the parking lot at the location of the side entrance, or the ramp could be contained entirely on the south side of the building thereby eliminating the exterior ramp on the face of the building and maintaining the architectural integrity and appearance of the old church. At the time of this report no additional information has been submitted.*
Recommendation: *Table this petition for a month and ask the owner to resubmit a plan that removes the ramp from the front elevation of the building.*

Jason Steiner was present and stated he would like to install a handicapped ramp on the south side of one of his buildings. A ramp on the north side is off grade and doesn't accomplish the goal of handicapped access from the parking lot.

K. ATTWELL MOVED TO DENY THE SITE PLAN TO CONSTRUCT AND ADD A HANDICAP ACCESSIBLE RAMP TO THE EXISTING BUILDING WHICH MODIFIES THE EXTERIOR ARCHITECTURE, FOR DELC 0798.024.001, 606 GENESEE STREET, DELAFIELD. OWNER/APPLICANT: STEINER GROUP AND REQUESTED THE APPLICANT SUBMIT OTHER OPTIONS FOR THE JULY PLAN COMMISSION MEETING. MOTION FAILED FOR LACK OF SECOND.

K. ATTWELL MOVED TO POSTPONE THE SITE PLAN TO CONSTRUCT AND ADD A HANDICAP ACCESSIBLE RAMP TO THE EXISTING BUILDING WHICH MODIFIES THE EXTERIOR ARCHITECTURE, FOR DELC 0798.024.001, 606 GENESEE STREET, DELAFIELD. OWNER/APPLICANT: STEINER GROUP, TO THE JULY 31, 2013 PLAN COMMISSION MEETING SO THE OWNER CAN RESUBMIT A PLAN THAT REMOVES THE RAMP FROM THE FRONT ELEVATION OF THE BUILDING. M. KATZ SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. Preliminary

- a. **DELC 0753.999.001, 3115 STH 83, Hartland. Owner: Diane M. Roy. Applicant: Whitney Proebsting.** Applicant seeks preliminary feedback for a Business Plan of Operation and

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Conditional Use for a bed and breakfast/wedding and event venue, Rustic Manor, and schedule public hearing for the same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: *Rustic Manor is a proposed business operation that offers a very reasonable reuse of the Roy property on Hwy 83. This is the location of the historic Walcott farmhouse directly west of Walnut Drive, south of the Bark River. The property contains 11 acres and exhibits the historic farmhouse and a barn. The property is zoned A-1 and is anticipated to function as a buffer between the State Highway and future residential development to the west. The proposal is to operate a Bed and Breakfast in the farmhouse and a wedding reception hall in the barn. The proposed Bed and Breakfast Inn is an allowable use in any zoning district with a Conditional Use Permit, 17.46(26). The use of the accessory structure may be governed under the same Conditional Use Permit as determined appropriate by the Plan Commission and as approved by the Council, 17.43(3) and (4). Site plan requirements for the operation of the lodging facility are already satisfied in the existing conditions. Site plan improvements necessitated by the use of the barn will need to be reviewed and approved. Future analysis should include an overall site plan, parking and access, floor plan and seating for the reception hall, a Business Plan of Operation, and a draft Conditional Use Permit. A final development plan (SIP) approval, will require engineering, storm water management agreement, landscape plan, lighting plan, and signage.*
Recommendation: *Share comments and opinions with the petitioner, request any pertinent information in preparation of a publication and schedule a public hearing accordingly.*

Whitney Probsteing was present and stated she and her fiancé Eric Schneider are interested in purchasing this property, living in the existing home, running it as a bed and breakfast and using the barn for wedding events. They need a Conditional Use to operate and are looking for the Plan Commission to set a public hearing. The historic home and setting is perfect for what they want to do. The house has four bedrooms, one will be theirs for living and the others for the bed and breakfast. The barn will be renovated inside and will have two additions proposed. The purpose of the additions is to make the site one where the bridal party and guest stay on one site for the entire day. They anticipate parking for up to 200 guests and would like to restrict the maximum capacity to 225 guests per reception. They have no plans to remove any of the current landscaping, only add to if needed. The bed and breakfast will be used Monday through Sunday. Wedding events will end at midnight and persons must vacate premise by 12:30am. They would like the bed and breakfast up and running by September 2013 and the wedding venue open to the public July 2014. They would like to have their own wedding their as a "test". E. McAleer stated he likes the concept.

Plan Commission members asked questions about beer, wine and liquor being served. W. Probsteing stated they are allowed to serve two complimentary four ounce glasses of wine to each bed and breakfast customer per day. G. Gresch stated they have to qualify for the 300 seat exempt liquor license and is working on that with the petitioners and Department of Revenue. E. McAleer stated it will be in their best interest to have these issues flushed out before the public hearing. There was further discussion of what else she needs to provide for a public hearing. E. McAleer suggested a Plan Staff meeting be scheduled as soon as possible so they meeting the July Public Hearing deadline. There were further questions regarding bathrooms, traffic, building codes, fire codes and septic requirements. S. Hussinger stated he needs to review the site to see what would need to be done to meet building codes. W. Proebsting stated she didn't do an official traffic study but they anticipate an increase in traffic between 3pm and 5pm for ceremonies and then people leaving the reception. Traffic will be heavier on weekends and wedding season won't affect school bus routes. K. Attwell stated he

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lives over there and there is fertilization done on the farm fields which gives off a very strong odor for a couple of days. He recommends getting to know those neighbors.

K. ATTWELL MOVED TO SCHEDULE A PUBLIC HEARING FOR CONDITIONAL USE FOR A BED AND BREAKFAST/WEDDING AND EVENT VENUE, RUSTIC MANOR, DELC 0753.999.001, 3115 STH 83, HARTLAND. OWNER: DIANE M. ROY. APPLICANT: WHITNEY PROEBSTING. MICHELE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

7. Zoning and Ordinance Revision.

8. Reports of City Officials:

a. Clerk

1. July 31 (Meeting); July 3 (PH Deadline); July 17 (Reg. Deadline)

2. Correspondence

i. Letter from the Wisconsin Association of School Boards regarding the Lake Country School District and CELA.

ii. Email from LCSD Administrator regarding CELA.

b. Planner

c. Building Inspector

S. Hussinger stated the total number of permits to date was 41 with two residential occupancy permits and one commercial occupancy permit this month.

9. Adjournment.

K. ATTWELL MOVED TO ADJOURN THE JUNE 26, 2013 PLAN COMMISSION MEETING AT 10:28 P.M. M. DEYOE SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes Prepared By:



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

****RECEIVED 2013-06-26 @ PC MTG.****

Good Evening. I would like to testify as a witness to the creation of Delafield's vision for the city today as well as 20 to 30 years into the future. At considerable taxpayer's expense as well as the Plan Commission's and staff's dedicated time and effort our current Smart Growth/Master Plan/Land Use Plan was produced. Gerry and I attended all but two meetings over approximately two years. We watched it take shape chapter by chapter. Every paragraph, sentence and sometimes a word such as may versus can were discussed, deciphered and decided on. Clarification of Intent was the primary consideration. It was a well thought out and well devised body of work adopted, I believe, in the fall of 2010.

Now here we are less than 3 years later considering negating that hard thought out work. It is not the first nor will it be the last time a worthy idea is presented to change all that has come before. The worthiness of the CELA concept, motive, design or the integrity of the petitioner is not the question to be answered tonight. The question is who did the taxpayer's look to for trust, consistency, constancy and a vision for the future growth and the promise that is Delafield's current MasterPlan/Land Use Plan.

At recent government meetings - tax base growth has become a much discussed issue. Delafield is a small community with limited open A-1 land left. We also have a significant proportion of tax-exempt development. Can we really afford to remove an additional 150 acres?

Longer range - What is our exposure and vulnerability to future petitioners seeking to develop the remaining A-1 land that would also be amended by your approval tonight.

Please think long and hard before making your decision tonight.

Thank you

Gerry & Lyn Holton
485 Lillian Ct.
Delafield

Laura Schult
935 Bahr Road
Delafield, WI 53018

June 26, 2013

Thank you for this opportunity to address the Commission tonight on the proposed change to the Master Plan to rezone 157 acres currently Agricultural to Institutional.

Although I find the purposed plan appealing in design and a commendable idea, I can not support this change to the Master Plan.

The Taxpayers of Delafield plainly can not afford to lose this much land to a non-tax paying entity. Delafield is quickly nearing the end of lands available for development, which in turn limit's the growth In future tax base.

If these lands are left to develop in accordance to the Master Plan, Delafield could realize 100's of thousands of dollars per year in taxes. Tax dollars that we as a city can ill afford to lose in light of a slow economy, and a forecast of only moderate growth in the future.

Delafield has been generous if you look around to all of the tax exempt lands within our city. I would contend that Delafield is near the top of the ratio in comparison with communities our size in the amount of acreage held as tax exempt.

There are numerous private and public schools within a five mile radius of highway 83, the latest being the large newly constructed private school at intersection of Hwy 83 and Hwy 16.

To date there has been no indication from the current schools for the need of more classrooms, because of expanding enrollments, If anything, quite the opposite is true; enrollments have been declining.

As a long time citizen of Delafield; I disapprove of any change to the Master Plan. The city spent years of time and money in the development of the current Master Plan. A reversal in direction of this size could have an unraveling affect in the remaining undeveloped properties.

If the city is to grow the tax base with the remaining lands available, this change from a tax generating property to a tax exempt will extremely impair the cities ability to improve the tax base, and the city's rating.

In closing I feel that the Taxpayers of Delafield can not afford to have 157 acres of land go tax exempt. The loss of monies in services that the city would have to provide to this development will need to be supplemented, and the only way possible is to increase property taxes to all taxed parcels.

I respectfully ask that you our city Leaders stand firm on the Master Plan. Another school is not warranted, and as a citizen and taxpayer of Delafield this is simply more than I and other taxpayers of the city should be asked to bear.

Thank You