

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, July 31, 2013 Plan Commission meeting:

Present

Ed McAleer, Mayor
Michele DeYoe, Ald.
David Simon
Matthew Katz
Chris Smith
Jane Lazynski
Roger Dupler, Planner
Scott Hussinger, Building Inspector
Tom Hafner, City Administrator/Public Works Director

Absent

Kent Attwell
Dan Jashinsky

PUBLIC HEARING #1:

CONDITIONAL USE TO OPERATE A WEDDING THEMED BED AND BREAKFAST WITH AN ACCESSORY RECEPTION HALL TO BE OPERATED IN AN EXISTING STRUCTURE.

OWNER:

Diane M. Roy

APPLICANT:

Whitney Proebsting

MATTER:

Applicant seeks approval of a Conditional Use to operate a wedding themed Bed and Breakfast with an accessory reception hall to be operated in an existing structure.

Whitney Proebsting, Sussex, Eric Schneider, Sussex, and Bill Canfield, Waukesha, were all present regarding the application for a Conditional Use to operate a wedding themed bed and breakfast with an accessory reception hall in the city. W. Proebsting thanked the Commission for its review of this proposal for the Bed and Breakfast to be named the Rustic Manor. She provided an overview of the site, noting she intended to occupy the house on site as a primary residence for herself. The top level of the house would be opened as a Bed and Breakfast to allow the public to visit the property. The existing barn would be renovated with a focus on wedding events. The reservation of the barn by the public would include use of the bed and breakfast to bring a well rounded experience and would reserve the entire property for wedding needs. This site was an 11 acre parcel and the plan to pair the Bed and Breakfast with the barn would provide a unique experience within the City that could not be experienced anywhere else.

M. DEYOE MOVED TO CLOSE PUBLIC COMMENTS PERTAINING TO THE RUSTIC MANOR PUBLIC HEARING AT 7:04 P.M. M. KATZ SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

1. Preliminary

- a. **DELCL 0825.994, 730 Maple Avenue, Delafield. Owner/Applicant: Hartland Sportmen's Club.** Applicant seeks preliminary feedback for a Conditional Use, site plan and architectural improvements for the operation of a firing range and set public hearing date for the same.

E. McAleer explained the process to be followed in this preliminary hearing, noting a preliminary hearing would be heard first on the agenda prior to any considerations in order for all interested parties to be aware of all the issues at hand prior to conducting business on the agenda item.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: The Hartland Sportsman's Club appears before the Plan Commission to request consideration of a Conditional Use

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Permit for the operation of a target shooting range. This preliminary presentation will communicate the petitioner's intent and afford the Plan Commission an opportunity to request additional detail or new information if desired. The Hartland Sportsman's Club has operated since 1950's in the Town of Delafield and, since annexation in 1996, has operated under the governance of the City of Delafield as a Conditional Use. On June 10, 2010 the Conditional Use Permit was revoked, resulting in a forfeiture of the right to operate and discontinued use the property. This operation has been discontinued for more than 24 months, and as identified in 17.45(1) is no longer a valid operation or use. It should therefore be understood that the current petition is not afforded any luxury of an existing operational status and should be considered as a brand new petition.

The property is zoned B-6 and contains 36.32 acres. Development of any use, other than one of the permitted uses, is required to be a Planned Development. This may be accomplished by the implementation of the site plan previously prepared by the Club when site plan improvements were last approved by the City in 2007. The unique features of the target range and associated shelters will require a Conditional Use via the standard site plan approval process. Such consideration will require a public hearing and recommendation to the City Council.

As a Conditional Use, the Plan Commission is required to consider the factors outlined in the ordinance, particularly those items of compatibility. If it is the opinion of the Commission that these criteria cannot be met, then the petitioner should be informed prior to undergoing the time effort and expense of preparing for a public hearing.

17.39(27) B-6 Commercial Holding Zone.

(e) Land use compatibility.

- a. Planned developments permit a variety of land uses and allow applicants flexibility in land use planning. However, all land uses within a planned development in the B-6 Zoning District must be compatible with other land uses within the proposed development and compatible with the land uses on adjoining properties.*
- b. The evaluation of compatibility between residential and commercial uses should specifically include:
 - Lighting impact.*
 - Screening of parking areas, outside storage and loading areas.*
 - Preserving privacy.*
 - Noise impact.*
 - Hours of operation.**

In addition to these listed factors the Commission should reference the Conditional Use Review, Determination and Approval memo in the packet. These factors for consideration are directly out of the ordinance; they are required elements for any Conditional Use Permit approval. If it is the opinion of the Commission that these criteria can be met, provide the petitioner with a list of additional information that may be required to make an informed decision regarding the proposed use of the property.

*In review of the submitted site plan and improvements, it is very well demonstrated that a "No blue sky" design principle is achievable with additions or modifications to the existing shelters. However, not all ranges are designed with the same preventative measures. The Plan Commission may wish to require all ranges to be designed with the "No blue sky" principles before considering the operation. If all ranges may be so designed, then it must be determined if a phased operation will be considered. Operation of only those ranges that demonstrate conformance with the "No blue sky" program may be allowed to operate; the trap range and the archery ranges may be exempt. **Recommendation:** As a preliminary presentation there is no action required; however, the Plan Commission should share with the petitioner any concerns or*

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suggestions, and request any additional information desired. Schedule public hearing accordingly.

Jeremy Levinson and Scott Burns, Attorneys from Halling & Cayo; Mike Sitarz, President of the Hartland Sportsmen's Club; and Jim Jendusa and Katie Vondrasec of Jendusa Design & Engineering were present regarding preliminary feedback for a Conditional Use, site plan and architectural improvements for the operation of a firing range at the Hartland Sportsmen's Club (HSC). John Nielsen, author of the HSC Range Safety Plan, and Mike Kwiatkowski, commercial real estate broker, were also present as part of the team assembled to provide information on the impact and historic relationship with the HSC and the community.

J. Levinson explained that since the range operations stopped a few years ago, a choice was made to try to work with the City and neighboring residents to transform the HSC and address concerns related to the closure of the HSC. A proposal was now being formulated that included a series of rolling improvements on a range-by-range basis that included cutting edge safety measures. Organizational changes included having a specially trained range officer on site at the HSC whenever shooting was taking place with mechanisms in place for enforcement. This enforcement effort was designed to complement new engineering and topographical improvements that would make the HSC grounds and nearby areas safe. The first area that would be opened would be the Trap Range. This would allow the HSC membership and revenues to increase so that the next ranges could also be made possible. The other ranges would remain incapable of use until such time that all improvements were in place and certified by a third party inspector. This rolling implementation would also allow gradual transparent increases in accountable range activity at the Club that would serve the interests of all and would bring the HSC back as a valuable member of the community. The HSC had been in existence for decades and was a truly a part of Wisconsin history and culture as many hunters, sportsmen, and firearms enthusiasts utilized the HSC to obtain and practice new skills.

S. Burns explained the Range Officer program for the HSC, noting there were specifically engineered aspects of the HSC that the Range Officer would be required to address operationally. There would be a Range Officer present on every range when open. Each Range Officer would receive and be trained in the Range Officer and HSC rules. The primary function of the Range Officer would consider four aspects about the shooter on the range, including the firearms used at the range, the ammunition, target and shooting position. If all of these aspects were completed according to the Range Officer rules and HSC plans, there would be no danger to the public or ammunition leaving the range area. The Range Officer would have the ability to control the range. All Range Officers and shooters would be required to sign in and out each time shooting took place. The Range Officer would also be responsible for handling range emergencies through a cease fire and additional training to appropriately deal with any operational or emergency situation that might occur on each range.

Jim Jendusa, of Jendusa Design & Engineering, introduced Katie Vondrasec, a designer from his firm in Hartland, Wisconsin. K. Vondrasec assisted in design work and the proposed range changes. J. Jendusa explained his firm had been hired to provide the engineering design and details to accomplish the requirements set forth by the City Code. In addition, he had worked with John Neilson, also hired by the HSC, to provide NRA guidelines from the NRA Range Sourcebook that would enhance the safety of the site. J. Jendusa then shared a map of the area surrounding the HSC site, noting there was a landfill complex to the west that was undeveloped at this time. The northerly property included commercial activity with light manufacturing and the east and south were comprised of residential housing. He then explained the different range area locations on the map, noting the shooting positions and trajectory lines of firing for each different range. The Trap Range would utilize shotguns to shoot trap. The 50 Yard Range would include small caliber and handgun firing on the western side of the property. The 100 Yard to 200 Yard Range was directly east of the 50 Yard Range and would have center fire rifles for deer hunting and competitions using rifles. The Rim Fire

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Range was on the eastern side of the property and would include a 22 caliber range, while the West Bay Range would have short range pistol fire. Should the HSC be allowed to open, the sequence for the rolling improvements would be to open the Trap Range first, with the 50 Yard Range next, then the 200 Yard Range, the Rim Fire Range, West Bay Range and finally, the 100 Yard Range.

With regard to the different ranges, K. Vondrasec explained the 50 Yard Range, located on the far western end of the site, would include changes to the existing topography, including flattening out the top of the berm to assist in catching any bullets from leaving the site and installing a new baffle that would eliminate any blue sky. If a shooter could not see the blue sky, then she or he could not shoot in that direction. The baffle would be adjustable to accommodate different heights and shooters would be allowed to engage from a standing or seated position. No blue sky could be viewed beyond the berm from any position. The baffle would be made of two layers of $\frac{3}{4}$ inch plywood with 10-gauge steel in between the layers.

E. McAleer questioned how the baffle would be made adjustable. K. Vondrasec stated a pulley system was anticipated for use and a Range Officer would be in charge of making the adjustments. E. McAleer expressed concern about a baffle or range not being fully operational and a Range Officer making a determination that it was "close enough" to allow people to shoot anyway. He questioned the quality control set-up on site. S. Burns stated the baffle training would be part of the Range Officer Training Program. If there were an issue, the range would be closed until repaired. The HSC was proposing that third party inspections be conducted on the site on a monthly basis at HSC expense.

K. Vondrasec explained that the 50 Yard Range would include removal of the rubble and the berm increased in height and flattened so that no blue sky would be visible over the top of the berm. A baffle would again be installed that would stop the bullets from going halfway up the berm and a bullet catcher also installed on the top of the berm so that bullets would be eliminated from leaving the range. These elements would function whether the shooter was standing or sitting. With regard to the 100 Yard and 200 Yard Ranges, there would also be a baffle installed in front of the existing structure with a new structure and baffle located at the 100 yard mark with a bullet catcher again installed at the top of the berm. The topography was also being adjusted on this site so that a steep downhill angle would be created so no shots would be able to leave the range due to the trajectory of the bullet.

E. McAleer expressed concern about the placement on this site as it didn't seem there was anything to stop the bullets on the 200 Yard Range from going into the 100 Yard Range. With the currently proposed placement of the structures, it was possible to hit the side of one of the structures being proposed due to the shooting taking place "underneath" it.

The West Bay Range was located in the middle of the HSC and no topographical changes were anticipated. A set of bullet catchers would be installed atop the berms to alleviate any bullets from leaving that range. There were no topographical changes proposed to the Rim Fire Range as well. A new structure and baffle would be provided at the firing line position and there would be intermittent ground baffles installed between the steel targets located at 25, 50, 75 and 100 yards. The ground baffles would prevent bullets from skipping and leaving the grounds.

J. Jendusa explained the ballistic data provided by John Nielsen depicting use of the trap range and noted the angles of trajectories would not exceed six degrees in elevation. This was with a strong headwind with a target in the air. J. Neilson explained it was difficult to find data related to shotgun shell trajectories and thus had used studies conducted by other gun clubs. The HSC would limit the size of the shot to 7.5 because it traveled less distance with larger sizes. J. Nielsen then reviewed the trajectory diagram provided.

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D. Simon requested clarification on these matters. E. McAleer stated the shot being utilized in trap shooting was very small and would often scatter when it hit the target. The trajectory data showed the areas of the shot and scatter. J. Jendusa stated the visual observation of the hillside verified this data because the majority of the shot was found in one area. D. Simon questioned the distance of the baffle from the shooter and the likely scenario if the baffle was hit. J. Jendusa explained a baffle was typically eight feet wide and four feet from the upper edge. On the diagrams presented, the baffle was already directed down and away from the shooter. It would be constructed of plywood and steel plates. The plywood would absorb and dissipate the impact of a bullet so that it wouldn't ricochet from the steel plate. J. Jendusa stated specifics related to the different quality of steel would be included in the final submittal for this proposal. C. Smith stated a bullet hitting a baffle would be very loud. He also questioned whether one member of the HSC, if she or he were a trained Range Officer, would be allowed to shoot alone. S. Burns stated that person would have to follow the range rules and would be allowed to shoot by themselves if desired. Also, if a Range Officer brought guests, the Range Officer would be allowed to shoot as well.

M. Katz questioned how many Range Officers were needed to accommodate the HSC. S. Burns explained approximately one-third of the 70 members were trained. C. Smith questioned the guarantee provided that a Range Officer would not allow friends to shoot onsite without following the proposed rules at the HSC. S. Burns stated there was a human factor involved in these activities and the range hadn't been open in two years time. The HSC would take any incident very seriously that would occur on site or as a result of actions taken at the Club. E. McAleer stated one outgrowth of the shooting incident that occurred as a result of HSC activity in recent years, was that all ranges in Wisconsin take these matters very seriously. Other members were aware of the consequences should an accident happen on site. J. Levinson stated if the ranges were on line, the HSC would have made many commitments to the community in order to be able to do so. An incidental value of rolling implementations planned for the HSC included the trap range being opened first. If this were to happen, an increase in membership was anticipated and this would require more trained Range Officers. Each would require time to be vetted and trained as the ranges slowly opened.

C. Smith questioned how the activity had been made compatible with the neighborhoods surrounding the site. M. DeYoe stated there was no fencing around the site as of three years ago and she questioned what would happen if someone wandered into the HSC property. M. Sitarz stated it would be difficult due to access the ranges from the north and west sides of the property as a result of natural wooded features and topography. J. Levinson stated there was perimeter signage in existence and it was unrealistic to fence the property due to cost issues. S. Burns explained the perimeter signage was numbered consecutively so that someone would be aware of what they were doing. Also, if someone still wanted to enter the range, as soon as they would get atop the berm area, a cease fire would be immediately called.

M. DeYoe stated an extensive plan had been provided for Range Officer safety, and she understood the HSC would be mainly self-policing; however, she wondered about the guarantees that people were being adequately trained and that the number of people trained was adequate. J. Levinson stated many of the HSC members were members of the community as well. Everyone was aware of the stakes in this matter and if the HSC were allowed to open it would be understood that officials would be watching to see if the HSC ran as planned in terms of organization and enforcement of the rules. There would be third party inspections with regard to the physical structure of the organization as well.

C. Smith requested an overview of the compatibility issues for the surrounding neighborhood for the HSC. J. Levinson explained the HSC had operated for many decades on this site. Lighting was not an issue and the issue of noise and operations had been a matter of discussion and balance. Privacy or screening was not considered an option. Noise abatement efforts were underway; however, it was important to balance hours of operation. The fewer hours of

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operation made the proposal more marketable; however, the HSC needed to have sufficient hours open to be viable. J. Levinson also stated there was a fairly extensive review of changes in real estate prices comparing real estate in proximity to the HSC and elsewhere. Over a period of time that ranges operated at the HSC, the proximity did not exert downward pressure on housing prices. S. Burns stated a more detailed submission could be found in the information submitted and M. Kwiatkowski was available for questions if desired.

M. Katz requested information on the resident's letter regarding lead contamination as it related to the HSC. R. Dupler stated the letter was related to lead pollution in the ground and research into these matters had not yet been conducted. E. McAleer stated firms were in existence that would come to a site and remove any lead from the ground for a fee. *(Note: The Hartland Sportman's Club would be paid a fee by a lead remediation firm to remove the lead from the ground)*

M. KATZ MOVED TO SET A PUBLIC HEARING DATE FOR AUGUST 28, 2013 FOR DELC 0825.994, 730 MAPLE AVENUE, DELAFIELD. OWNER/APPLICANT: HARTLAND SPORTMEN'S CLUB. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

2. Approve Plan Commission meeting minutes of June 26, 2013 meeting.

M. DEYOE MOVED TO APPROVE THE JUNE 26, 2013 PLAN COMMISSION MEETING MINUTES AS PRESENTED. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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

Ginny Niebler, 3447 Broken Bow Trail, stated evidence had not been provided to show that the HSC should be viewed as an existing gun club when considering application for a conditional use permit because it did not meet the requirements set forth in the State and Federal Statutes regarding qualification as a non-commercial, non-profit organization in order to be considered an existing 504 C-4 Gun Club. Safety classes were required to train individuals in the past calendar year in order for these qualifications to take place. Because the HSC had not conducted any hunter safety classes within the past several years and had not trained 75 non-members on gun safety, it would not qualify. Actual shooting of firearms was not a requirement of the state's hunter safety course and these requirements could have been achieved without a conditional use permit. As a result, it was her opinion that the HSC would not be considered an existing gun club.

George Finch, 23 North Lapham Peak, stated he had been a resident of the Town of Delafield for 15 years and was a resident of the City close to 10 years. He had heard this information for the past 15-20 years with no changes and there still remained unanswered questions in the data provided.

John Barker, stated he lived near the Target Store in Delafield, and was the Owner/ President of Arcon Manufacturing. While it was not illustrated on the satellite photos of the HSC displayed, his newly created 40,000 square foot building was directly in the line of fire from the shooting ranges. He had created 22 new jobs in the City and he hoped the City had enough insurance if there were to ever be an accident. He commended all for the great detail being given this proposal and he appreciated guns and the concealed carry laws. He was a gun owner and had shot at other ranges; however, there was always the "if". He stated he would like to see more data that included the area where his building was located as there people outside the facility occasionally. It was disheartening to him that he appeared before the City Commissioners and Council members a year ago thinking the HSC would not be in existence and he had now invested in a brand new building that was directly in the line of fire. He did not like the direction that all the shooting took place on the ranges and he cautioned all to remember that the "if" can always occur.

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Kate DuBorg, 3625 Broken Bow Trail, stated Delafield was a great community and she was embarrassed to have the past shooting experience reflected in the memories of others. She suggested consideration be given to an indoor gun club. The HSC was located in the middle of a community and residents had listened to the shooting for years. The Delafield community deserved to have a good name associated with it.

Steve Green, 925 Broken Bow Ct., stated he had two questions. He wondered whether there was another gun club in southeastern Wisconsin that was in close proximity, as an indoor or outdoor facility, that was close to both commercial and residential areas. This club was in the middle of both-a well developed and growing area-with no fencing. Secondly, he guessed there were more kids in proximity than there used to be and it was difficult to deter kids' curiosity when they hear guns going off. He did not think a trek through the woods would deter children from entering the range area.

Laura Shult 935 Bahr Rd., stated the Club had been there for 60 years. While she was dismayed about the concerns related to the Club, she thought people should focus on the unlined landfill that is leaking in the subdivision to the west. When wells were drilled in the past, there was contamination due to this landfill. She thought people should be more concerned about the landfill.

M. DEYOE MOVED TO CLOSE CITIZEN'S COMMENTS PERTAINING TO SUBJECTS ON THE AGENDA AT 8:23 P.M. D. SIMON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

4. Consent Agenda (Recommended approvals in accordance with the staff report).
 - a. **DELC 0797.111, 1322 Jensen Court, Delafield. Owner/Applicant: Lisa Gorski. Applicant seeks approval of Business Plan of Operation for a home occupation to operate a hair salon, Serenity Suite.** Hours of Operation are Monday through Friday, 9AM to 6PM, Saturday 9AM to 1PM with no employees.
 - b. **DELC 0793.014.003, 505A Wells Street, Delafield. Owner: Ace Delafield Properties. Applicant: Karen Wilman-Salituro. Applicant seeks approval of a Business Plan of Operation Amendment, to change the location of Arte Wine & Painting Studio,** from 514 Wells Street to 505A Wells Street. Hours of Operation and number of employees remain the same.
 - c. **DELC 0793.001.003, 440 Wells Street, #103, Delafield. Ace Delafield Properties. Applicant: Daryl Hively. Applicant seeks approval of a Business Plan of Operation Amendment, to change the location of Guarantee Digital, LLC.,** from 514 Wells Street to 440 Wells Street. Hours of Operation and number of employees remain the same.

M. DEYOE MOVED TO APPROVE THE ITEMS 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.

E. McAleer recessed the meeting at 8:24 P.M. and reconvened the meeting at 8:29 P.M.

5. Final Consideration, Approvals, Previous Approval.
 - a. **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 Final Plat for The Sanctuary and recommendation to the Common Council of the same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: *The proposed Final Plat is submitted for Plan Commission consideration and recommendation to the City Council. The plat is conformance with the layouts reviewed by the Plan Commission in previous presentations and may be approved accordingly. However, the petitioner is scheduled to appear before the Public Works Committee and is expected to continue coordination with staff regarding specific placement and design of site elements that will affect the proposed easements illustrated on the submitted Final Plat. As a result, staff has not*

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*conducted a technical review of the proposed plat and will not until the site elements are firmly established. **Recommendation:** Approval, recommend to City Council accordingly, contingent staff review and concurrence of technical issues.*

Dean Richards, of Reinhart, Boerner & Van Deuren and attorney for the developer in this matter, welcomed new members of the Plan Commission. He also reviewed past review actions and permitting processes followed to date. Part of the approval for the current project included a grading and landscaping plan that was subject to review by the City Planner and Engineer. A letter had been issued to them and meeting was scheduled to work through these issues to resolution. In addition, the property had been purchased earlier in the day and all special assessments of the property were paid.

R. Dupler explained that he would request any approval be conditioned upon Staff review and approval as there were items related to conformance with previous plats, including a potential modification of an easement that required review by the Public Works Committee next week. D. Richards stated he would like to see the approval conditioned in this manner to allow the project to move forward.

M. KATZ MOVED TO APPROVE THE FINAL PLAT FOR DELC(S) 0797.979.005 – 0797.979.024, SANCTUARY LANE, DELAFIELD. OWNER: COMMERCE STATE BANK. APPLICANT: MILLER MARRIOTT CUSTOM HOMES, LLC., SUBJECT TO STAFF REVIEW AND APPROVAL AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **DELC 0753.999.001, 3115 STH 83, Hartland. Owner: Diane M. Roy. Applicant: Whitney Proebsting.** Applicant seeks final approval for a Conditional Use to operate a wedding themed Bed and Breakfast with an accessory reception hall to be operated in an existing structure, known as Rustic Manor. Applicant also seeks approval of a Site Plan and Business Plan of Operation, and recommendation to the Common Council of the same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: *Rustic Manor returns to the Plan Commission this month for consideration of a Conditional Use Permit and Business Plan of Operation that is tailored to satisfy staff concerns and establish the conditions for regulating the use of the property. 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). A letter from City Attorney Hammes is included in the packet that supports this interpretation; however it is the petitioner's obligation to demonstrate the subordinate nature of the accessory use. In response a description of the operation policies is submitted for consideration. It is the Plan Commission's discretion to determine the appropriateness of the operation. In conformance with the Lake Country Corridor Compact this petition must seek the input from the Village of Hartland. To date the Village has acknowledged the administrative requirement, but at the time of this report issuance has not provided a response. Additionally, the Village has considered the potential for a sanitary sewer hook-up and has responded favorably. A letter regarding both of these issues from Village Administrator David Cox is included in the packet. This proposed business operation 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. Site plan requirements for the operation of the*

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*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, and Conditional Use Permit. A final development plan (SIP) approval will require engineering, storm water management agreement, landscape plan, lighting plan, and signage. **Recommendation:** Approval, recommend to City Council accordingly conditioned upon the petitioner and City Attorney drafting a Conditional Use agreement. A motion to approve should cite the items in the accompanying Conditional Use Review Determination and Approval.*

W. Proebsting, Applicant, provided a short presentation on the request being made for a conditional use for the property located at 3115 State Highway 83. She explained that the name "Rustic Manor Established 1848" had been chosen for the name and signage of her proposed Bed and Breakfast based on the actual year that the home was built. She then reviewed the proposed additions to the property, noting there would be no renovation to the existing house structure. Proposed changes would be made to include a parking lot that would utilize standard travel bond gravel as it was preexisting on the property and would match the natural look of this rural setting. In addition it allowed water to filter through unlike other impervious choices, such as blacktop. E. Schneider explained that the parking area would enough room to park 74 vehicles, have an entrance and exit drive and would include a rain garden and landscaping along a center strip of land in the middle of the parking area to help control water runoff and assist in traffic control in parking area. In addition, there was an overflow parking area proposed along with a separate garage for use of the property owners to store personal items, such as cars, tractors, and maintenance equipment for the property.

A solar powered lighting system was being proposed for the site. It was designed with low profile LED lighting that would allow for specific directional placement of the light. Only four poles were anticipated for use in the parking lot area and because they were solar powered would not require electrical lines to operate. A review of anticipated traffic flow for the site including exit onto State Highway 83 was conducted by a traffic expert. There was no need for a more official review as the traffic flow would include scattered and limited timeframes for entrance to Highway 83. The driveway was in excellent condition with adequate driveway width to allow control of visiting vehicles. W. Proebsting and E. Schneider had worked with the Village of Hartland regarding permission to connect to the municipal sanitary sewer system. Details in moving forward were now part of a three party agreement between the City of Delafield, the Village of Hartland and the applicants.

With regard to potential noise issues on site, E. Schneider compared the proposed plans to the Seven Seas Restaurant which operated in nearby proximity to residential dwellings and offered indoor and outdoor wedding event services including live music. E. Schneider did not anticipate any issues with noise as the barn on the property was located well away from other properties. He also noted no landscaping would removed or altered between the front of the house and Highway 83 in effort to retain historical value and be consistent with the Corridor Agreement for this area.

E. McAleer stated none of the neighbors spoke at the Public Hearing on this matter.

E. Schneider further explained the bed and breakfast would comprise upper bedrooms on the property with the parlor room and living room being shared with the public on the lower floor. There would be a maximum of three occupants per room allowed in the upper bedrooms and would include use of the shared bathroom upstairs as well.

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W. Proebsting reviewed the proposed hours of operation and potential opening schedule noting the bed and breakfast would not operate without the barn and the barn would not operate without the bed and breakfast.

E. McAleer questioned whether any thought had been giving to signage at the end of the driveway that would alert a motorist that they would be entering a swift moving state highway where traffic would not stop to allow entrance onto the roadway. Many details pertaining to lighting, signage and possible connections to future intersections could be worked out as part of the future SIP process.

C. Smith stated the Park and Rec. Commission had recently discussed a potential trail that would possibly traverse the area near westerly property line to cross the river. W. Proebsting stated she would be willing to work with the City regarding the trail location in that area. C. Smith thanked her for her willingness to do so and appreciated the materials utilized on site as it was good for the river and eventually the lake as well. In addition, he thought the lighting proposed was fantastic as well.

Discussion ensued regarding future development around the site. R. Dupler explained he recommended approval of use of the property as a whole be put off until final approval and information on the Corridor Agreement with the Village of Hartland could be received on this matter. T. Hafner noted the Corridor Compact Agreement required a reply from the partnering municipality before approval of the site plan in total.

R. Dupler requested clarification on whether the bed and breakfast could be used without a wedding event. W. Proebsting explained that Monday through Thursday, there would typically be no events, especially with the size of the barn on site. Rooms could be made available to the public on the condition that there were no events scheduled. Saturday and Sunday the bed and breakfast would most likely not be available to the public because events would be running on the site. The barn could not be rented without use of the bed and breakfast. If there were an event, no public would be allowed use of the bed and breakfast.

R. Dupler then reviewed the Conditional Use review and approval considerations, finding no significant issues of concern at this time. He noted the letter from the attorney that clarified the subordinate use of the barn operation.

C. SMITH MOVED TO APPROVE THE CONDITIONAL USE TO OPERATE A WEDDING THEMED BED AND BREAKFAST WITH AN ACCESSORY RECEPTION HALL TO BE OPERATED IN AN EXISTING STRUCTURE, KNOWN AS RUSTIC MANOR. APPLICANT ALSO SEEKS APPROVAL OF A SITE PLAN AND BUSINESS PLAN OF OPERATION FOR DELC 0753.999.001, 3115 STH 83, HARTLAND. OWNER: DIANE M. ROY. APPLICANT: WHITNEY PROEBSTING EFFECTIVE UPON COMMON COUNCIL APPROVAL OF THE BALANCE OF THE PROPERTY AND THE ACCESSORY USE CONTINGENT UPON FINAL SITE PLAN APPROVAL TO BE WORKED OUT IN THE NEXT FEW MONTHS AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. M. DEYOE SECONDED THE MOTION. DISCUSSION ENSUED REGARDING THE PROCESS NECESSARY FOR APPROVAL OF THE SITE PLAN MOVING FORWARD. T. HAFNER STATED THE PLAN COMMISSION SHOULD CONSIDER WHETHER AN EXCEPTION SHOULD BE PROVIDED FOR SURFACING OF THE PARKING LOT AREA PRIOR TO MOVING FORWARD WITH THE SIP FOR THIS MATTER.

C. SMITH AMENDED THE MOTION TO MAKE AN EXCEPTION FOR TRAVEL BOND PERVIOUS MATERIAL TO BE USED IN THE PARKING LOT ON SITE. M. DEYOE SECONDED THE AMENDMENT. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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E. McAleer noted there was still a main motion on the floor as made by C. Smith and seconded by M. DeYoe, which still required a vote. **THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- c. **DELIC 0783.005, 1475 Weber Court. Owner/Applicant: Michael and Courtney Roehl.** Applicant seeks action on the recommendation from Lake Welfare Committee to approve a boathouse.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: *The proposed boat house conforms to the ordinance requirements for placement and site design, including the required rain garden. This structure may only be realized after the recordation of new drainage easements. The owner has been working with the City Engineer to facilitate the redesign of the drainage channel and appropriate easement documentation. This petition has been submitted to the Building Inspector, reviewed by the Lake Welfare Committee, and recommended to the Plan Commission accordingly. Notification to the surrounding neighbors has been conducted; no negative response has been received. This boathouse is being constructed to be compatible with a future primary residence. The owner's intent is to erect the boathouse, raze the existing residence, and then construct a new house. Architecture for the proposed home is submitted to demonstrate compatibility with the boathouse. The Plan Commission should determine the appropriateness of the proposed mansard roof in combination with the railing requirements prescribed in 17.22(8). The maximum allowable height of a flat roof boathouse with usable space atop is 12'. Any railing above that 12' height must exhibit at least 50% transparency. In this instance the ultimate railing height meets the code requirement; however, the extension of the mansard roof creates a solid structure in excess of 12'. In keeping with the spirit of the ordinance the Plan Commission may wish to require that the roof element be lowered to exhibit the ultimate height of 12'. **Recommendation:** Approval, conditioned upon recordation of the revised easements and modification of the ultimate roof height.*

Mike and Courtney Roehl, Applicants, were present to address questions on this agenda item.

R. Dupler explained the history of this item, noting the only remaining issue found was related to the restriction of free space above the roof as it was to be a maximum of 12 feet with any railing above the roofline being 50% transparent. The mansard roof, as presented, extended above 12 feet with the usable decking located at a height of 12 feet. He requested consideration be given to lowering the mansard roof to meet the maximum height requirements in this case. He further explained the height restrictions were exceeded by eight inches. The frieze board could be eliminated and the eave could sit atop the boathouse garage door as one alternative.

M. Roehl stated the railing created height on top of the boathouse and was done in this manner to match the architectural details of the house. The deck was located at a conforming height of 12 feet so the roofline was actually lower than it seemed.

E. McAleer noted the boathouse code had taken a great deal of work and there was no way to deviate from the Code in this matter.

Randy Brenning, architect for the Roehl's, stated the gate could be lowered to allow for conforming heights.

M. DEYOE MOVED TO APPROVE THE RECOMMENDATION FROM LAKE WELFARE COMMITTEE TO APPROVE A BOATHOUSE FOR DELIC 0783.005, 1475 WEBER COURT. OWNER/APPLICANT: MICHAEL AND COURTNEY ROEHL AS CONDITIONED UPON

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STAFF APPROVAL AND RECOMMENDATIONS. M. KATZ SECONDED THE MOTION.
THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

6. Plans of Operation, Signage and Site Plan.
a. **DELIC 0804.994.005, 2835 Heritage Drive. Owner: Hahn Ace Hardware. Applicant: Wisconsin Sign Company.** Applicant seeks approval of an electronic reader board.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: *The proposed sign is an upgrade of the existing display. The central portion of the existing sign exhibits a manual reader board with movable type. The new business owner wishes to install an electronic reader board in its place. The owner has been advised that the Plan Commission regularly requests that such signs exhibit only red and black, or gold and black displays and that the image may not be scrolling or demonstrate any moving graphics. Furthermore the message may only be changed once every thirty minutes.*
Recommendation: *Approval*

Charles Stubblefield, owner of Wisconsin Sign Company, stated the historical question related to this site was whether it was required to have a ground mounted sign. There were no design standards in this area. The reader board would be lower to the ground than the current sign. He found that in replacing various panels on the signage that there were issues that necessitated this request. The possibility existed that a ground sign might be needed as well as some modifications to existing trees. C. Smith explained that the Park and Rec. Commission had voted to leave the current tree alone and move toward a ground mounted signage if needed. Discussion ensued. C. Stubblefield stated he would work toward a recommendation of a ground mounted sign if possible.

C. SMITH MOVED TO APPROVE THE ELECTRONIC READER BOARD FOR DELIC 0804.994.005, 2835 HERITAGE DRIVE. OWNER: HAHN ACE HARDWARE. APPLICANT: WISCONSIN SIGN COMPANY AS PRESENTED WITH THE UNDERSTANDING THAT THE PETITIONER WOULD WORK WITH CITY STAFF TO MAKE IT A GROUND MOUNTED SIGN. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

C. Smith confirmed the tree should remain and the signage would need to be adjusted to work around the tree and still maintain signage rules and regulations for approval.

- b. **DELIC 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 returns to the Plan Commission with a modified proposal for the desired wheelchair accessible ramp to the front entrance of their building. Last month the Plan Commission asked the owner to reconsider the proposed ramp and to work with staff to develop an alternate solution. After evaluating the options for access on the south side of the building the owner has determined that the necessary modifications, both interior and exterior, are too onerous to be considered feasible. As a result, an amended plan has been submitted that introduces landscaping to screen visual exposure to the proposed ramp. As a compromise, the proposed landscaping may offer some aesthetic relief to the incongruence of the ramp with the historic architecture; however, the Plan Commission may wish to consider a different presentation in place of the proposed pyramidal evergreens. A solid hedge may be more appropriate. The ramp conforms to ADA requirements and is appropriately designed.*
Recommendation: *Approval, conditioned upon continued staff coordination to select a more appropriate landscape material.*

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Ethan Elser, real estate representative for the Steiner Group, stated he had met with R. Dupler along with a maintenance technician in order to alleviate any confusion regarding an alternate plan for the site in order to construct a handicapped accessible ramp. There were many modifications made to the plans since the original application with the current version adding landscaping to the site to camouflage the front of the ramp. The site was not currently ADA compliant and there were patrons that were not able to access the shop because of this.

R. Dupler noted the complexities of attempting to put the ramp in a different location. He thought the landscaping was a reasonable alternative in this case. D. Simon stated he thought the façade would be better looking with a continual hedge of bridal wreath or some other planting that might stay approximately four feet in height and be lower to the ground than the proposed arborvitae. He also questioned the justification for having the shop be operable without being ADA compliant. E. Elsner stated the installation of the ramp was a requirement of the lease for the business. D. Simon understood; however, he stated he preferred to see the accessibility achieved in another way. E. Elsner explained the current employee issues, noting it would not be feasible to have the entrance to the store come in through the back door.

M. Katz stated he also was hopeful that something more could be done with the landscaping in the front of the building; however, he was not sure how to accomplish this. D. Simon stated he was not shown any alternative. E. Elsner stated it would be cost prohibitive to do an alternate plan for entrance to the building as it would require increasing the size of the doorways and alterations to the second floor of the building. D. Simon stated he remained dissatisfied with the current proposal. While he could understand the concerns about the cost, this was part of converting a church to a retail space and additional costs were likely to occur to make it ADA compliant.

C. SMITH MOVED TO APPROVE 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 AS CONDITIONED UPON STAFF REVIEW AND APPROVAL OF APPROPRIATE LANDSCAPING TO PROVIDE BALANCE ACROSS THE FRONT OF THE BUILDING. M. KATZ SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FOUR WERE IN FAVOR, WITH D. SIMON VOTING NAY. MOTION CARRIED.

7. Zoning and Ordinance Revision.

None.

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8. Reports of City Officials:

a. Clerk

1. August 28 (Meeting); July 31 (PH Deadline); August 14 (Reg. Deadline)
2. City of Delafield Municipal Code Content Update (Re-Codification)

TAKEN FROM CLERK GRESCH'S MEMO: *I am proposing to the Common Council that they include a re-codification of the City's municipal code in the 2014 budget. If that is approved, I strongly urge the Plan Commission to review the content of the zoning code, and specifically the sign code for content so that the City doesn't pay to re-codify content we know is wrong and should be updated. I recommend an ad-hoc group be started consisting of the Planner, Administrator and a Plan Commission member to review the zoning code's content. This work should begin soon as the codification company will be waiting for this new content in January or February if the project is approved.*

3. Correspondence

- a. Letter from Charles Winter regarding the Hartland Sportman's Club.

b. Planner

1. Discussion of home occupation verbiage discrepancy in the City of Delafield Zoning Code.

R. Dupler explained portions of the City Zoning Code included different descriptions for the same type of activity. Clear consistent definitions were required and a public hearing for change. This could be accomplished with the re-codification process as well. E. McAleer stated R. Dupler should provide a list of required areas for consideration and schedule a public hearing regarding potential changes.

c. Building Inspector

S. Hussinger stated the total number of permits to date was 49 with one residency occupancy permit this month. There were no new single family home permits.

9. Adjournment.

M. DEYOE MOVED TO ADJOURN THE WEDNESDAY, JULY 31, 2013 PLAN COMMISSION MEETING AT 9:34 P.M. C. SMITH SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes Prepared By:

Accurate Business Communications, Inc.