

## 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, August 28, 2013 Plan Commission meeting:

Present

Ed McAleer, Mayor

Michele DeYoe, Ald.

Kent Attwell

Dan Jashinsky

David Simon

Chris Smith

Jane Lazynski

Roger Dupler, Planner

Gina Gresch, Clerk-Treasurer

Scott Hussinger, Building Inspector

Absent

Matthew Katz

## 1. Preliminary

- a. **DELCO 0733.998.002, Village Square Drive, Hartland. Owner: United Properties. Applicant: JD McCormick Co.** Applicant seeks preliminary feedback for an amended Conditional Use to allow for a multi-family development in Village Square and set public hearing date for the same.

Developer Joe McCormick was present and stated he is before the Plan Commission to present a concept plan for a multifamily development at Village Square. Architect Ken Johnson was present and stated the proposed development is at STH 83 and STH 16. The site is protected on three sides by trees and a retaining pond which will act as a buffer for the apartments. The proposal is for four buildings, three stories each with 110 units, which is similar to what was constructed behind City Hall. There is underground parking available, one space for each of the units and another 50 spots aboveground. They opted for four buildings to keep with the scale of the retail area. The buildings will have four sided architecture and three dimensional shingles. The architecture will be compatible with Delafield and Village Square and will be of high quality finish.

M. DeYoe stated it is not clear if the development meets the sewer capacity for 110 units. If the calculations were done correctly, then the figures for this proposal exceed the capacity and that will have to be addressed for the public hearing. C. Smith stated his first impression is that four buildings on that site is a lot of buildings. Is there enough green space with four buildings? Is there enough parking? The building on the south side is as close as it could be to the neighbors to the south. The scale looks off and that should be addressed; this looks like too many buildings for this space. The lot is much smaller than he thought it was.

J. McCormick stated he feels the buildings are complimentary to the existing use and there is actually too much parking proposed. Downsizing a development takes away from the amenities. Developments are better when they are bigger and collect more rent. K. Johnson stated the building to the south will not shade any of the houses that are directly adjacent to it. They also looked at two and four buildings and with their formulas, four buildings architecturally is much less objectionable than two large buildings on the site. K. Attwell asked what is considered a "large building". K. Johnson stated a "large building" is five, seven or even 10 stories. They are trying to keep the overall height down even though there are three story buildings all over Delafield.

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E. McAleer asked Planner Dupler to explain parking requirements. R. Dupler stated multifamily buildings are to have two parking spaces per unit. This plan has only one space per unit and they are about 60 spaces short of being compliant. Green space is calculated by the number of bedrooms. For this particular development there are 208 bedrooms which calculates to about 358,000 square feet of green space required. They proposed 218,000 square feet which is considerably short of being compliant. More parking will cut into the proposed green space. C. Smith stated it's hard for the City to not adhere to the standards they set.

E. McAleer stated in light of the code requirements and sewer capacity issues it would be appropriate to find out the answers before a public hearing is scheduled. J. McCormick agreed and stated he wasn't aware of the sewer issues. E. McAleer stated he too would be upset if he would have an apartment building that close to his house. He suggested cutting the number of buildings down to three and work on the sewer capacity. J. McCormick stated right now he is gauging a feel from the community and gets the impression the Plan Commission likes the idea of going forward but there is work to do on the plan.

D. Jashinsky asked if a traffic study was completed. J. McCormick stated no but he can have one done. There is no reason for these new residents to exit onto Vettelson Road. It is designed so they come out of the garage, drive on the back service road for the shopping center and drive up to STH 83. E. McAleer stated it is important to understand the traffic flow and that too should be studied before a public hearing is conducted. R. Dupler stated Attorney Hammes has indicated the City has the ability to amend the GDP even though there is an approved settlement agreement, which is the first step in this process. The issues of lighting, landscaping and buffering will come out in the second phase of the SIP. There are sanitary sewer line issues as well as access to the pond which run right through the proposed buildings. D. Simon stated he would like to see the City Attorney's review on the settlement agreement but isn't sure when the right time or forum is to have that discussion. E. McAleer stated Attorney Hammes will be present at the public hearing.

C. Smith stated on the positive side, there are many developments like this so it's not unheard of and he is not opposed to it if the City and developer can overcome all of the other issues. R. Dupler stated Parcel 3 is intended for a retail and office space. There have been a couple of proposals over the years, one being a restaurant but it didn't make it to the Plan Commission. E. McAleer stated the B-6 zoning wasn't intended for residential but the City has done some residential developments in B-6, one of them being the senior housing on Hillside Drive which is over 200 units. K. Atwell stated this would be increasing residential density. E. McAleer stated another Plan Staff meeting should be scheduled.

**TAKEN FROM PLANNER DUPLER'S STAFF REPORT:** *The developer of Delafield Lakes and Delafield Woods is now considering the potential for a multi-family development in the Village Square complex. As a Planned Development the Village Square was approved with a mixture of retail and office space. In the original GDP there were no provisions for residential use. In response to this new proposal the Plan Commission may wish to reconsider the approved uses in the development to allow residential land use. City Attorney Hammes has reviewed the existing Settlement Agreement and determined that the City may amend the Conditional Use Permit to allow for an additional land use by exercising the standard GDP procedure. The necessary elements of approval will be a determination of compatibility, a public hearing, and recommendation to the City Council. The property is zoned B-6. Residential land use is allowed as an integrated Planned Development at the discretion of the Plan Commission, see Ord. 17.39(27)b. As with any Planned Development the first order of criteria is compatibility. In this instance, compatibility may be accomplished by creating ample separation between living spaces and business operations. As designed, the residential portion of the Planned Development is isolated from the businesses and*

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*parking except for the east facing units in the two eastern most buildings. Additional separation and increased setback may accommodate a substantial landscaped buffer to achieve desired compatibility. Any development on the vacant parcels of the Village Square must comply with the overall restrictions for green space and intensity of use. The maximum floor area ratio is 0.5 and the maximum impervious area is 65 percent. This proposal conforms to these requirements, the proposed floor area ratio is 0.37 and the percent of green space is 78 percent. The balance of the developed property already conforms to the open space requirements. In comparison with the previous developments; Delafield Woods and Delafield Lakes combined exhibit 19 units per gross acre. The proposed development density in the Village Square offers 17.2 units per gross acre. However, the Plan Commission may wish to note that the lot area attributable to this development is more than 6 acres and extends south to Vettleson Road, and eastward to include the commercial outlot east of the existing asphalt drive. As proposed, the vacant area east of the existing drive and north of the City well house lot will remain undeveloped. In this situation a landscape plan should be created for the area. Although the units per gross acreage ratio for this development is slightly less than the two downtown developments the green space required to support multi-family unit count is insufficient for this proposed development. In the two downtown developments required detention ponds were part of the green space calculations. In this scenario, the detention basin is already provided for the site and therefore does not contribute to the green space ratio. As proposed, 78 percent of the area is green space, this equates to 218,036 sf. The proposed bedroom count of the 110 units requires 358,500 sf green space. This ratio is not specifically required in the B-6 district, it is a required element of the City's R-6 multi-family district. The City has used this ratio as a measure of unit density for a number of multi-family developments where multi-family developments are incorporated into a Planned Development that does not have R-6 underlying zoning. It may be applied in this instance as well.*

*Intensity of use will also have an impact on the traffic generated by the development. The petitioner should provide appropriate data to demonstrate that there will not be any adverse impact beyond the traffic volumes evaluated in the original traffic impact analysis for the development as a whole. Likewise an analysis of the available sewer capacity must be confirmed.*

*The setback to the south should be increased. The district requirement is 30', the plan seems to illustrate a 25' setback. In addition an existing sewer easement extends through the proposed Building 3. Shifting the building northward to respect the easement and the existing landscaped buffer along the south property line would result in a setback of about 70'.*

*Parking requirements for multi-family units are two spaces per unit. The proposed plan offers only 1.45 spaces per unit. 60 additional parking spaces are required to satisfy the code requirements.*

*The proposed architecture and color scheme are identical to the two previous developments. The Plan Commission may request a new color scheme for this development.*

**Recommendation:** *Share with the petitioner concerns and issues to address prior to the pending public hearing. Plan Revisions should include increased setbacks and buffers on the east and south perimeter, mandatory parking spaces, and reduction in the unit count to a level that can be supported by the green space, analysis of generated traffic and sewer capacity.*

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- b. **DEL 0802.997, 1758 Milwaukee Street, Delafield. Owner: Robert Loro. Applicant: Timothy Seidel, agent for Jeff and Laura Brown.** Applicant seeks preliminary feedback for an amended Conditional Use to allow for an adult daycare center, Brown Adult Daycare and set public hearing date for the same.

Jeff Groff stated he purchased this property in 1987 and converted the old marine into apartments upstairs and commercial below the apartments. In 1998 the City came to him wanting him to renovate the building, which he did, and is the building as it stands currently. He sold the building years ago and is buying it back from the person he sold it to. He wants to put another business upstairs but it will not be the adult daycare as proposed. With the medical and state issues that go along with daycare it seems impractical for only one client. He wants to move his contracting office to this site which doesn't require any zoning changes or Conditional Use amendments.

R. Dupler stated there are historical issues that have to be resolved. The property encroaches on the We Energies property and the property on the other side of the lot. The petitioner is already working with We Energies to resolve the issue. A Certified Survey Map should be completed to resolve the other encroachment issue. Since the Certified Survey Map is tied to the Conditional Use a Conditional Use public hearing shall be held to follow procedure. There are a lot of moving parts to this petition. J. Groff stated he is willing to eliminate the odd lot line if he can have office space upstairs. K. Attwell asked how much of these issues need to be resolved before a public hearing is conducted. R. Dupler stated all of them and we have to follow the process. J. Groff stated We Energies doesn't mind the encroachment and he has a letter from them stating that. We Energies also doesn't mind a deck being installed. He wants to stay within the conforming use.

S. Hussinger asked if the easement can be obtained. J. Groff stated no, We Energies isn't willing to sell it. S. Hussinger stated he struggles with this request and cannot issue a permit with the structure being over the lot line. There was discussion among the Plan Commission member about whether or not this should go before the Board of Zoning Appeals and it was determined it should not. S. Hussinger stated if the City Attorney tells him he can issue the building permit, he will do so. E. McAleer suggested holding another Plan Staff meeting and having the City Attorney present. J. Groff further reviewed the plans to add a rain garden and additional parking stalls. There will not be any additional traffic as it will be only him working there.

***TAKEN FROM PLANNER DUPLER'S STAFF REPORT:*** *The proposed development will realize a new commercial entity not currently available in the City of Delafield. The property is zoned B1-A which allows for a combination of residential and business uses in a residential setting. The project intends to reconstruct the existing residence to add a second floor and create space on the first floor for an adult day care facility. This property is an historic nonconforming property. Several issues need to be addressed before consideration of the proposed project. The property exists as a combination of two lots. It has only one tax key number and both lots are under the same ownership. In examination of the existing survey it is evident that the property line separating the two lots actually runs through the eastern building. To overcome this nonconformity the petitioner has been advised that a CSM will be required to consolidate the two parcels appropriately. It is not possible to split the property into two lots because the combined area of the two lots only satisfies the single minimum lot area of 10,000 sf. Consolidating the two lots will produce a single lot with two primary structures, thus the need for a Conditional Use. The CSM necessary to combine the lots cannot be approved until the building nonconformities are addressed. Currently both buildings extend beyond the south property line into the WE Energies right-of-way. The petitioner*

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*has begun to resolve this issue by opening negotiations with WE energies. The property falls within the Southshore Redevelopment District. Specific guidelines for redevelopment will have an impact on this proposal, primarily parking and garage access. Ordinance 17.30(2) defines the expectations for this design district. Since the two buildings will be considered as one development the parking will need to be consolidated, combined and screened from Milwaukee Street. If the west building is reconstructed the garage will need to be reoriented to be a side loaded entrance. The petitioner has been advised of these items and may have a modified plan prepared for the Plan Commission meeting. Once the site issues are resolved the Plan Commission may consider a Conditional Use for the property. The new building and use may be approved with the understanding that the proposed use is not a permitted use by right. The adult day care is not listed as one of the many allowable businesses in the district. However, ordinance 17.39(22)(b)3 allows the Plan Commission to approve uses substantially similar to the listed permitted uses. The adult daycare may be allowable as a professional office since state licensure is required or under 17.46(27) as a community based residential facility. The petitioner will provide the required justification for consideration. In addition to the adult daycare, the Conditional Use will also cover the existing conditions of the eastern building. Currently two businesses operate on the lower level of the building and apartments are on the second floor. Apartments are not a permitted use in the district however ordinance 17.55 allows the continued nonconforming use provided that the structure is not modified. There are no plans to modify the east building. **Recommendation:** The Plan Commission is encouraged to share with the petitioner items of concern and request any additional information needed to make an informed decision. There are many historical issues associated with this property that need to be addressed prior to scheduling a public hearing. The nonconforming issues of the lot must be resolved and a Certified Survey map must be submitted to demonstrate a legal conforming lot is attainable. The site plan should be reworked to take into account the requirements of the Southshore Redevelopment District design guidelines. The end user needs to provide the City with a plausible avenue to allow the day care use in the B1-A district. A public hearing may be scheduled after these items are resolved. Consider asking the petitioner to return for a second presentation before committing to a public hearing.*

2. Approve Plan Commission meeting minutes of July 31, 2013 meeting.

E. McAleer stated he has two corrections, one on page four and the other on page six.

**K. ATTWELL MOVED TO APPROVE THE JULY 31, 2013 PLAN COMMISSION MEETING MINUTES AS CORRECTED. M. DEYOE 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.

**Jeff Krickhahn, 4506 Vettelson Road**, stated he would like to discuss the proposed development at Village Square. He understands what Planner Dupler said about the B-6 zoning but isn't sure the apartments fit that description; compatibility has to be shown. There are no other buildings on that road which are three story. He reviewed the history of these parcels when it was Merchant Square. There were zero proposals for anything over two stories. History shows two story buildings are allowable and compatible. He would like to see the setback minimum changed to add 50% more setback with each story of the building. For example, a two story building would require a 45 foot setback; a three story would require a 60 foot setback. There are trees in that area that aren't even 45 feet tall; there would be no privacy. With sewer lines going through there, this might be a moot point anyway. He questioned the amount of green space and it is his understanding that the green space is to be used by Roundy's. J. Krickhahn stated the stop signs in Village Square mean nothing to people and these new residents will use Vettelson Drive instead of Village Square Drive. He also did some traffic calculations

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which he estimated anywhere from 220 to 330 cars/trips per day added to that area. Adding a car a minute at that intensity and that's too intense for the rural neighborhood and that intersection. He stated it also appears in the picture that the building is in a mound so the basement is half exposed for the garage; it appears the building would actually be higher than 45 feet. He stated his understanding is the shaded area on the plans would have the zoning changed and that opens the door for future development. E. McAleer stated there is no intention of changing the zoning. J. Krickhahn stated the City voted down Lake Country Crossing because the development was too intense and didn't conform to the neighborhood. He also pointed out in the settlement agreement that it states no single building shall exceed 25,000 square feet except for the grocery store, and the apartments total are larger than that. This settlement agreement tells everyone what the spirit of the agreement was back then.

**Bill Restock, 4527 Vettelson Road**, read a prepared a statement. **\*\*Clerk's Note:** his statement is attached to the minutes\*\*. He also stated the developer made two statements that are not correct. He stated the developer commented there is a large wooded area along the property lines by the houses. There are no wooded areas; he himself only has six pine trees and two of them are added. Also the developer made a comment there are three story buildings are all over the place in Delafield. However those buildings are not in this area.

**Laura Schult, 935 Bahr Road**, stated she is here about Rustic Manor which she has some concerns with, as do some of the neighbors to the south. They support the concept of the bed and breakfast and reception hall but would like to know if the amount of bathrooms when remodeled is adequate for that many people. There are more people than just the wedding party who will need to use the facilities: the auxiliary people, caterers, photographer, wait staff, etc. Also, the property should probably be on sewer, not a septic system. It should also have City water. Another concern is there is no area for trash; where will the remaining food and trash be placed? There should be something enclosed and animal proof. One last issue is controlling the litter. Not everyone has good manners when they go to a wedding.

**Larry Schouten, 4518 Vettelson Road**, stated he is opposed to amending the Village Square Settlement Agreement. Many hours and dollars went into it for darn good reason and multifamily housing was not included in the agreement. The City needs to honor that agreement leave the multifamily dwellings out of it.

**M. DEYOE MOVED TO CLOSE CITIZEN'S COMMENTS PERTAINING TO SUBJECTS ON THE AGENDA AT 8:05 P.M. K. ATTWELL 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 0793.020.003, 524 Milwaukee Street, Suite 207, Delafield. Owner: Ace Delafield Properties. Applicant: Pam Pecknam. Applicant seeks approval of a Business Plan of Operation for a certified mental health clinic, Affiliated Wellness Group.** Hours of Operation are Weekdays 9AM to 5PM and Saturday 9AM to 3PM with four full-time employees.
  - b. **DELC 0804-994-005, 2835 Heritage Drive, Delafield. Owner Applicant Perry Hahn, Hahn Ace Hardware.** Applicant seeks approval to change the building colors of a commercial operation.

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

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5. Final Consideration, Approvals, Previous Approval.
- a. **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 reception hall as an accessory use to an existing bed and breakfast Conditional Use known as Rustic Manor and recommendation to the Common Council of the same.

W. Proebsting addressed the concerns stated in public comments. There will be a fenced in area for garbage; their architect forgot to include that on the plans. At the conclusion of each event there will be three to four staff people cleaning up after each event and will take about 30 to 40 minutes. The Village of Hartland is proposing a sewer connection under STH 83. E. McAleer asked if the restrooms are up to code. S. Hussinger stated the state will weigh in on that issue as a part of their plan review. E. McAleer asked if the Village of Hartland responded. R. Dupler stated yes it was included in the updated ePacket on Monday. The Village is in support of the project and are concerned about the driveway and lighting. They are recommending the driveway apron be paved rather than gravel for ample traction. They are also recommending all site lighting be turned off at the completion of the event and not later than 12:30am. Other than that they reiterate many issues the City of Delafield Plan Commission has already dealt with.

W. Proebsting stated she is concerned with the lighting request and is not comfortable turning off all lights off at a specific time. If staff is still on site cleaning up they will need the lights on. Also, if someone needs to leave the event of an emergency, they will need the lights on. E. McAleer stated Hartland's letter is only advisory. W. Proebsting stated with regards to the driveway apron that has not been looked into yet and is not sure what it will cost to do that. E. McAleer stated paving the apron makes sense. W. Proebsting stated she has been contacting the DOT but hasn't had any response yet.

W. Proebsting stated she is not ready for final sign review but wanted to present preliminary designs to the Plan Commission, which she did. C. Smith asked if the signs really are going to be that boring looking. W. Proebsting stated probably not but she is looking for feedback as to how the City wants the signs to look. Other than additional landscaping being added to buffer the area to the south, nothing else has changed since they were at the Plan Commission last month. K. Attwell asked if the parking lot is going to be paved. W. Proebsting stated no, it will be a gravel surface with a rain garden in the center of the parking lot.

***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 Bed and Breakfast Inn is an allowable use in any zoning district with a Conditional Use Permit, 17.46(26). Action to approve this operation was granted by the City Council at the August 5, 2013 council meeting. The outstanding approval for the accessory use has not yet been granted. As recommended by City Attorney Hammes the accessory use may be permitted if the petitioner demonstrates the subordinate nature of the reception hall. Ample evidence was presented to the Plan Commission last month to support consideration. In recognition of the Lake Country Corridor Compact the petitioner has been asked to seek the input of the Hartland Plan Commission. The date of that meeting is August 19, 2013. At the time of this report that meeting has not yet been conducted. The site plan improvements necessitated by the use of the barn will need to be reviewed and approved. Future analysis should include an engineered site plan, storm water management plan, lighting and landscape plan. A completed Conditional Use document and Storm Water Maintenance Agreement must be approved as well. One other site improvement will be creation of an access easement to satisfy the Waukesha County Greenway Trail. This item may be created by a separate document and approved along with the final site plan. A seating diagram has

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been submitted to demonstrate the full capacity of the reception hall. The maximum number of guests is anticipated to be 260. 74 parking spaces are provided which equates to 3.5 persons per parking space. Additional overflow parking is accommodated immediately west of the parking lot. It is intended that the parking lot be graveled and not paved. The Plan Commission took specific action to approve this at the last meeting. **Recommendation:** Approval, contingent upon recognition of the input from the Village of Hartland and completed site plan documents. Recommend to City Council for final approval once site plan documents are approved, the petitioner and City Attorney have drafted a Conditional Use Permit and Storm Water Maintenance Agreement. A motion to approve should cite the items in the accompanying Conditional Use Review Determination and Approval.

**K. ATTWELL MOVED TO APPROVE THE CONDITIONAL USE TO OPERATE A RECEPTION HALL AS AN ACCESSORY USE TO AN EXISTING BED AND BREAKFAST CONDITIONAL USE KNOWN AS RUSTIC MANOR FOR DELC 0753.999.001, 3115 STH 83, HARTLAND. OWNER: DIANE M. ROY. APPLICANT: WHITNEY PROEBSTING SUBJECT TO RECOGNITION OF INPUT FROM THE VILLAGE OF HARTLAND, PAVE DRIVEWAY APRON, SUBMIT COMPLETED SITE PLAN DOCUMENTS INCLUDING LANDSCAPE PLAN, LIGHTING AND SIGNAGE FOR THE NEXT AVAILABLE PLAN COMMISSION MEETING, AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

R. Dupler stated the petitioner will be back next month before the Plan Commission with the final detail of the SIP. W. Proebsting stated they might not be ready for that meeting since a contractor hasn't been hired yet. E. McAleer stated they might want to wait for the October Plan Commission meeting since the Hartland Sportman's Club will be on the September agenda and it could be a lengthy meeting.

- b. **DELC 0743.999.003, 345 Nashotah Road, Nashotah. Owner: William and Barbara Knoff. Applicant: Bonnie Lott.** Applicants seeks final approval of a Certified Survey Map to create a five-acre agricultural parcel and recommendation to the Common Council of the same.

**TAKEN FROM PLANNER DUPLER'S STAFF REPORT:** The proposed land division will produce a five acre residential parcel on the south side of Nashotah Road. The property is zoned A-1 and thus the parcel must be larger than three acres. The parcel is five acres and will not be serviced by sanitary sewer. A private septic system is allowed for parcels five acres or greater. **Recommendation:** Approval, contingent upon resolution of the four technical items identified in the Surveyor's letter of August 16, 2013.

E. McAleer stated the applicant isn't here so this item will be postponed to the next month's agenda.

**M. DEYOE MOVED TO POSTPONE THE CERTIFIED SURVEY MAP TO CREATE A FIVE-ACRE AGRICULTURAL PARCEL FOR DELC 0743.999.003, 345 NASHOTAH ROAD, NASHOTAH. OWNER: WILLIAM AND BARBARA KNOFF. APPLICANT: BONNIE LOTT TO THE SEPTEMBER 25, 2013 PLAN COMMISSION MEETING BECAUSE THE APPLICANT WAS NOT IN ATTENDANCE AT THE METING. D. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

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6. Plans of Operation, Signage and Site Plan.

- a. **DELC 0793.014.003, 505A Wells Street, Delafield. Owner: Ace Delafield Properties. Applicant: Karen Wilman.** Applicant seeks approval of a Site Plan for a proposed deck to be installed for Arte Wine & Painting.

***TAKEN FROM PLANNER DUPLER'S STAFF REPORT:*** *The painting studio wishes to erect an enclosed deck for patron use. The accessible ramp associated with this deck already exists. This property is in the CBD-1 district where no setback is required. The deck will be constructed to the edge of the property abutting the public right-of-way of Dopkins Street. Additionally, the CBD-1 district has no limit to the floor area ratio and therefore the deck size may be approved as proposed. Recommendation: Approval*

K. Attwell asked where specifically this is going on the building. R. Dupler stated it is on the west side of the building which abuts Dopkins on the west side. The stairs were originally planned to be built in the right-of-way. The plans were modified so the entire construction is within property boundaries, CBD-11 with a zero lot line. K. Attwell asked if the spindles will match the historic character of building. K. Wilman stated yes they will match. C. Smith asked if there will be enough lighting for people to sit outside to eat and drink. K. Wilman stated yes.

**M. DEYOE MOVED TO APPROVE THE SITE PLAN FOR A PROPOSED DECK TO BE INSTALLED FOR DELC 0793.014.003, 505A WELLS STREET, DELAFIELD. OWNER: ACE DELAFIELD PROPERTIES. APPLICANT: KAREN WILMAN. D. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH ONE NAY BY K. ATTWELL.**

7. Zoning and Ordinance Revision.

- a. Discussion of home occupation verbiage discrepancy in the City of Delafield Zoning Code and recommendation to set public hearing date for the same.

***TAKEN FROM PLANNER DUPLER'S STAFF REPORT:*** *Proposed language to correct the discrepancy in the zoning code is presented for consideration. The Plan Commission may wish to amend the description in 17.38(6) to match the description in 17.24. The number of home occupation employees within a residence may not be a significant issue, but the allowance of an employee from outside of the home is a permitted provision of a Home Business which requires a Conditional Use. The following text revision may be formatted into an appropriate ordinance and placed on the September Plan Commission meeting for a public hearing.*

**K. ATTWELL MOVED TO SET A PUBLIC HEARING DATE FOR SEPTEMBER 25, 2013 TO REPEAL AND RE-CREATE AN ORDINANCE TO ADDRESS VERBIAGE DISCREPANCY IN THE CITY OF DELAFIELD ZONING CODE RELATED TO HOME OCCUPATIONS. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

Plan Commission members stated they would like this item first on the agenda since the gun club will be on the same agenda.

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8. Reports of City Officials:

- a. Clerk
  - 1. September 25 (Meeting); August 28 (PH Deadline); September 11 (Reg. Deadline)
  - 2. Letter from Charles Winter regarding the Hartland Sportman's Club.
- b. Planner
- c. Building Inspector

S. Hussinger stated the total number of permits to date was 24 with one residential occupancy permit and two commercial occupancy permits this month.

9. Adjournment.

**K. ATTWELL MOVED TO ADJOURN THE AUGUST 28, 2013 PLAN COMMISSION MEETING AT 8:29 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