

**TOWN OF DELAFIELD  
PLAN COMMISSION MEETING  
Tuesday, February 3, 2015**

Prior to the start of the scheduled Plan Commission meeting there will be a public hearing in front of the Town Board and Plan Commission to solicit public input on the amendment of several sections of Chapter 17, Zoning, of the Municipal Code for the Town of Delafield, which include the allowance of Commercial Planned Unit Developments with a Conditional Use Permit in the B-2, B-3 and M-1 zoning districts; modifications to the definitions related to front yard, rear yard, side yard, yard and trailer; exceptions for buildings 200 square feet or less in area, clarification of when an as-built survey is required, and regulation of trailer parking. The Plan Commission meeting will begin immediately following the conclusion of the public hearing.

Members present: T. Oberhaus, P. Kanter, C. Dundon, B. Cooley, E. Kranick, G. Reich, M. Tagtow  
Also present: L. Krause, T. Barbeau, *Town Engineer*, 9 citizens

**Public Hearing:**

Chairman Kanter called the Public Hearing to order at 7:20 p.m.

Engineer Barbeau explained the two proposed ordinances: one for Commercial Planned Unit Developments with a Conditional Use Permit in the B-2, B-3 and M-1 zoning districts (17.05.5) and one for a number of amendments to various portions of Section 17 which included yard regulations, definition of a trailer, exceptions to needing a building permit for structures less than 200 square feet, when an as-built survey is needed, and regulation of trailer parking. He asked whether the Town should maintain the 4 acre minimum lot size or allow smaller lots so that smaller buildings may be built on the site. Some businesses may want smaller office buildings.

Questions from the Plan Commission and Town Board members were answered.

Craig Radditz, Fiduciary Real Estate Development, commented on the smaller lot sizes. Mr. Radditz stated that a 4 acre lot with the current minimums in the over-all zoning provides 75% open space across the whole, larger development parcel. A 4 acre lot with a two-story office building with the impervious space of 25% needing to be open space could handle a 40,000 sq. ft. building and still meet all of the Town's Code requirements. He wanted to clarify that a 4 acre site could still handle a very substantial user.

Engineer Barbeau asked that it be included in the record that he requests that the Plan Commission discuss a minimum lot size for each of the Districts for a Commercial PUD. Does the Town want a 4 acre lot in the B-3 zone? Currently the minimum is 5 acres. Do we want to allow smaller lots to then allow potentially smaller buildings on the site? Do we want to allow a market for a smaller office building on a smaller lot?

**Comments regarding the possible amendments to various portions of Section 17 included:**

- Exemptions for agricultural property are needed (hay wagons, trucks, trailers, perhaps an over-all exemption for agricultural properties)
- The definition of "trailer" should be expanded to include those drawn by other power sources (not just a motor vehicle).
- Should mobile homes be excluded?
- In K, consider adding wording to regulate parking of vehicles, trucks, trailers and equipment in the title to make it clearer.
- Questions were raised relating to parking of trucks, as well as properties having a larger variety of trucks such as commercial panel trucks, truck tractors, tractors, and mixed uses of property (similar to the current JR Motorsports/James Cadd property, as well as larger vehicles used by landscape and

similar businesses). How do we regulate larger vehicles on Town properties? The Town should regulate parking, with an agricultural exception, while still being inclusive to the fact that there are other things that might constitute "vehicles" and "trailers" as defined.

- The current limit of one pick-up truck should be reconsidered. It is not unusual for Town households to have more than one for personal use. In addition, the length of today's pick-up trucks is longer than what's allowed in the Code.
- The word "Commercial" modifies both pick-up and panel truck in the Code. Having more than one may require a home occupation permit. For those having home occupation permits, the Town may need to modify the Code. The related section needs to be reworked.
- There are too many exceptions that need to be thought through in this wording. The Town needs to protect neighboring properties and maintain the peaceful environment of the Town while still creating the ability for owners to use their property.
- Relating to Sub-sections K-3 and K-5: if your property is not in the R-L district but you have a boat on a trailer or a recreational trailer, clarification is needed as to how these items may lawfully be stored or kept on a property in the Town, even when the items are moved to the rear of the lot. Is clearer wording needed regarding the need for screening, a wall, or placement of such items in a garage in residential areas?

The Public Hearing was closed at 7:52 p.m.

**First order of business:** Call to Order and Pledge of Allegiance

Chairman Oberhaus called the meeting to order at 7:53 p.m. and led all in the Pledge of Allegiance.

**Second order of business:** Approval of the minutes of January 6, 2015

**A Motion was made by Ms. Dundon, seconded by Mr. Cooley, to approve the minutes of the January 6, 2015 meeting. Motion Carried.**

**Third order of business:** Communications (for discussion and possible action)

- A. None

Ms. Dundon distributed information from the Wisconsin Towns Association regarding upcoming teleconferences discussing shoreland jurisdiction, case law, and site planning fundamentals. The Clerk's Office will help interested Plan Commission members register.

**Fourth order of business:** Unfinished Business

- A. Appearance: James Cadd, Watercrest Real Estate, (tabled 1/6/2015)  
Re: Status of Improvements on parcel located at N47W28229 Lynndale Road

**A Motion was made by Ms. Dundon, seconded by Mr. Reich, to remove this item from the Table. Motion Carried.**

Engineer Barbeau stated he has visited the site and there is no activity there at all. Vehicles are in the showroom; no plowing has been done; the canvas sign is down. He has not heard from Mr. Cadd. Trucks, trailers, an old car, equipment and millings, etc., are still on the property. Engineer Barbeau has heard Mr. Cadd may be trying to sell the property. JR Motorsports is no longer operating there.

**A Motion was made by Mr. Kranick, seconded by Mr. Cooley, to Table this item. Motion Carried.**

**Fifth order of business:** New Business

- A. Force Properties, LLC, by Vicki Braden, agent/owner, Re: Consideration and possible action on a request to approve a Certified Survey Map to combine three properties adjacent to W293 N3080 Poplar Drive.

Engineer Barbeau explained the three existing lots involved were created in 1926. There is a house on the property. This proposed CSM would combine the lots which are all in Shoreland zoning governed by Waukesha County. The Town is dealing with the Chapter 18 subdivision code for combining these lots as a CSM. The lots meet the County frontage code requirement on Poplar Drive. These non-conforming lots will come closer to conforming, but the lot size requirements will require a variance since the County requirement is 20,000 sq. ft. and the property is about 17,700 sq. ft. Force Properties, LLC, has made the technical corrections Engineer Barbeau recommended. They will go before the County Board of Adjustment. He suggests that the Plan Commission recommend to the Town Board approval of this CSM subject to incorporating comments from Waukesha County and Engineer Barbeau's approval of the technical comments.

**A Motion was made by Mr. Kanter, seconded by Mr. Reich, to approve the CSM to combine the three properties adjacent to W293N3080 Poplar Drive as long as they meet Engineer Barbeau's technical corrections. The approval is also subject to incorporating comments made by Waukesha County's Board of Adjustment. Motion Carried 6/1 with Mr. Kranick voting "No".**

**A Motion was made by Mr. Kranick, seconded by Mr. Kanter, to take Agenda Item 5C ahead of Item 5B. Motion Carried.**

- C. Fiduciary Real Estate Development Co., by Ryan Schultz, HSI Properties, agent, Re: Consideration and possible action on the approval of revised site, site grading, landscape, lighting, architectural plans and plan of operation for the development of a medical office facility to be located on the north side of Golf Road, approximately 1800 feet west of CTH SS, due to the addition of an Ambulatory Surgery Center to the previously approved plans.

Engineer Barbeau reintroduced the Orthopaedic Associates of Wisconsin (OAW) ambulatory surgery center to the proposed clinic along Golf Road. It will no longer be on the second story of the clinic, but rather a single story section of the building on the westerly side of the clinic. The lot has been increased to 7.1 acres and the infiltration basin changed to accommodate the lot change. The modifications made to the site and architectural plans in order to include the ASC portion of the building do not negatively affect the development. The proposal extends the improvements in a manner that is similar to what the Plan Commission previously approved. Elements of the ASC have not changed since the original submittal to the Town other than it will not be on the second story of the clinic. The Town Plan Commission approved the plans and plan of operation last September. The plan of operation follows the original plan of operation which included the ASC on the second floor of the Building. He recommends approval of the revised site, site grading, landscape, lighting, and architectural plans dated January 26, 2015, and the plan of operation form and letter from Mark E. Smith dated June 9, 2014. The sign is not part of the approval. He requested that FRED present the architectural drawings of the northwest side of the building at this meeting since that is what the residents on Golf View Dr. will see.

Ryan Schultz, HSI Properties, explained OAW's reasons for bringing the surgery center back to this location. The surgery center will have a 23-hour patient stay period consistent with the original request. Patients needing longer care will be transported elsewhere. They expect 6 to 8 surgeries per week. They anticipate that no vehicles will be left in the lot. Family members are able to stay with a patient but so far none have done so. It is not an urgent care center so there will be no emergency vehicles at this facility. He requests approval of the modified plan so OAW can finalize the construction documents. They are working toward opening the main part of the Clinic in May 2016 and the surgery center approximately three months later.

Jeff Holzhauer, FRED, explained the new design plans and the increased lot size allowing for the new footprint of the surgery center on the west end of the building. There are no plans to add a second story to this building.

Plan Commission members gave positive feedback with the exception of the west and northwest corner of the proposed building where there is a large area of blank wall space. Special landscaping was discussed for that section of the wall.

**A Motion was made by Mr. Kranick, seconded by Ms. Dundon, to approve the revised site plan, the site grading plan, the landscape plan and the lighting plan dated January 26, 2015, and the plan of operation form and letter from Mark E. Smith dated June 9, 2014. Motion Carried.**

**A Motion was made by Mr. Reich, seconded by Ms. Dundon, to accept and approve the architectural proposal with an architectural or landscape solution for the non-windowed sections of the building on the north and west elevations/corner of the building that is acceptable to Engineer Barbeau. Motion Carried 6/1 with Mr. Kranick voting "No".**

B. Town of Delafield Zoning Code Text Amendments

1. Commercial Planned Unit Development Conditional Use

Discussion involved the minimum lot size within B-3 zoning. Engineer Barbeau suggested reducing the minimum lot size to 2 acres to allow flexibility to include smaller two-story buildings. The Town has a three-story maximum height. The current Fiduciary/HIS development project may set a precedent for the construction of two-story rather than three-story buildings in this type of development.

**A Motion was made by Mr. Reich, seconded by Mr. Kranick, to modify the Draft of the proposed Ordinance regulating zoning related to Commercial Planned Unit Development Conditional Uses to allow a 2 acre minimum lot size for the B-3 section of the proposed Ordinance; to accept the Draft of this revised, proposed Ordinance, and to recommend the approval of this proposed Ordinance to the Town Board. Motion Carried.**

- 2. Certain sections of 17.02 and 17.03. related to definitions, minimum structure size requiring a building permit, clarification of when an as-built survey is required and regulation of trailer parking.

Plan Commission members requested additional time to consider information presented at the Public Hearing.

**A Motion was made by Mr. Reich, seconded by Ms. Dundon, to Table this item. Motion Carried.**

**Sixth order of business:** Discussion

None

**Seventh order of business:** Announcements and Planning Items:

Next meeting- Tuesday, March 3, 2015

The April meeting date was changed by the Plan Commission to Tuesday, March 31, 2015.

**Eighth order of business:** Adjournment

**A Motion was made by Mr. Tagtow, seconded by Mr. Kranick, to adjourn at 9:02 p.m. Motion Carried.**

Respectfully submitted,

Lauren Beale  
Deputy Clerk/Treasurer

Minutes approved on: March 3, 2015