

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Tuesday, July 7, 2015**

Prior to the start of the scheduled Plan Commission meeting there will be a public hearing in front of the Town Plan Commission to solicit public input on the termination of an existing Conditional Use Permit for James Cadd, Watercrest Investments, on lands located at N47 W28229 Lynndale Road. The Plan Commission meeting began immediately following the conclusion of the public hearing.

Members present: T. Oberhaus, L. Krause, P. Kanter, C. Dundon, E. Kranick, B. Cooley
Also present: T. Barbeau, *Town Engineer*, Pete Van Horn, *Supervisor*, 27 citizens

Chairman Oberhaus called the public hearing to order at 7 p.m.
The Clerk read the Public Hearing Notice.

Engineer Barbeau explained that on June 2, 2015, the Plan Commission made a request to the Town Board to initiate termination proceedings for the Conditional Use Permit granted to James Cadd, Watercrest Investments (recorded July 22, 2014) that allowed sales, service and outside display of various types of vehicles at this property. Specifically, the CUP addressed outside display of vehicles for sale without a planting screen or fence, required in the M-1 zoning district. On June 23, 2015, the Town Board voted unanimously to allow the Plan Commission to proceed with the termination hearing and make a recommendation to the Town Board.

Violations of the CUP on this property were:

1. Condition B: No fence was installed as defined and stipulated in the CUP.
2. Condition R: No application was received from the owner to review the plan of operation and CUP (deadline to apply to the Plan Commission was June 16, 2015).

Engineer Barbeau spoke with Mr. Cadd who indicated he received the stormwater permit approval from Waukesha County on May 27, 2015, which allowed him to complete the grading work that he proposed for the easterly parking area. He planned to begin fence installation prior to the July 7, 2015 Plan Commission meeting. JR Motorsports, which operated out of the facility and was approved to sell motorsport vehicles, has not been in business at the site since the start of 2015. Mr. Cadd indicated that his plan of operation has not changed. Engineer Barbeau asked Mr. Cadd to be prepared to inform the Plan Commission as to his plans for the facility.

As of this meeting, Engineer Barbeau stated that the fence has been partially put up. He shared photos of the property taken earlier in the day. There were concerns about abandoned vehicles and unlicensed trucks on the property. Those vehicles have been removed. Occasionally, there have been haulers and vehicles parked to the north of the building. There is currently a private RV parked on the property. No application has been made for the review of Mr. Cadd's plan of operation at this meeting as required. Mr. Cadd has not provided information as to his plans for the property or when they will occur.

Chairman Oberhaus explained the procedure for the public hearing.

Plan Commission members had no questions.

Public comments:

Attorney Timothy Andriqa, Cramer, Multhauf & Hammes, LLP, representing Mr. Cadd and Watercrest Investments

Attorney Andriqa stated he understands that in January 2015 Mr. Cadd explained to the Town that he had problems with Waukesha County not allowing him to put up the required fence. The permit was issued May 27 for stormwater drainage. Fencing is being put up. Mr. Cadd kicked out his tenant in December 2014 in order

to stay in compliance with the CU. There hasn't been any need for screening since that time. The vehicles referred to are gone. Mr. Cadd failed to apply for the required annual review since he wrongly felt he had updated the Plan Commission in January and therefore he didn't think he needed to make application for review in July. This is the only CU he has. He is here and requests that you continue the CU.

He clarified the date of the issuance of the CU and stated there was no set time limit for the fence to be installed. There is nothing being stored at the property at this time.

Michael Brandt, Ainsworth Rd., Hartland

He came to speak on behalf of Mr. Cadd. He has seen the property through the years and stated the previous owner had an abandoned vehicle in the field for years and was never asked to remove it. He said Mr. Cadd is trying to develop the property. The property is improving and is being cared for; positive things are going on now. It hasn't looked this good in years. Mr. Cadd got rid of the tenant who was causing the problems. It would be fair to let him develop the business since it will be good for our community. He said the CU should be approved.

Scott Sindic, N20W28456 Oakton Rd.

Mr. Sindic stated he is a life-long resident of the Town and has been in the car business for 42 years. He has been talking with Mr. Cadd about opening a car business in Mr. Cadd's facility. He'd be happy to be a business owner in the Town and run his business in this location. He said the property hasn't looked better and it would be a shame not to let Mr. Cadd keep his permit. Some updating is needed in the facility. This business location is a great asset for the community and he would like to run his business there.

Sharlene Konkol, N27W29960 Maple Ave.

Ms. Konkol is a tenant of Mr. Cadd's at another location and is both a resident of the Town of Delafield and a member of the Park & Recreation Commission. She stated this property has never looked better. She came to speak regarding Mr. Cadd's character and how he has helped her business grow due to the resources Mr. Cadd provided for the property she rents from him.

Bill Morrow W280N5020 Jerilane Ct, Merton

Mr. Morrow lives two blocks north of Mr. Cadd's property and has owned three car lots. He estimates this property could have up to 16 employees in the future and would be a great asset for this area. The property has been improved and is now a beautiful facility in a good location, but it needs a tenant. He hopes the Town will give Mr. Cadd a chance to get the business up and running since he's got a car dealer with many years of experience interested in the property. He stated that to shut the property down and pull the permit won't do the Town or Mr. Cadd any good.

John Troutt, N21W28964 Louis Ave

Mr. Troutt has known Mr. Cadd for over 20 years. He stated it takes time to develop a business property like this. He believes a lot of the issues discussed were due to the former tenant not doing what Mr. Cadd tried to help him with. He said Mr. Cadd has a lot of properties in the area and should have the continuing opportunity to develop this property. To change in mid-stream would be anti-development and anti-business.

Mr. Kanter responded to some of the comments, stating that he makes no apologies for the Town's strict rules. He was happy the fence has been addressed. The property was purchased without Mr. Cadd coming to the Plan Commission or Town Engineer to discuss what could be done at that location. Mr. Cadd has had a year to come into compliance on the CU with very limited conditions and considers it serious that until recently nothing had been done. He was hopeful to hear Mr. Sindic's possible plans for the property and wondered what Mr. Cadd's plan of operation going forward will be – what does he plan for the future of the property?

Attorney Andriga said he is not prepared to address the plan of operation. The issue he sees is the violation. He again reviewed the tenant situation and stated the plan is to move this property to be a car dealership.

Mr. Cadd has a dealership license and has been approached by 2 others with dealership licenses regarding this property and is in negotiations with them, but nothing is solidified. There has been no change in the plan of operation at this time. There hasn't been a violation of the plan of operation.

Mr. Oberhaus stated the review of plan of operation was required at this time. It would be a review of where are we and where are we going.

Mr. Cadd presented a sample of the board he used to build the fence. He's proud of it and it's better than anything he would have put up quickly to facilitate the CU last fall. He's hired the retired owner of Jack Saforo and will work with Scott Sindic in developing a business plan to go forward. He discussed the difficulties of creating a car dealership and stated he had wrong person involved previously and he takes full responsibility for what happened in the past. Has since built a lot of good will with his past customers. He hopes to have an agreement for the new business by the end of the year. He wants to move forward in a positive direction as soon as possible.

Mr. Sindic agreed that fall is realistic. This is a high-end area with tons of potential. He believes this business will represent the Town of Delafield well. As a life-long resident of the Town he wants to do this right. He stated that if Mr. Cadd sold the property the Town could have the same problems in 2 years.

Engineer Barbeau questioned what was happening at the site today. Mr. Cadd explained that the Aster Hotel vehicle has a door that needs to be replaced. A trailer is for the equipment needed for the fence construction and property grading. The vans in the back will be for sale. The large RV is a friend's personal vehicle which is being parked there with no compensation to Mr. Cadd. If the Town wishes it gone, Mr. Cadd will have it removed from his property.

Mr. Oberhaus called the public hearing to a close at 7:42 p.m.

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

Chairman Oberhaus called the meeting to order at 7:42 p.m. and led all in the Pledge of Allegiance.

Second order of business: Approval of the minutes of June 2, 2015

**MOTION BY MS. DUNDON, SECONDED BY MR. COOLEY, TO APPROVE THE MINUTES OF THE JUNE 2, 2015 PLAN COMMISSION MEETING.
MOTION CARRIED.**

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

Plan Commission members received a copy of an email from Engineer Barbeau to Summerstage of Delafield regarding their sign. Engineer Barbeau stated that Summerstage has been notified by the DNR that their sign must be removed and combined with the Lapham Peak sign.

Mr. Kanter said this is an issue the Town has been dealing with for over a year and Summerstage needs to meet the requirements in the Town's sign code. Unless this issue is resolved, he requests that it be placed on the Plan Commission's August Agenda for revocation of the Sign Permit.

Plan Commission members received a copy of emails from Engineer Barbeau regarding the Golden Anchor property and stone having been added where the Town and County required and approved a landscaped area. The intent was to be sure that that area was not used for parking. The Town's experience with rock/gravel near the lake has not been good. The area should be grass. He will follow-up with both Mr. Hastings and with Waukesha County.

Fourth order of business: Unfinished Business: None

Fifth order of business:

New Business:

A. James Cadd, Watercrest Investments

Re: Consideration and possible action to recommend termination of the Conditional Use Permit to the Town Board on lands located at N47 W28229 Lynndale Road.

Mr. Kanter doesn't think there are grounds to revoke the permit at this time. He's encouraged by what is happening and potential plans as described by Mr. Sindic and Mr. Cadd.

MOTION BY MR. KANTER, SECONDED BY MR. KRANICK, TO RECOMMEND TO THE TOWN BOARD THAT MR. CADD'S CONDITIONAL USE PERMIT ON LANDS LOCATED AT N47W28229 LYNDALE ROAD NOT BE REVOKED WITH THE FOLLOWING TWO CONDITIONS:

- **THERE IS TO BE NO STORAGE OF PRIVATE ITEMS OR VEHICLES ON THE PROPERTY.**
- **PRIOR TO ANY NEW BUSINESS OPENING ON THIS PROPERTY, MR. CADD MUST RETURN AND OBTAIN PLAN COMMISSION APPROVAL OF A PLAN OF OPERATION FOR THE NEW BUSINESS.**

MOTION CARRIED.

B. Dan Rabay, Ridgepoint Centre owner, David Fife and Julieta Ramirez, operators

Re: Consideration and possible action on a request to approve the Plan of Operation and wall sign for Lake Country Acupuncture to be located in Suite 103 of the Ridgepoint Centre development located at W307 N1497 Golf Road.

Engineer Barbeau explained that Mr. Fife and Mrs. Ramirez are requesting a plan of operation and sign approval to operate a medical type facility within the Ridgepoint Centre building. The location will be Suite 104 on the lower level, previously occupied by Guyder Financial Services. The operators will be the only employees at the facility. This request is for a medical facility similar to the one located on the upper level of the same building. Other tenants of the building have business hours until as late as 9 p.m. This request is for business hours of 10 a.m. to 8 p.m., Monday through Thursday. The business will be closed Friday through Sunday. They understand that if they expand to Friday, Saturday or Sunday hours, they will need to return for Plan Commission approval of a revised plan of operation.

Mr. Fife explained the requested hours of operation work well at their facility in Milwaukee. Regarding disposal of medical supplies, Mr. Fife clarified that the business follows a clean needle policy for disposal of hazardous items and have waste bins for other, unisolated materials. They plan to begin work in the building August 1 but will officially open September 1, 2015.

Engineer Barbeau stated the proposed sign will have all upper case letters with white LED lights behind the sign. The proposed sign meets the overall area requirements of the sign guidelines for this development. The upper case letters do not meet the minimum height of 12-inches; however he recommended that the Plan Commission grant the use of the smaller upper case letters as requested and illustrated on the attachment and as allowed in the sign guidelines for this development.

Engineer Barbeau recommended approval of the plan of operation and proposed signs on the east façade of the building for Lake Country Acupuncture with the following conditions:

1. The applicant shall complete a sign permit application prior to the time of installation and submit it to the building inspector.
2. The applicant is responsible for reimbursing the Town of Delafield for all costs and expenses of any type that the Town incurs in connection with this document, including the cost of professional services incurred by the Town (legal, engineering, planning, consulting) for the review and preparation of the required documents or attendance at meetings or other related services for this application, as well as

enforcement of conditions associated with any conditional approval in the event of a violation of the conditions.

**MOTION BY MS. DUNDON, SECONDED BY MR. KANTER, TO APPROVE THE PLAN OF OPERATION AND THE PROPOSED SIGNS SUBJECT TO THE CONDITIONS OF THE TOWN ENGINEER.
MOTION CARRIED.**

- C. Lee and Nancy Dlouhy W294 N3107 Bittersweet Lane
Re: Consideration and possible action on a request to amend the Town Street and Highway Width Map to reduce Bittersweet Lane and Hill Street from proposed 66 feet right-of-way to the platted right-of-way width of 30 feet.

Engineer Barbeau explained that the Town Board received a request to amend the Town Street and Highway Width Map to make Bittersweet Lane and Hill Street 30 feet wide rather than 66 feet wide as shown on the map. Bittersweet Lane is located off of Hillcrest Drive, west of Poplar Lane. Hill Street is an unimproved roadway that is located at the north end of Bittersweet Lane.

Both Streets were platted in 1926 at 30 feet wide. Bittersweet Lane ends at Outlot No. 3 of Woodridge Estates subdivision. Based on the Town's approval of the Woodridge Estates subdivision, Bittersweet Lane will never be extended. Hill Street is an unimproved roadway that partially serves as a driveway to one home. It will not serve any additional homes. The Plan Commission recently allowed a similar reduction on Poplar Lane.

The Town does not maintain or plow these roads and the owners do not want the Town to do so.

The Dlouhys want to put an addition onto their home. With the 66 foot width, they will need to request variances. This home and road are in the Shoreland District so the County will be involved.

Plan Commission members requested that the Town Engineer clarify with the Town Attorney if this involves public or private roads before any action is taken on the request. Engineer Barbeau was directed to explain the action to the Dlouhys and to talk with Attorney Larson.

**MOTION BY MR. KANTER, SECONDED BY MR. COOLEY, TO TABLE THIS ITEM.
MOTION CARRIED.**

- D. Town of Delafield Park and Recreation Commission
Re: Consideration and possible action to approve the proposed park improvements for KE Park, located on CTH KE between the Woodridge Estates subdivision and Summerhill subdivision.

Engineer Barbeau explained that the Town Park & Recreation Commission has been working with Registered Landscape Architect Tom Mortenson of R.A. Smith National on an overall plan for the development of lands known as KE Park. Public comments were welcomed through the Town web site and at one of the Commission's regular meetings. The Commission approved a plan and were now seeking Plan Commission review and approval of the proposed park improvements and a recommendation for the Town Board regarding the proposal. Engineer Barbeau recommended approval of the proposed KE Park plan dated 4/14/2015 and that the matter be forwarded to the Town Board with a positive recommendation for approval and implementation. In addition, he recommended that the Town commence rezoning the property to P-1 Park and Recreation District.

Angela Lorbach, Park and Recreation coordinator, explained that the Commission's goal is to start development of the park in spring 2016 beginning with grading and installing the asphalt walking path. The parking lot will have 11-12 parking stalls. Portable restrooms will be available. A nature-based play set (slide built into a hill, organic color scheme, etc.), picnic area and shelter, and at least 1/3 of the planned trees will

also be among the amenities to be completed first. The shelter will be similar in size to the one at the Sports Commons. They will seek bids next winter. This will be a passive park with connecting bike paths and the later addition of a sports court. A cross-walk across KE will be discussed with the County. There are no plans to have lights in the park at this time.

MOTION BY MR. KANTER, SECONDED BY MR. KRAUSE, TO APPROVE THE PRELIMINARY PLAN FOR THE PROPOSED PARK IMPROVEMENTS FOR KE PARK AND TO RECOMMEND TO THE TOWN BOARD THAT THE TOWN COMMENCE REZONING THE PROPERTY TO P-1 AND COMBINE THE PROPERTY INVOLVED INTO ONE TAX KEY PARCEL.

MOTION CARRIED.

Sixth order of business:

Discussion:

- A. Jeremiah Williams Family Partnership, N3 W29350 Bryn Drive, by Lloyd Williams, W289 N520 Elmhurst Road
Re: Discussion regarding the planning and future residential development of 300 acres of land owned by the Williams family located in the Northeast, Northwest and Southeast one-quarter sections of Section 35, Town of Delafield (Tax Key Nos.: DELT 0860-994, 0857-999, 0858-998 and 0858-996).

Carl Tomich, Westridge Builders, stated he is a Town resident and homebuilder who is working with the Williams families. He presented the concept plan for a new subdivision on just over 400 acres of land. The subdivision plan is being designed by Nicholas Patera, Teska Associates, Inc., who also worked on Hawksnest and Still Meadow subdivisions.

Mr. Patera said he designed the comprehensive concept plan with respect for the hills, views, typography, farm buildings, and history of the property and is trying to incorporate the Welsh background of the owners into the subdivision. It encompasses 409.47 acres. Entrances are planned for on Hwy. 18, Elmhurst Dr., and Bryn Dr. He wants to work with the natural drainage, land use patterns, natural valleys and hills, and leave a lot of open space to enjoy the views. He proposes lots no smaller than 36,000 sq. ft. with some being just over 1 acre. The current site plan shows 135 homes distributed across the subdivision with 56 being north of Bryn Dr., and 79 south of Bryn Dr. spaced in clusters. He plans a network of trails through the woods and is discussing the possibility of a wooden lookout tower on the property. The plan allows for over 200 acres of open space.

Mr. Tomich stated that Engineer Barbeau suggested A-1 zoning which the property is already zoned. That allows for 2.75 acres per unit with a minimum of 36,000 sq. ft. lots and a minimum lot width of 150 sq. ft. The concept plan shows 49% open space, exceeding the 40% required. Lot 17 connects to Hwy. 18. Bryn Drive can't handle all of the traffic, so an entrance is also planned for Elmhurst Rd. This would be a multi-phase subdivision. The plan uses old, existing farm roads. Lot 65 is the only lot in a wooded location. The Williams may choose to add land to Tabernacle Cemetery during this process.

Engineer Barbeau explained this does not involve the Judith Williams property along Elmhurst. She will be presenting a separate proposal at the August Plan Commission meeting.

Plan Commission response:

Ms. Dundon: She does not want to see this property developed but understands it will happen.

Mr. Krause: The plan looks great; he loves the density and complimented the plan.

Mr. Oberhaus: He would like to see the property remain agricultural. He questioned the location of the Hwy. 18 entrance and was told it will be east of the home that was just built which will have its own CSM. Mr. Oberhaus congratulated the developer on saving the old farm buildings. He would like to see the Judith Williams property included in this development.

Mr. Kranick: Stated this is a good plan but he hopes they will take Lot 65 out and leave the woods undisturbed.

Mr. Kanter. Understands the development will take place but he doesn't want it to happen. He asked about the ponds shown on the plan and was told the main pond in the north meadow may have a fountain. The developer is still working on design. The trail system being open to the public has not been discussed yet. Mr. Kanter encouraged the developers to make those paths open to the public and suggested a small parking lot be available for those using the walking path and to allow access to the tower. He agreed development in the woods should be avoided and that the buildings should be saved and included in the subdivision.

Engineer Barbeau questioned access to Hermie Lane and the area north of Lot 17. He also expressed concern on behalf of the Highway Department regarding the slopes of the roads and the grades. The developer responded that there is an easement extending from Hermie Lane but the developer didn't want to connect to that road and have another entrance. There is a gap between Lots 61 and 62 for that purpose, if necessary. Engineer Barbeau complimented the comprehensive plan but said it needs refinements and discussion. He agreed it would be good to include the Judith Williams property in this development rather than having 3-4 lots along Elmhurst. Lloyd Williams explained that he has tried to involve her but she has declined to be part of this development. Engineer Barbeau needs to review available lot allocations.

Regarding the development timeline, Mr. Tomich hopes to apply for a public hearing on this project in August. He would like to be able to show the concept plan at this year's Parade of Homes. This plan has approximately 4.5 miles of roads and as many trails. The south side of Bryn Dr. will be the first area developed. He assumes there will be a combination of mound systems and conventional septic systems in this location.

Seventh order of business: Announcements and Planning Items:

Next meeting- Tuesday, August 4, 2015

Mr. Fife stated he would like to put up a temporary banner by the Ridgepoint Centre announcing his business opening. He was directed to talk with the Building Inspector for a permit and direction regarding the time limit and size parameters.

Eighth order of business: Adjournment

**MOTION BY MR. KRAUSE, SECONDED BY MR. COOLEY, TO ADJOURN AT 9:10 P.M.
MOTION CARRIED.**

Respectfully submitted,

Lauren Beale
Deputy Clerk/Treasurer

Minutes approved on: August 4, 2015