



## A PERFECT ENVIRONMENT

Residential      Recreational      Responsible

**Chair**  
Edward Kranick  
**Supervisors**  
Steve Michels  
Joe Woelfle  
Magalie Miller  
Terri Mahoney-Ogden  
**Clerk/Treasurer**  
Dan Green

### TOWN OF DELAFIELD PLAN COMMISSION MEETING

Tuesday, November 7, 6:30 p.m.

Town of Delafield Town Hall W302 N1254 Maple Avenue, Delafield, WI 53018

Prior to the start of the scheduled Plan Commission meeting there will be a joint public hearing in front of the Town Board and Plan Commission to consider the repeal of Section 17.10 5. H. Protest of the Town of Delafield Municipal Code. The regularly scheduled Plan Commission meeting will begin immediately following the conclusion of the public hearing.

### AGENDA

1. Call to Order and Pledge of Allegiance
2. Approval of the minutes of October 3, 2023.
3. Communications (for discussion and possible action):
  - A. Waukesha County (10/12/23), Conditional Approval of CSM for 229 Lynndale Road, LLC. (Beaudry).
4. Unfinished Business: None
5. New Business:
  - A. Ben Rolfs, S65 W37850 Couty Road ZZ, Eagle, WI, Re: Consideration and possible action on a request for the approval of a plan of operation to operate OsteoStrong Wellness Center located in Unit 103 of Ridgepoint Centre, located at W307 N1497 Golf Road.
  - B. Town of Delafield, Re: Consideration and Possible action on the repeal of Section 17.10 5. H. Protest of the Town of Delafield Municipal Code.
6. Discussion: None
7. Announcements and Planning Items: Next meeting: December 5, 2023.
8. Adjournment

### PLEASE NOTE:

- ✓ It is possible that action will be taken on any of the items on the agenda and that the agenda may be discussed in any order. It is also possible that members of and possible a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.
- ✓ Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Town Clerk Dan Green (262) 646-2398.

**TOWN OF DELAFIELD  
PLAN COMMISSION MEETING  
TUESDAY, OCTOBER 3, 2023, 6:30 P.M.**

**Video Link:** <https://www.youtube.com/watch?v=tsmaPndcPZQ>

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

Chairperson Fitzgerald called the meeting to order at 6:30 p.m. and led all in the Pledge of Allegiance.

Members present: Chairperson Kranick, Commissioner Dickenson, Commissioner Mihalovich, Commissioner Cummings, Commissioner Janusiak, and Plan Commission Chairperson Fitzgerald.

Also present: Engineer Tim Barbeau and Administrator Dan Green.

Supervisor Michels was excused.

**Second order of business:** Approval of the minutes of August 1, 2023.

Motion by Chairman Kranick to approve the minutes from August 1, 2023. *Seconded by Commissioner Dickenson. Motion passed 6-0.*

**Third order of business:** Communications (for discussion and possible action): None

**Fourth order of business:** Unfinished Business: NONE

**Fifth order of business:** New Business:

- A. Patricia Collins, W298 N2778 Locust Lane, Re: Consideration and possible action on a request to adjust a lot line on the Collins property to address an encroachment by an adjoining lot owner. Tax Key No. DELT 0774-033.

Engineer Barbeau explained this property is located on a private drive. Where the lot is to the northwest, the lot line looks to encroach on to the house. The engineer told the homeowner to get their own surveyor and get a survey done. The homeowners did the survey and found that the lot line was encroached upon by five to seven feet to the southeast. The two lot owners did a deed transaction to swap land, so there would not be an encroachment. This needs to be approved by the Plan Commission as a requirement in the Town Code. The engineer recommended approval.

*Motion by Chairman Kranick to allow the land transfer to take place at W298 N2778 Locust Lane. Seconded by Commissioner Cummings. Motion passed 6-0.*

- B. Tom Beaudry, 229 Lynndale Road, LLC, Re: Consideration and possible action on the re-approval of a Certified Survey Map to split his land at N47 W28229 Lynndale Road into two parcels.

Engineer Barbeau explained this property is located north of Hwy 16 and south of Hwy JK. This lot has Cassandra's Motorsports on the west side of the lot. There were potential development discussions on the eastern lot. The Town approved the CSM in August of last year which created two lots and a stormwater pond. The State Statutes require the CSM be recorded within a year of approval. Because we are outside of the one-year timeframe, it needs to be reapproved. Waukesha County realized that they never saw the CSM, but have jurisdiction in the southeast portion of the lot. The County will need to review the CSM as well. The engineer recommended approval subject to Waukesha County's approval.

*Motion by Chairman Kranick to approve the Certified Survey Map subject to Waukesha County's comments, and receiving the shared driveway agreement. Seconded by Commissioner Dickenson. Motion passed 6-0.*

- C. Leigh Peterson, W240N2385 Pewaukee Road, Re: Consideration and possible action on a request for an exemption to the height restrictions to construct a chimney and flue, and a cupola on a house (to a maximum height of 44'10"), and a cupola on an accessory structure (to a maximum height of 30'-1/2").

Engineer Barbeau explained this property is located along the lake, south of Franciscan Road. It is adjacent to Oakwood Grove Road, within the shoreland district. Waukesha County has a requirement that principal building height can only be 42 feet and 18 feet for accessory structures. Any additional height would require additional offsets of the same distance. The Shoreland zoning code says the Town can allow an exception to the height restrictions for ornamental towers. There is no limit to how high they can go. It is up to our Plan Commission on what height we would allow. This item will go back to Waukesha County with the Town's recommendation. They are asking for 44'10". The Town's code allows a height of 45'. If that house was outside of shoreland zoning, we would allow it. Our accessory building limit is 20 feet, but would allow an additional 10 feet. The County has pushed this back for the Town's recommendation. The engineer recommended allowing the exemption of 2'10" for the principal building and allowing 5'6" for the accessory building.

*Motion by Chairman Kranick to approve the exemption to the height restrictions by 2'10" for the principal structure, and 5'6" for the accessory structure. Seconded by Commissioner Cummings. Motion passed 6-0.*

**Sixth Order of Business** Discussion: None

**Seventh Order of Business**: Announcements and Planning Items: Next meeting: September 5, 2023.

**Eighth Order of Business**: Adjournment

*Motion by Chairman Kranick to adjourn the October 3, 2023, Plan Commission meeting at 6:49 p.m. Seconded by Commissioner Dickenson. Motion passed 6-0.*

Respectfully submitted,

Dan Green, CMC, WCMC  
Administrator-Clerk/Treasurer



**Waukesha County**  
*Department of Parks and Land Use*

**TO:** Town of Delafield Clerk

**NOTICE OF:** Conditional Approval of Certified Survey Map

**DATE OF REVIEW:** October 12, 2023

**RE:** Certified Survey Map for: **229 Lynndale Rd, LLC\_Thomas Beaudry**  
**File No. SCS-1497**

**LOCATION:** Part of the NE ¼ of Section 1, T7N, R18E, Town of Delafield. More specifically, the property is located at N47 W28229 Lynndale Road.

**TAX KEY NO.:** DELT 0721.999

**SUBMITTED BY:** 229 Lynndale Road, LLC.  
Thomas Beaudry  
N47 W28229 Lynndale Road  
Pewaukee, WI 53072

**SURVEYOR:** Chris Jackson  
CJ Engineering  
9205 W. Center St., Ste. 214  
Milwaukee, WI 53222

**DATE RECEIVED:** September 19, 2023

**DATE OF CSM:** August 23, 2023

**APPLICABILITY:** The above subject Certified Survey Map has been reviewed by the staff of the Waukesha County Department of Parks and Land Use pursuant to the provisions of the Waukesha County Shoreland and Floodland Subdivision Control Ordinance as authorized by S.236.34 and S.236.45, Wisconsin Statutes.

**Planning and Zoning**

**REMARKS:** Conditional Approval of this Certified Survey Map is based on the following conditions being satisfied prior to the Director affixing his signature to the Final Certified Survey Map:

1. The surveyor's seal, signature, and date must appear on all sheets of the Final Certified Survey Map. The same revision date must be noted on all sheets of the Final Certified Survey Map.
2. The legend on Sheet 1 shall contain all resource boundaries, including floodplains, wetlands, and environmental corridor.
3. All easements, such as proposed or existing drainage ways or easements, and/or **utility easements** shall be shown on the CSM. Any related recorded document numbers shall also be noted on the CSM.
4. The 300 ft. measurement from the shoreland boundary on sheet 1 should be removed, as Waukesha County's Shoreland and Floodland Protection Ordinance jurisdictional boundary ends at the 100-year floodplain boundary.
5. The owners of abutting unplatted lands shall be added to the lots on Sheet 1.
6. On Sheet 1, "Flood Plane" shall be revised to "Floodplain".
7. The Environmental Corridor boundary should be updated to match the Waukesha County GIS, unless documentation is presented from SEWRPC that confirms the PEC boundary is the same as the floodplain boundary as indicated on the CSM. The source of the data shall also be noted on the CSM, for example "Approximate Primary Environmental Corridor from the SEWRPC 2015 inventory as shown on the Waukesha County GIS site". In addition, the current label for the PEC is spelled incorrectly (primary inventory corridor vs. primary environmental corridor).
8. The source of the elevation (FEMA FIRM Map No. 55133C0181G revised on Nov. 5, 2014) shall be identified on the Certified Survey Map.
9. Please contact Jason Mayer with the Waukesha County Department of Public Works to discuss necessary improvements to the exiting access point on C.T.H JK due to the proposed use on Lot 2. This includes providing a site plan and a written statement from the owner identifying how much traffic the business will generate. Jason can be reached at [jmayer@waukeshacounty.gov](mailto:jmayer@waukeshacounty.gov). Prior to the Director affixing his signature on the Final CSM, documentation must be submitted that confirms DPW has consulted on the proposed use of the property and if access improvements are necessary.
10. County Highway JK shall be labeled with a 100 ft. wide right of way.
11. The Waukesha County Street and Highway Width Map designates the established road right-of-way of CTH JK as 100 feet wide. Therefore, Lot 2 must dedicate an additional 17 ft. of right-of-way, which would equate to 50 feet from the centerline of the road right-of-way along CTH JK. This dedication must be reflected on the face of the Certified Survey Map as "Dedicated to the Public for Road Purposes". Lot sizes shall be modified accordingly or stated in with and within the right of way dedication.

12. The following restrictions shall be added to the CSM:

**FLOODPLAIN/WETLAND/PRIMARY ENVIRONMENTAL CORRIDOR  
RESTRICTIONS**

**Those areas identified as a Floodplain/Wetland/Primary Environmental Corridor Preservation Area on Page 1 of 5 of this Certified Survey Map shall be subject to the following restrictions:**

1. Grading, filling and removal of topsoil or other earthen materials are prohibited, unless specifically authorized by the municipality in which this land is located and, if applicable, the Waukesha County Department of Parks and Land Use, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
  2. The removal or destruction of any vegetative cover, i.e., trees, shrubs, grasses, etc., is prohibited, with the exception that invasive, dead, diseased, or dying vegetation may be removed, at the discretion of the landowner, and with approval from the Waukesha County Department of Parks and Land Use-Planning and Zoning Division. Silvicultural thinning, upon the recommendation of a forester or naturalist and with approval from the Waukesha County Department of Parks and Land Use-Planning and Zoning Division, shall also be permitted.
  3. Grazing by domesticated animals, i.e., horses, cows, etc., is prohibited, unless grazing is conducted in order to manage invasive vegetation and approval is obtained by the Waukesha County Department of Parks and Land Use-Planning and Zoning Division.
  4. The introduction of plant material not indigenous to the existing environment is prohibited.
  5. Ponds are prohibited unless designed to enhance the natural environment. Ponds that may be permitted are subject to the approval of the municipality in which they are located and, if applicable, the Waukesha County Department of Parks and Land Use, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
  6. The construction of buildings is prohibited.
13. Based on the site plan dated June 2, 2022, some of the condominiums do not meet the 75 ft. setback from the wetlands. The Town may wish to review the most recent site plan to ensure compliance with the Town's wetland setback.
14. The following note shall be placed on the Certified Survey Map:  
Waukesha County shall not be liable for any fees or special charges in the event they become the owner of any lot or outlot on this Certified Survey Map."

15. A “Certification of Compliance” must be approved by the Land Resources Division of the Waukesha County Department of Parks and Land Use prior to the Director affixing his signature to the Certified Survey Map.”
16. The Preliminary Site Evaluation for Lot 1 noted the following deficiency of the existing sanitary system: the vent pipe on the soil absorption system was missing thus preventing the proper evaluation of the private sewage system. The purpose of the vent pipe is to provide a free flow of air throughout the system and for evaluation purposes. If this repair is made, it must be done by a master plumber or licensed private sewage system installer.
17. Waukesha County Environmental Health Division is willing to issue holding tank permits for new commercial construction projects however, more information would be needed to determine the appropriate number/size of holding tanks. Additionally, depending on the type and amount of wastewater, State DNR and/or DSPS may need to be included in the review. It appears that the plan is for these condos to share holding tanks. If this is the case, the requirements of Waukesha County Code Sec. 14-582 Private Sewage System Types. (a) (4) will need to be met (see excerpt below):

*Condominium Private Sewage Systems:* For a private sewage system serving multiple units/buildings, owned by multiple owners and located on the same property as the unit/building, the owner/association must accept responsibility for the operation and maintenance of the private sewage system and have the local municipality provide written acceptance of this responsibility should the owner/association fail to do so.

**Please contact Skylar Behm, Environmental Health Supervisor at 262-896-8300 or [sbehm@waukeshacounty.gov](mailto:sbehm@waukeshacounty.gov) to discuss permitting requirements.**

18. The following notes shall be added to the Certified Survey Map:

#### Storm Water Management Practice Maintenance

The titleholders of Lots 1 and 2 of this CSM shall each hold 1/2 undivided and nontransferable interest in Outlot 1, where the storm water management practices are located. There are one or more separate documents recorded on the property title through the Waukesha County Register of Deeds entitled “Storm Water Management Practice Maintenance Agreement” (“Maintenance Agreement”) that apply to Outlot 1.

#### Easements

All of Outlot 1 is a drainage easement, reserved for storm water collection, conveyance, and treatment. No buildings or other structures are allowed in these areas. No grading or filling is allowed in these areas that may interrupt storm water flows in any way. The Maintenance Agreement may contain specific maintenance requirements for these areas. The Town of Delafield, Waukesha County or their designee is authorized access in these areas for purposes of inspecting the storm water management practices or enforcing the terms of Maintenance Agreement.

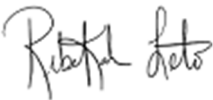
All lands within areas labeled “access easement” shall remain clear of trees, shrubs and any structures that may interfere with the free movement of vehicles that may be needed to enter the area for maintenance purposes. The Town of Delafield, Waukesha County or their designee are authorized access to these areas for purposes of inspecting the storm water management practices or enforcing the terms of the Maintenance Agreement.”

- 19. The approved Maintenance Agreement shall be recorded immediately following the recordation of the CSM.
- 20. The jurisdictional limits of the Waukesha County Shoreland and Floodland Protection Ordinance which are to the extent of the floodplain boundary, shall be shown on Sheet 1 of the Certified Survey Map and labeled, “Waukesha County Shoreland and Floodland Protection Ordinance Jurisdictional Limits”.
- 21. If there is an outstanding mortgage on the property, a Signature Certificate for the mortgage holder must be added to the Certified Survey Map.
- 22. In the surveyor’s certificate, “Registered Land Surveyor” should be changed to “Professional Land Surveyor” in the first sentence and under the signature line.
- 23. **Please submit a *revised* Certified Survey Map for review and approval. Our office will contact you once we have reviewed the *revised* CSM and advise if your CSM has been approved. If and when approved, you may then contact the County Planning and Zoning Division Office to schedule an appointment for the County signature on the original copy of the Certified Survey Map provided by your surveyor.**
- 24. **Please be advised that the CSM, and its subsequent revisions, that are the subject of this review must be recorded with the Waukesha County Register of Deeds office within one (1) year of the date of this CSM Conditional Review Letter or the review is nullified, and the applicant must resubmit documentation and payment for a new review.**

SIGNED:

  
 \_\_\_\_\_  
 Erica Anderson, Land Use Specialist  
 (262) 548-7790

REVIEWED AND APPROVED BY: \_\_\_\_\_

  
 \_\_\_\_\_  
 Rebekah Leto, Senior Planner

cc: Thomas and Cassandra Beaudry, owners, [cassandra@cassandramotorsports.com](mailto:cassandra@cassandramotorsports.com) (via email only)  
 Christopher Jackson, surveyor, [chris@cj-engineering.com](mailto:chris@cj-engineering.com) (via email only)  
 Jorge Salazar-Oyarce, Wisconsin DOT, [jorge.salazaroyarce@dot.wi.gov](mailto:jorge.salazaroyarce@dot.wi.gov) (via email only)  
 Skylar Behm, Waukesha County Environmental Health Division (via email only)  
 Leif Hauge, Waukesha County Land Resources Division (via email only)



Jason Mayer, Waukesha County Department of Public Works (*via email only*)  
Tim Barbeau, Town of Delafield Engineer/Planner, [tim.barbeau@rasmith.com](mailto:tim.barbeau@rasmith.com), (*via email only*)  
Dan Green, Town of Delafield Clerk/Administrator, [dgreen@townofdelafield.org](mailto:dgreen@townofdelafield.org) (*via email only*)  
File

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Box Condos\1497 Beaudry review letter.docx

# Plan Commission Report for November 7, 2023

## **Ben Rolfs - OsteoStrong Agenda Item No. 5. A.**

Ben Rolfs

Applicant:

Project:

OsteoStrong

Requested Action:

Approval of Plan of Operation

Zoning:

B-1 Restricted Business

Location:

W307 NN1497 Golf Road

### **Report**

Mr. Rolfs has permission from the owner of Ridgepoint Centre to lease space to open OsteoStrong, a wellness center that uses procedures and equipment to increase bone density through a process called Osteogenic Loading. Other services include Red Light Therapy which promotes cellular regeneration and thyroid reduction; Pulsed Electro Magnetic Field (PEMF) Therapy and Hydro Massage.

There will be coaches on site at all times they are open. People can become members and use the facility as time allows. Mr. Rolfs anticipates 1-4 members to be in the facility at any one time. There will also be occasional open house events and facility tours where 5-10 people are invited to see the facility and learn about the services provided.

Normal hours of operation will be from 7:00 am to 5:00 pm., Monday through Friday, and 8:00 am to 12:00 pm Saturday, with 2 or 3 weekdays that would be open until 8:00 pm (days have not been determined yet and will depend on member needs).

Proposed signage will follow the guidelines approved for that development and will be submitted to staff for approval.

Additional information is provided in their Plan of Operation material included with the application.

### **Staff Recommendation:**

The B-1 Restricted Business zoning district allows for business, professional and public service offices as permitted uses. The Town has approved other similar uses in the facility such as Santosha Yoga and Quintessa. Mr. Rolfs has indicated that this is not a gym and it is not considered a medical treatment. Based in the limited hours of operation and the general use being wellness, I have no objection to the proposed plan of operation provided in Mr. Rolfs application.

Tim Barbeau, Town Engineer  
October 24, 2023





# **TOWN OF DELAFIELD PLAN COMMISSION APPLICATION**

## **Project Description**

Please answer the questions below that pertain to your request. If necessary, please attach a separate sheet.

### **PETITION FOR REZONING**

In the space below, please describe the purpose of the rezoning.

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### **PETITION FOR LAND USE AMENDMENT**

In the space below, please describe the purpose of the Land Use Amendment.

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### **PETITION FOR CONDITIONAL USE**

In the space below, please describe the purpose of the Conditional Use.

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### **PETITION FOR CERTIFIED SURVEY MAP / PRELIMINARY PLAT / FINAL PLAT**

In the space below, please describe the intention of the land division.

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### **PETITION FOR SITE PLAN / PLAN OF OPERATION / OTHER APPLICATION**

In the space below, please describe the intention for the site plan, plan of operation, or other application.

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# Required Forms for Submittal

## Required Forms Checklist:

- Legal Description (all applications)
- Professional Staff/Fees Chargeback Acknowledgement (all applications)
- Certification for Division of Land (Certified Survey Map land splits)

## Submittal Information:

- One (1) copy of this application (signed & dated)
- One (1) electronic copy of all supporting materials, i.e., drawings, plans and written documentation (via email to dgreen@townofdelafeld.org).
- Two (2) full size hard copies of all supporting materials, i.e., drawings, plans and written documentation of plans 11"x17" and smaller.
- Seven (7) copies of supporting materials larger than 11"x17".

I understand that this form shall be on file in the office of the Town Administrator by 4:00 p.m. on the 21st day before the meeting on which I desire to be heard or as required in the Land Division or Zoning Ordinance, whichever is longer. Plan Commission meetings are held the first Tuesday of each month. Furthermore, I understand that any engineering or legal review fees associated with this project may be charged to me.

FAILURE TO PROVIDE ALL REQUIRED MATERIALS AND INFORMATION CAN RESULT IN THIS APPLICATION BEING WITHDRAWN FOR CONSIDERATION BY THE PLAN COMMISSION.

Ben Roeln  
Signature of Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

## For Office Use Only

Application Received \_\_\_\_\_  
Date Received \_\_\_\_\_  
PC Meeting Date \_\_\_\_\_  
Public Hearing Date \_\_\_\_\_

Amount Received \_\_\_\_\_  
Received by \_\_\_\_\_  
Board Meeting Date \_\_\_\_\_

Publication Date (if required) \_\_\_\_\_



**TOWN OF DELAFIELD**

**PROFESSIONAL STAFF FEES CHARGEBACK ACKNOWLEDGEMENT**

**PLEASE BE ADVISED**

That pursuant to the Town of Delafield Code of Ordinances, the Town of Delafield Town Board has determined that whenever the services of the Town Attorney, Town Engineer or any of the other Town's professional staff results in a charge to the Town for that professional's time and services, and such service is not a service supplied to the Town as a whole, the Town Clerk shall charge that service and the fees incurred by the Town to the owner of the property. Also be advised that pursuant to the Town of Delafield Code of Ordinances certain other fees, costs and charges are the responsibility of the property owner.

\*\*\*\*\*

I, the undersigned, have been advised that, pursuant to the Town of Delafield Code of Ordinances, if the Town Attorney, Town Engineer or any other Town professional provides services to the Town as a result of my activities, whether at my request or at the request of the Town, I shall be responsible for the fees incurred by the Town. Also, I have been advised that pursuant to the Town of Delafield Code of Ordinances, certain other fees, costs and charges are my responsibility.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner's name (please print)

Form received by: \_\_\_\_\_

Date: \_\_\_\_\_

## TOWN OF DELAFIELD

### PLAN OF OPERATION FOR OSTEOSTRONG LAKE COUNTRY

1. Name of business, address, phone
  - a. OsteoStrong Lake Country
  - b. W307N1497 Golf Road #103
  - c. Delafield WI 53018
  - d. 262-649-1964
  - e. Corporate Website: <https://osteostrong.me/>
  - f. Lake Country Website: <https://centers.osteostrong.me/lake-country/>
2. Name of owner, address, phone, e-mail
  - a. Ben Rolfs
  - b. Vital Force Wellness LLC
  - c. S65W37850 County Road ZZ
  - d. Eagle WI 53119
  - e. 262-424-2689
  - f. [ben.rolfs@vitalforcewellnesswi.com](mailto:ben.rolfs@vitalforcewellnesswi.com)
3. Name of operator, address, phone, e-mail
  - a. Ben Rolfs
  - b. Vital Force Wellness LLC
  - c. S65W37850 County Road ZZ
  - d. Eagle WI 53119
  - e. 262-424-2689
  - f. [ben.rolfs@vitalforcewellnesswi.com](mailto:ben.rolfs@vitalforcewellnesswi.com)
4. Property legal description
  - a. LOT 1 CERT SURV 9989 VOL 93/146 REC AS DOC# 3262368 PT NW1/4 SW1/4 SEC 22 T7N R18E :: SUBJECT TO ACCESS EASEMENT IN DOC #3384509 DESC AS: COM NW CRNR SW1/4 SEC 22; S00°50'23"E 756.60 FT; S77°49'12"E 511.93 FT; S77°14'49"E 212.12 FT TO ARC OF CRVE; ELY 75.39 FT ALNG ARC OF CRVE TO R, RAD 1146.34 FT CHRDR BRS S75°21'46"E 75.38 FT; S00°50'23"E 333.91 FT TO BGN; S86°03'24"E 146.53 FT; S79°19'40"E 141.06 FT; S58°55'52"E 55.83 FT; S79°42'32"E 155.89 FT TO ARC OF NON-TANGENT CRVE; ELY 38.39 FT ALNG ARC OF NON-TANGENT CRVE TO L, RADS 64.04 FT CHRDR BRS N81°32'35"E 37.82 FT TO ARC OF CMPND CRVE; NELY 38.31 FT ALNG ARC OF CRVE RAD 68.73 FT CHRDR BRS N48°24'02"E 37.82 FT; N32°25'52"E 22.01 TO BGN
5. Zoning district
  - a. B-1 Restricted Business District
6. Explain the use of the property in detail
  - a. I am proud to be opening Wisconsin's first OsteoStrong, a franchised wellness center with over 160 locations in the US. OsteoStrong uses a set of proprietary procedures and equipment (called Spectrum) that have been scientifically proven to increase bone density through a process called Osteogenic Loading. This process is safe, drug free, and only takes about 10 mins to complete. This is not a gym and is not considered a medical treatment. Other benefits of this process also include increased muscle density, improved posture, better balance, decreased joint pain, and improved athletic performance. Osteogenic Loading is the core of the business and other supplemental offerings below are meant to support this.
  - b. Supplemental/optional offerings (these services are not offered separately from the Osteogenic Loading):

- i. Red light therapy, which promotes cellular regeneration and thyroid regulation, both which support bone health and growth. This consists of a small room equipped with specially designed red lights that members sit in for about 8 minutes.
    - ii. Pulsed Electro Magnetic Field (PEMF) therapy, which emulates the natural magnetic fields of Earth and helps reduce inflammation, supports bone health, and can improve circulation. This consists of a small PEMF mat that covers a chaise lounge chair that members lay on for about 10 minutes.
    - iii. Hydro Massage, which is used to relax members after a session and promote healthy muscle development. This consists of a massage lounger that members sit in for about 10 minutes.
  - c. Website: more details can be found here: <https://osteostrong.me/>
  - d. Flow of members:
    - i. Members are guided through the Osteogenic Loading process by a coach. It is important that members use the equipment properly to minimize risks and gain maximum benefits. This process takes 10-15 minutes. From there, members who have opted-in to some of the optional services can self-manage through the rest of their visit. There will be only 1-2 coaches on site, so there will usually only be 1-4 members in the facility at any given time.
  - e. There will be occasional tours and open house events where 5-10 people are invited to see the facility and learn more about the services provided. This will most often happen after normal business hours so as not to interfere with normal operations and parking.

## 7. Design and Buildout

- a. Being part of a franchise, there are brand and design standards the facility must adhere to. I am working with a professional design company called CDI to work through these details. The facility is going to look really sharp, highly professional, and clean.
- b. I have worked closely with CDI to utilize the existing space as much as possible. We are not making any significant changes to the structure or walls. Some minor interior walls will be added. Electrical outlets to be added as needed for equipment. We are also trying to use as much of the existing ceiling lighting as possible, but some additional fixtures may need new wiring.
- c. Initial floor plan attached.
- d. Design document with 3D renderings attached.
- e. Detailed construction document is in the works which will include all the details required for buildout. I have discussed this with Mike Hadley and will be reviewing with him as soon as this is available (planning on the week of 10/2).

## 8. Buildings, square footage, uses, total floor area

- a. This location uses an existing space at RidgePoint Centre, Suite 103.
- b. 1843 Square Feet
- c. Initial floor plan attached.

## 9. Outside storage of materials, what will be displayed

- a. None

## 10. Customer dockage, length of pier, show on site plan, number of mooring spaces

- a. None

## 11. Outside events, number, type

- a. None

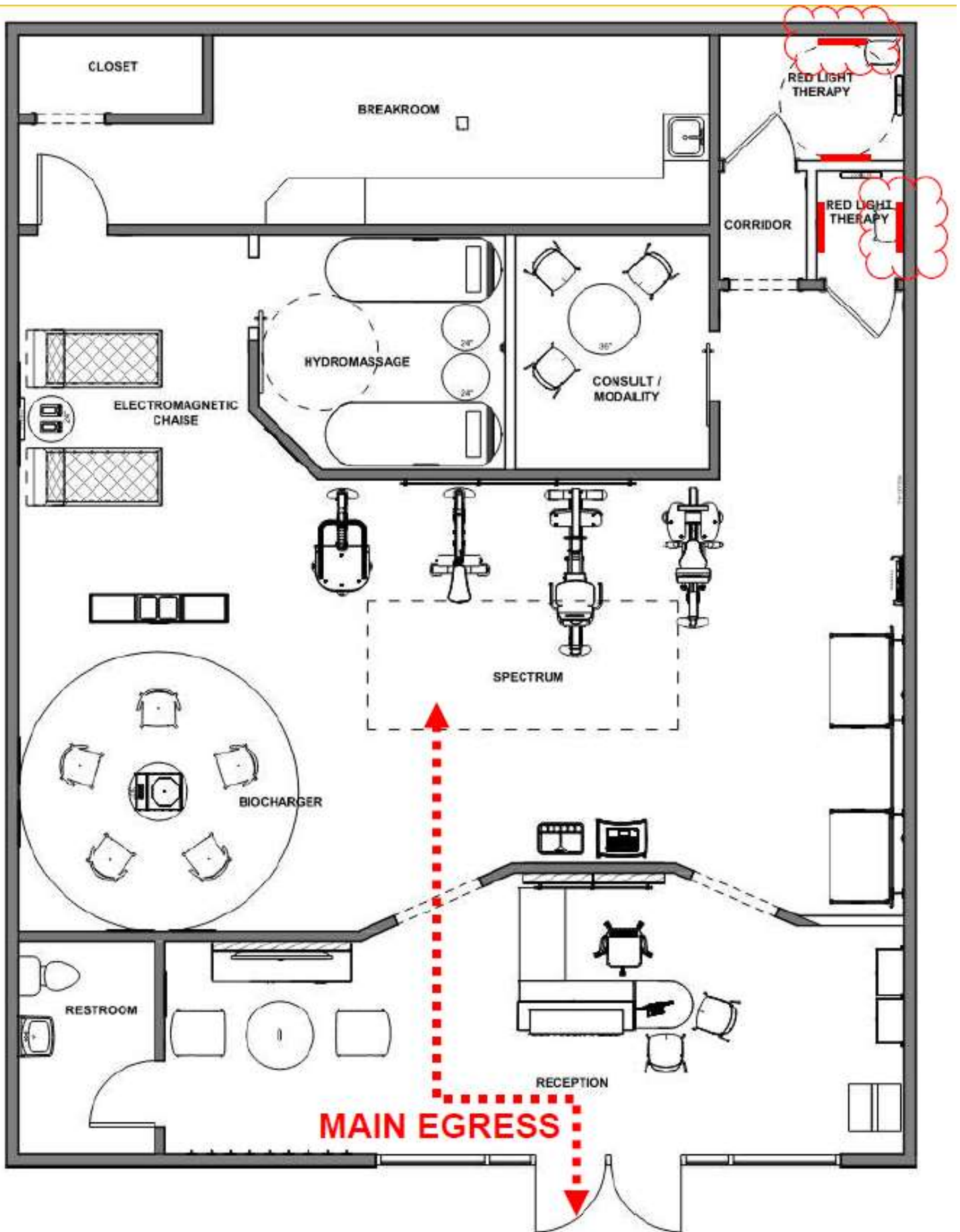
## 12. Number of full-time employees, number of part-time employees

- a. 1-3 full-time employees
- b. 1-3 part-time employees

## 13. Days of operation, hours of operation



- a. Exact hours are still being determined, but most operations will occur between 7AM and 5PM. As the center grows and I learn more about my member's scheduling needs, I would like to be able to be open until 8PM 2-3 days a week and on Saturday from 8AM-12PM.
14. Parking, number of spaces, dimensions on site plan, type of pavement, employee parking location, screening, anticipated traffic generation, can roads accommodate traffic
  - a. The OsteoStrong process has a flow where members step through a set of processes guided by a coach. There will normally only be 1-2 coaches on site, meaning only 1-4 members will be at the facility at any given time. Impact to parking and traffic should be very minimal.
15. Signs, free standing, wall signs, other, lighted, single or double faced, location on site plan
  - a. There will be an OsteoStrong sign on the outside of the building. I have received the master sign agreement for this facility and will adhere to the standards within. Some small vinyl signage will be placed on the glass entry doors (company name, logo, hours). All other signage will be interior branding. You can see much of this in the design document containing 3D renderings.
16. Food or bar service/, table seating capacity, bar seats
  - a. None
17. Outdoor music
  - a. None
18. Refuse disposal, dumpster location, screening, show on site plan
  - a. Using the existing system that is in place.
  - b. This business will only generate standard office refuse and recycling and should be very minimal as there are not really any materials required to run daily operations.
19. County highway access required?
  - a. The existing access to Golf Road is all I will need.
20. Sewage disposal system
  - a. Using the existing system that is in place.
21. Odor, smoke, noise resulting from this operation
  - a. Normal operations will not generate any external odor, noise, or smoke. There would be some noise generated during the remodeling process, but based on the current design, there is no major demo or construction so it should be very minimal.
22. Storm drainage facilities, show on site/grading plan
  - a. Using the existing system that is in place.
23. Expansion of existing use? Other use permits currently in place
  - a. This will only be used for OsteoStrong and therefore, no further expansion of use is expected.
24. Sale of items?, production of items, chemicals, hazardous waste, solvents stored on site, how disposed of?
  - a. Retail sales of supplements and small pieces of equipment will be sold here. Supplements would include small boxes or containers and equipment would items such as exercise and stretching bands. The retail space in the center will be small (a 6-8' section of wall with a product display). This is not a major part of the sales of this business. Deliveries of product would come through normal delivery services such as USPS/FedEx/UPS/Amazon.
25. Petroleum products sold on site
  - a. None
26. Boarding of horses? Number of horses,
  - a. None
27. Existing facility inspection by the fire department
  - a. I have been in contact with the fire department and will initiate all required inspections.



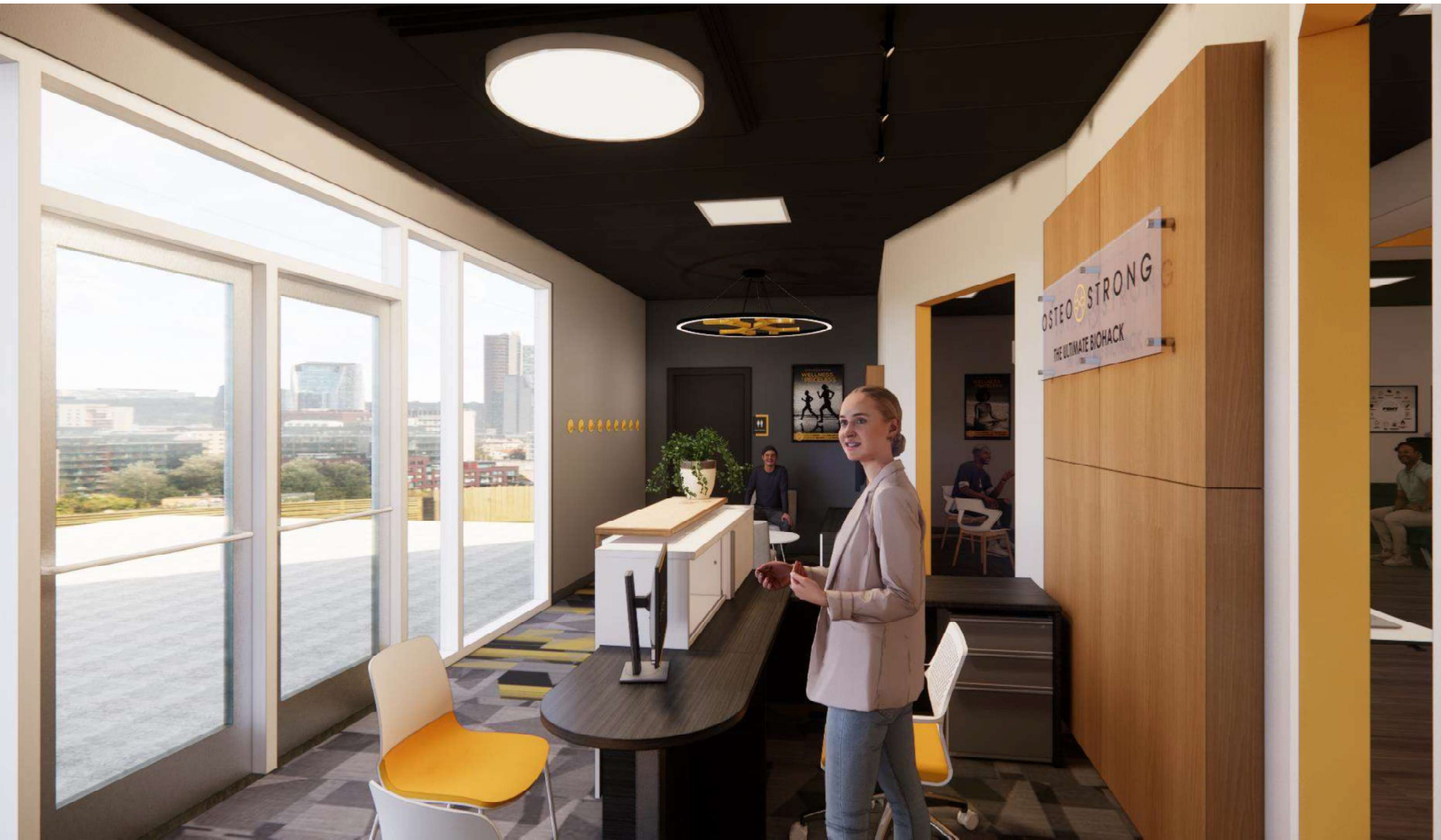


# Interior Renderings







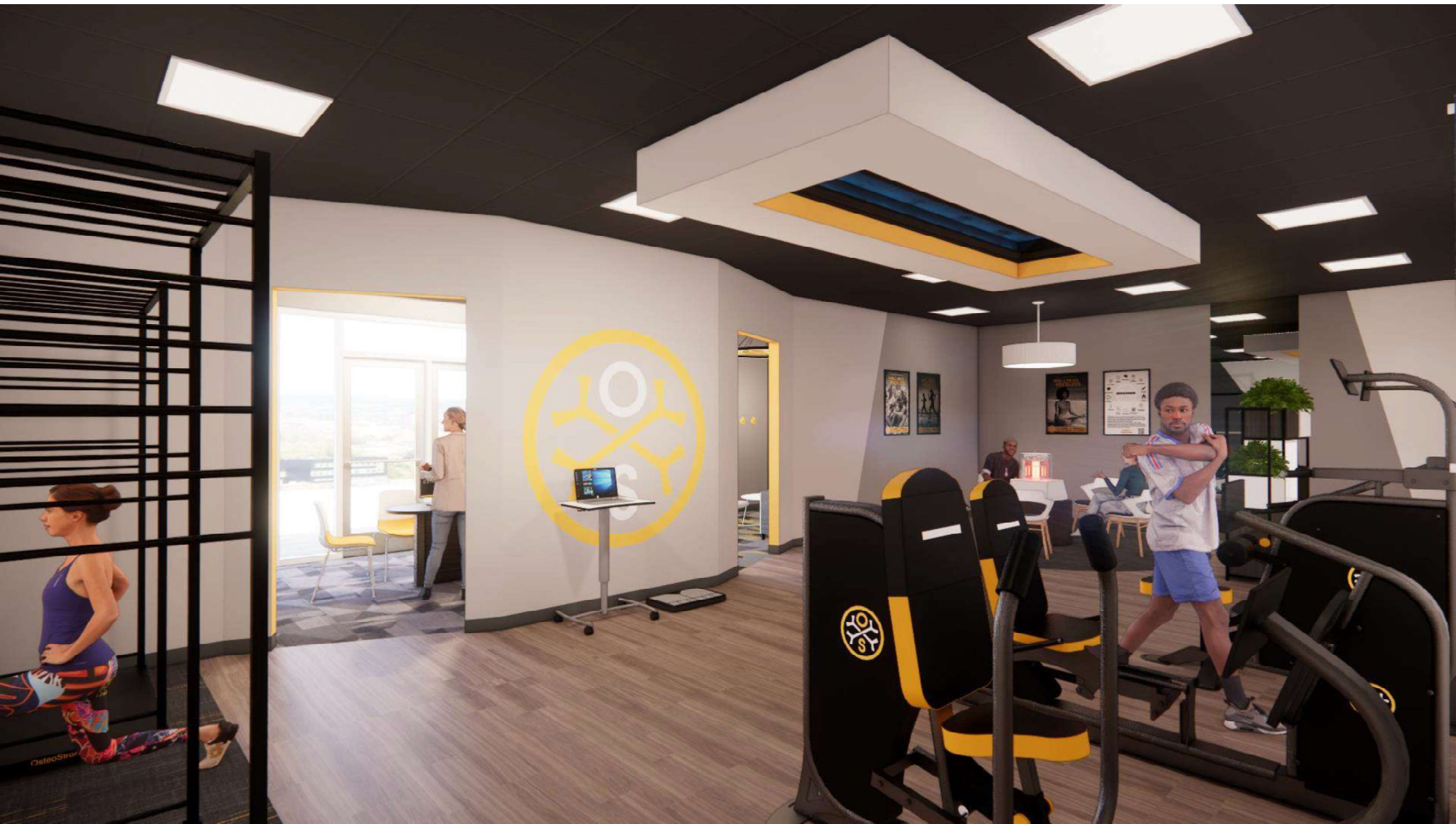


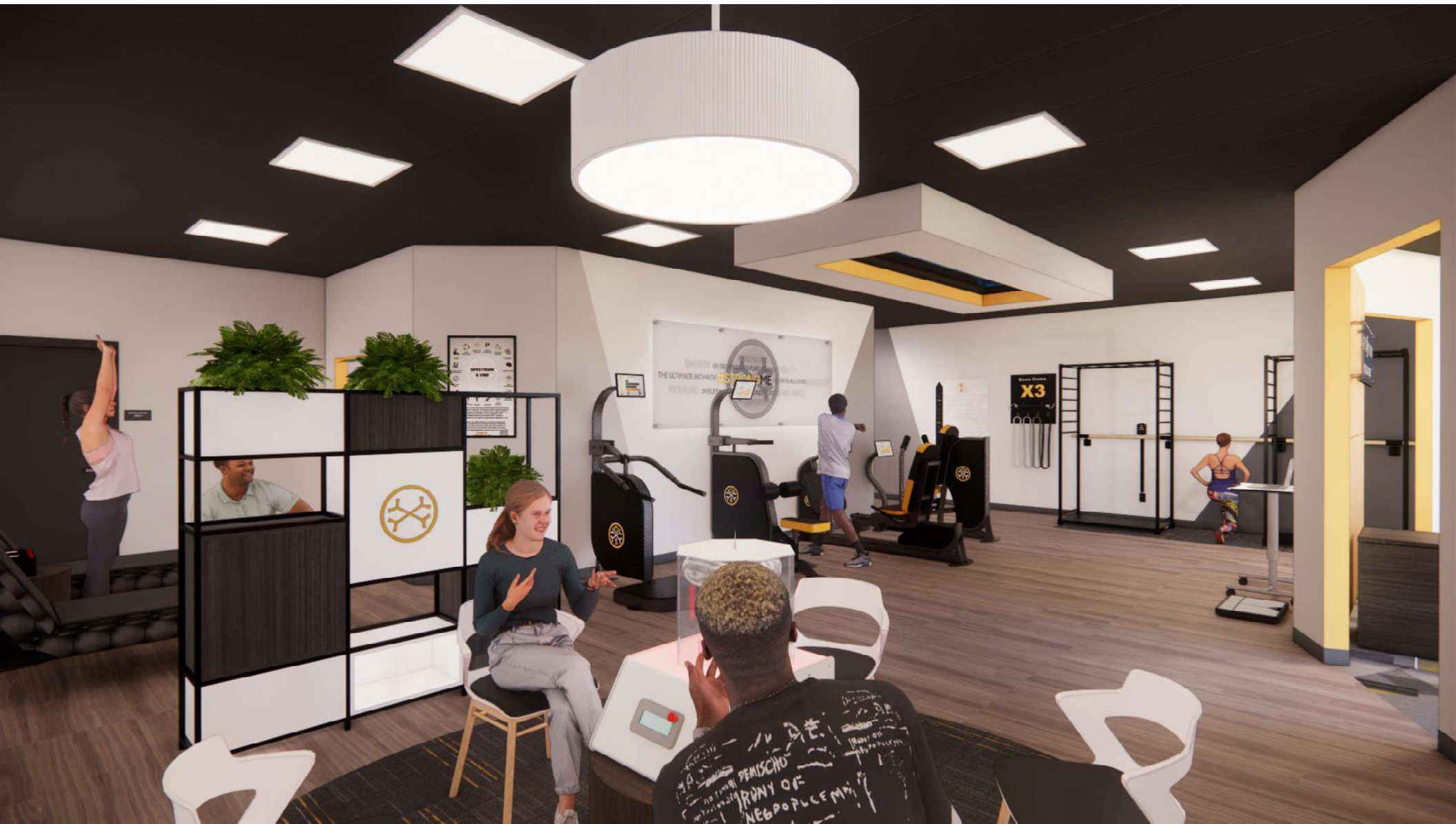






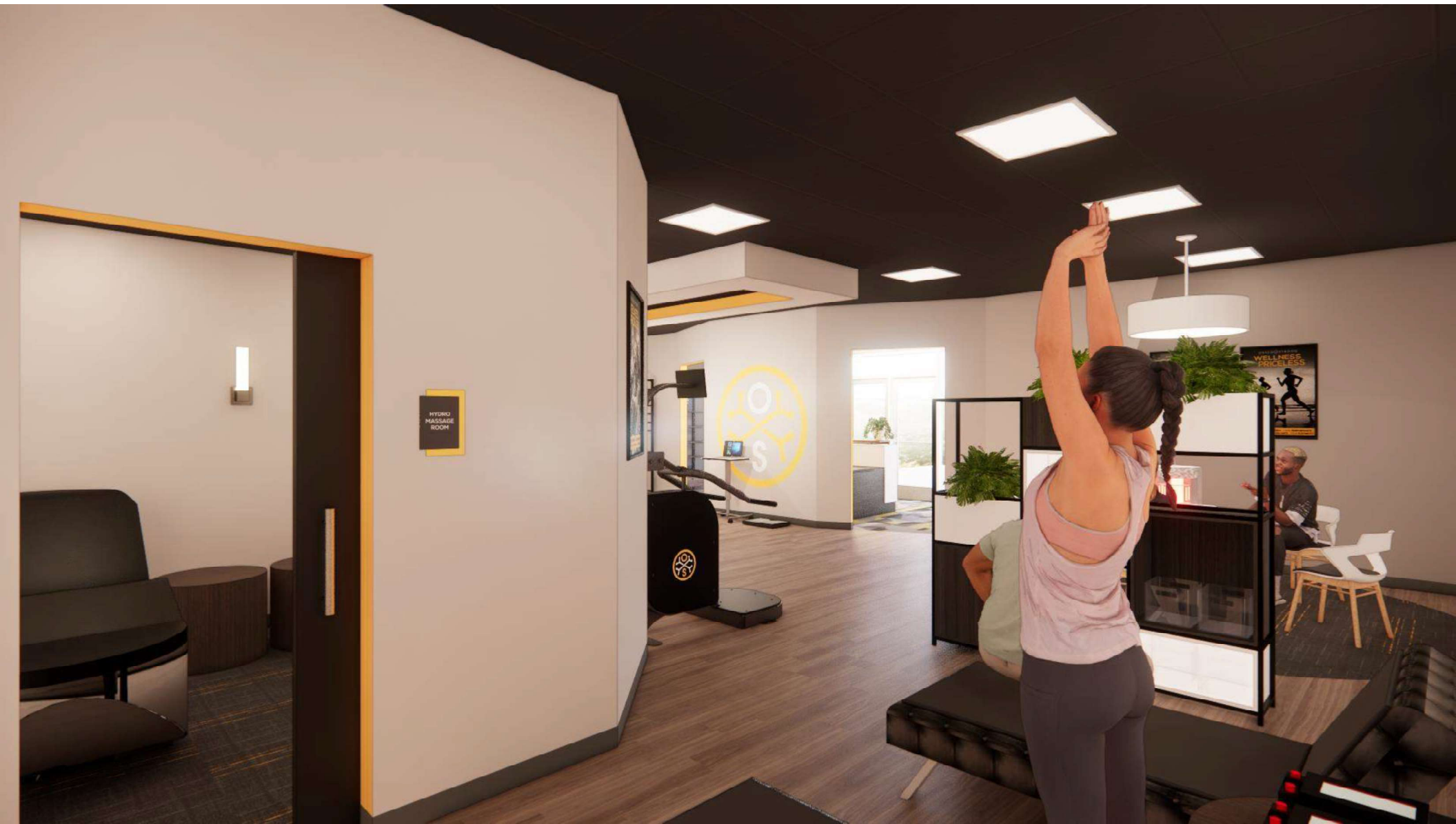












# Plan Commission Report for November 7, 2023

## **Town of Delafield Agenda Item No. 5. B.**

Applicant: Town of Delafield  
Project: Code Amendment  
Requested Action: Recommendation to Town Board

### **Report**

The Town staff was informed by our Town Attorney that a State law recently passed that limits approvals to a simple majority for all decisions by the Town Board. The Town Code currently includes Section 17.10 5. H. which allows a protest (if the documents submitted meet all submittal requirements) against a change or amendment that would require a  $\frac{3}{4}$  vote of the members of the Town Board for passage. Based on the new law, our code is not enforceable; however, to make it effective, we must remove the language in the code.

The proposed ordinance simply repeals the current code section and does not replace it.

### **Staff Recommendation:**

In order to come into compliance with State law, I recommend that the Plan Commission recommend to the Town Board that Section 17.10 5. H. be repealed from the Town code.

Tim Barbeau, Town Engineer  
October 31, 2023

## ORDINANCE NO.

AN ORDINANCE TO REPEAL SECTION 17.10 5H OF THE TOWN OF  
DELAFIELD MUNICIPAL CODE RELATING TO PROTESTS OF ZONING CODE  
CHANGES OR AMENDMENTS

WHEREAS, the Town of Delafield has adopted a Zoning Code pursuant to the provisions of Chapters 60 and 62 of the Wisconsin Statutes; and

WHEREAS, the Town of Delafield has adopted the Zoning Code for the Town of Delafield to be consistent with the provisions contained within the Wisconsin Statutes, and

WHEREAS, for many years Wisconsin Statutes Section 62.23(7)(d)(2m) (applicable to the Town per 61.35 and 60.62 Wis. Stats.) contained provisions allowing for a protest of proposed changes or amendments, based upon a protest signed by specific members of the Town, requiring a  $\frac{3}{4}$  vote of the Town Board for approval of the changes or amendments, and

WHEREAS, the provisions of Section 17.10 5H of the Zoning Code of the Town of Delafield contain the same provision for a protest against a change or amendment to the Zoning Code, consistent with language previously contained in Section 62.23(7)(d)(2m) Wisconsin Statutes, and

WHEREAS, in 2023 Wisconsin Act 16, the State of Wisconsin has preempted municipal authority to require a supermajority vote in zoning decisions by the creation of Wisconsin Statutes Section 66.10015(3) which says all zoning amendments are adopted by a simple majority vote of the quorum; and

WHEREAS, 2023 Wisconsin Act 16 provides, in Section 25, that the change which creates 66.10015(3) that preempts local authority over voting requirements for zoning ordinances takes effect January 1, 2025; and

WHEREAS, 2023 Wisconsin Act was enacted on June 23, 2023 and published on June 23, 2023, and

WHEREAS, the Wisconsin's adoption of 2023 Wisconsin Act 16 will preempt the Town's actions in this area starting in January 2025, and

WHEREAS, the Town of Delafield Town Board seeks to promptly come into compliance with the provisions of Wisconsin Act 16 well in advance of the mandatory deadline to do so; and

WHEREAS, the changes made by the Wisconsin legislature reflects a policy change to favor the rights of property owners, and the Town Board is not in a position to second guess the public policies favored by the State in this area; and

WHEREAS, the Plan Commission of the Town of Delafield has recommended to the Town Board of the Town of Delafield that the Town Board repeal Section 17.10 5H, to remain consistent with the provisions of the Wisconsin Statutes, and

WHEREAS, a public hearing was conducted by the Town Board of the Town of Delafield on \_\_\_\_\_, after due notice was provided pursuant to Section 17.10 5F of the Town of Delafield Zoning Code and Wisconsin Statutes Section 62.23(7)d and

WHEREAS, upon publication of a Class 2 Notice per Chapter 985 Wisconsin Statutes once each week for two consecutive weeks prior to the hearing, as required by Wisconsin Statutes Section 62.23(7)(d), the Town Board and Town Plan Commission held a joint public hearing to consider the repeal of Section 17,10 5H; and

WHEREAS, following the joint public hearing, the Town Plan Commission recommended to the Town Board that the ordinance be adopted as proposed; and

WHEREAS, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such zoning amendments on the health, safety and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, dust, smoke and odor, and others, hereby determine that the zoning amendment will not violate the spirit or intent of the Zoning Code for the Town of Delafield, will not be contrary to the public health, safety or general welfare of the Town of Delafield, will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhoods within the Town, and will be consistent with the Town of Delafield Comprehensive Plan.

WHEREAS, the Town of Delafield determines it is in the best interests of the Town of Delafield to repeal Section 17.10 5H of the Zoning Code of the Town of Delafield to remain consistent with Wisconsin Statutes, and

WHEREAS, the Town Board finds that this change to the Town Zoning Code is not a down zoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance.

NOW, THEREFORE, the Town Board of the Town of Delafield, Waukesha County, Wisconsin, DOES HEREBY ORDAIN as follows:

SECTION 1: Chapter 17 of the Town Code of the Town of Delafield entitled "Zoning," Section 17.10 entitled "Administration and Enforcement," Subsection 5 entitled "Amendments to Zoning Regulations or Map," Subsection H entitled "Protest" is hereby repealed.

~~H. Protest.~~

~~In case of protest against a change or amendment duly signed and acknowledged by the owners of 20 percent or more either of the areas of land included in such proposed change, or by the owners of 20 percent or more of the area of the land immediately adjacent and extended 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such change shall require a 3/4 vote of the members of the Town Board for passage.~~

SECTION 2: SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or

portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

TOWN OF DELAFIELD

\_\_\_\_\_  
Ed Kranick, Town Chair

ATTEST:

\_\_\_\_\_  
Dan Green, Town Administrator – Clerk/Treasurer

This ordinance posted or published \_\_\_\_\_.