

**TOWN OF DELAFIELD  
PLAN COMMISSION MEETING  
TUESDAY, SEPTEMBER 1, 2020, 6:30 P.M.**

**Public Hearing:**

The public hearing began at 6:30 PM.

Engineer Barbeau explained the location of the property on Hwy 83 was used as a taxidermy studio for many years and most recently was operating as "Pathways of Light". The proposed use is a veterinary clinic. He explained this would not be a boarding or grooming facility and would have normal weekday hours, with limited hours on Saturday and none on Sunday. Mr. Barbeau stated there would be 5 to 6 cars per hour in and out of the facility. The parking lot was expanded, and the site plan shows a proposed dumpster enclosure.

James Horneck, S23W33769 Morris Road, Oconomowoc, explained he bought the building in 1988 as a taxidermy studio. He then leased the space out 6 years ago to "Pathways of Light" until recently. The business could not survive the Covid crisis. He explained that a vet clinic would be a good use for the space and neighborhood.

Chairman Fitzgerald closed the public hearing at 6:36 PM.

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

Chairman Fitzgerald called the meeting to order at 6:36 p.m. and led all in the Pledge of Allegiance.

Members present: Supervisor Kranick, Commissioner Frank, Commissioner Diderrich, Town Chairman Ron Troy and Plan Commissioner Chairman Fitzgerald. Commissioner Dickenson was excused.

Also present: Administrator-Clerk/Treasurer Dan Green.

**Second order of business:** Approval of the minutes of August 4, 2020.

*Motion made by Supervisor Frank to approve the August 4, 2020 Plan Commission minutes. Seconded by Supervisor Kranick. Motion carried unanimously.*

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

- A. Request to terminate the Conditional Use Permit for Seaboard Restaurant located at N26 W30227 Maple Avenue.

Administrator Green informed the Plan Commission that a document was drafted by the Town Attorney that terminates the Conditional Use Permit for Seaboard Restaurant. This document will be recorded with the Waukesha County Register of Deeds once signed by the owner and submitted to Town Hall.

**Fourth order of business:** Unfinished Business:

- A. Rachael Ruggles and Zach Beaman, W302 N1694 Maple Ave., Re: Consideration and possible action on a request for a 5 foot tall fence to be located in the front yard of the property at W302 N1694 Maple Ave. (tabled August 4, 2020)

*Motion by Supervisor Kranick to remove "Rachael Ruggles and Zach Beaman, W302 N1694 Maple Ave., Re: Consideration and possible action on a request for a 5 foot tall fence to be located in the front yard of the property at W302 N1694 Maple Ave." from the table. Seconded by Commissioner Diderrich. Motion carried unanimously.*

Ms. Ruggles came forward to speak regarding the proposed fence. She explained it would run along the property line and south to the side of the garage. The fence is five feet high to contain their dog. She explained the fence would be cedar or brown treated wood. She also was hoping to work with the Highway Superintendent to clean up some of the trees along the right of way near her lot. Engineer Barbeau clarified the distance of fence along Maple

Avenue is 85 feet and the right of way is 66 feet. The applicant explained the 5-foot fence was proposed because they have a 180 lbs. Mastiff.

Commissioner Diderrich stated he was conflicted as this doesn't meet the requirements per the Town code. Zach Beaman, the property owner, stated this is one of the closest houses to Maple Avenue, and with the speed limit being 45 MPH where they live, it is not safe for kids or dogs. The fence would help provide that safety net. Commissioner Frank asked if there was any room behind the house and how large the lot was. The applicant explained they have a little over an acre on their property, but they wanted to have an area to gather that was close to their house and not out in the woods. Chairman Troy stated he was not opposed to the fence but would like to see more screening along Maple Avenue. He asked the applicants if they could move the fence 3 feet back from the property line and landscape between the fence and the road. The applicant agreed.

*Motion by Supervisor Kranick to approve a 5-foot-tall fence to be located in the front yard of the property located at W302 N1694 Maple Avenue subject to the fence being 3 feet from the right-of-way and providing landscaping between the road and fence and consulting the Highway Department. Seconded by Commissioner Frank. Motion carried unanimously.*

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

A. William McNamara, W291 N2212 Elmhurst Dr., Re: Consideration and possible action on a request for a 6-foot-tall fence to be located on a vacant parcel of land at W291 N2212 Elmhurst Drive.

Engineer Barbeau explained this is on the agenda because of a discussion that the Administrator and Building Inspector had with him. The applicant is requesting a 6-foot fence on a property that does not have a home on the lot. The applicant has two lots, one of which has a home on it. The proposed fence is behind the home but is on a separate lot. He explained the drawing shows a 170 x 40 foot fence, but is not drawn to scale. The applicant, Mr. McNamara, came forward to address the board. He explained the dog run is for his black lab. He explained on the south end of the property would be a cedar privacy fence. He explained the other three sides would be wrought iron fencing. He explained he was unsure if he was going to ever combine the lots, but he has no intention of selling the vacant lot. He also stated that the neighbors had no objection to his putting up a fence.

*Motion by Supervisor Kranick to approve the request for a 6-foot-tall fence to be located on a vacant parcel of land at W291N2212 Elmhurst Drive with appropriate landscaping as presented. Seconded by Commissioner Diderrich. Motion carried unanimously*

B. Scott Flaughner, 385 Kennedy Ct E. Colgate, WI, Re: Consideration and possible action on a request to approve Site plan, grading/drainage plan, Landscaping, Lighting and Architectural plans, and Plan of Operation for a self-storage facility to be located on lands at the northwest corner of Cushing Park Road and STH 18.

Engineer Barbeau reviewed the application to the board. He explained the applicant would like to come back at a later date to get signage approved. He explained some of the materials were submitted late in the process and were included in the packet. He explained he had some concerns about the building plans and the size of the buildings. The applicant's attorney, Michael Van Kleunen, explained that the sizes listed on the site plan were correct and that the architectural drawings had incorrect dimensions.

Mr. Van Kleunen explained that in the past the Plan Commission had approved a contractor building on this site. He stated his applicant is looking to match the building on the property. He also reviewed the numbering system on the architectural drawing which corresponds to the site plan descriptions.

Commissioner Diderrich expressed concern about there being only a 30 foot wide space between buildings and therefore not enough swing room to back in a trailer with a large vehicle. The applicant explained that the 30 feet would be an issue for him and his clients and he would make sure the clients could work with the site. Chairman Fitzgerald questioned building design 2 as it appeared to have end units. Mr. Flaughner explained that these end units are larger units for customers who may need to store contractor equipment. He explained there is a

tremendous amount of need and desire for contractors to have a place to store equipment, and there is not a lot of facilities in the area. He explained part of that need is driving the end design for building larger, taller units to allow for larger operations. He explained the larger units could also be used for larger boats. The commission also questioned where the gables would be located. The applicant explained the gables would be above the end doors facing the road, not for the internal facing sides.

Chairman Fitzgerald questioned whether the applicant would still meet the open space requirement and if the 65.3% open space calculation was including the additional asphalt on the plans. The applicant stated all surfaces are included in their calculation. Commissioner Diderrich questioned what the applicant was going to do for snow removal with the small areas between buildings. He asked where the snow was going to go. Mr. Flaughner stated he would push snow along the berms and toward the stormwater retention areas. He also explained they have bucket equipment and could move the snow if necessary. Commissioner Diderrich also asked if the applicant was planning to use roof spikes for snow as the buildings may not get as much direct sunlight given the directions they faced. The applicant had not taken that into consideration to this point.

Commissioner Frank brought up the question of security and clarified with the applicant that they were not planning on fencing around the property. Mr. Flaughner stated that everything that could be stolen is already inside and locked. He did not think a fence was necessary and did not fit the area. He stated it does not gain any additional security if the doors are secure. Mr. Van Kleunen stated he investigated the issue with the Waukesha County Sheriff's Department and found that no thefts had been reported in the area from 2018 to present.

Engineer Barbeau mentioned the fire access to the west by the Meyer property. He asked the applicant if he spoke to the Meyers about using their access. Mr. Flaughner stated he has permission from Meyers to use the easement. Engineer Barbeau explained it should also be shown on a recorded document that he has access. The commission explained the applicant may need to get permission from WE Energies depending how the initial agreement was written.

Chairman Fitzgerald questioned how the applicant was going to enforce the hours of operation. He explained the only thing he could do was post hours and if someone was determined to get onto the property, they could. He stated that practically speaking not many people will want to go to their storage unit in the middle of the night.

The applicant's contractor spoke of a ten-unit facility he owns in Wales. He stated he did not have a fence for his units and has not had an incident in 10 years.

The commission discussed the building materials and color schemes. The applicant explained he was matching the color palate of the doors and siding to his current building on the property. He explained that no doors will face Highway 18. He also stated he will have an extensive berm along the property. Commissioner Diderrich asked if there would be a business plan for traditional self-storage. The applicant explained there would be with the smallest units being 12'x20' units. He explained the units would not be small, but could be used for traditional storage.

Chairman Troy complimented Mr. Flaughner on the building that exists on the property. Mr. Flaughner explained that after the project has begun, he may come back to the Plan Commission to change the plan to fit the market. Commissioner Diderrich asked if the intent was to do a phased development and not the entire plan. Supervisor Kranick stated it is important for the Town to know what the phased approach would be. Mr. Van Kleunen explained that if the amendment to the site plan was denied, the applicant could always come back to the approved plan of operation. He explained there may come a time when the demand is to have bigger buildings and less of them. At that point the applicant would need to come back for approval.

Engineer Barbeau asked that he go through all his comments for the site. He reviewed the parking plan and agreed that a traditional parking lot is not required on this site, as most people park near their units. The following items were reviewed by the engineer and commented on by the Plan Commission:

## Site Plan

Engineer Barbeau expressed concerns about backing in boats with only 30 feet between buildings. He explained the plan meets all of the offsets. He stated he had concerns about side entrances with only 25 feet of room from side doors on the #2 buildings. He explained that decision is ultimately up to the owner. Commissioner Diderrich also expressed concerns about how concentrated the site was. It was noted that comments from the neighbors that were submitted, stated the plan was too dense. Mr. Diderrich also expressed concerns with a phased project when there is so much variability to the project. He expressed concern about approving the entire plan tonight if the plan is to enter a phased plan moving forward. Mr. Van Kleunen explained that the site plan being voted on tonight would only change if the owner came back and decided to change it. The applicant would be bound to the site plan approved tonight unless a recommended change was approved by the commission. Mr. Flaugher explained that the need for a change may come with changes to the market. Chairman Troy stated that the board is not giving you market guidance. He wanted to make it clear to the applicant that the board does not factor the market into its decisions, nor would we determine what is best for this particular site based on market knowledge. He also explained that the commission thinks the site plan is too dense for the community it is going in to. Mr. Van Kleunen stated that the basis for the approval or denial cannot be solely on density. Chairman Troy stated the density is a contributing factor as to why this does not fit the neighborhood. He questioned if the applicant would be in favor of using better quality materials closer to the road which the applicant agreed. Mr. Fitzgerald stated that he hopes the applicant leaves the meeting knowing the commission is in support of the concept, but the proposed density does not fit the surrounding neighborhood. Chairman Fitzgerald agreed that nicer building material closer to Highway 18 would be a good idea. He also stated he would feel more comfortable with having an access gate, if the applicant is not going to fence the property. He brought up the idea of gates with time locks which would be a good way to monitor the hours of operation.

## Grading and Drainage

Engineer Barbeau explained that all paved surfaces drain to a stormwater pond that is to the west and adjacent to the other buildings. The plans have been conditionally approved by Waukesha County. The stormwater pond will be an infiltration basis. He explained the more water we can infiltrate, the better and the less water that infiltrates to Scuppernong Creek the better. He explained the grading on the site is relatively flat and there is a gradual slope as you head north on the property from Highway 18. This would not create problems with drainage on the neighbors to the north.

## Lighting

Engineer Barbeau explained the applicant came forward with a light plan that was essentially wall packs. The lighting they propose will be at zero foot candles at the lot line. He explained that the lighting of WE Energies would probably light that area up enough. Chairman Troy explained that the Town learned a lot about "Zero foot candles" and that does not prevent light pollution. Engineer Barbeau explained that lighting has to be cutoff and kept at a downward facing angle. He explained that they are proposing three lights on each side of the buildings. Chairman Troy stated the Town does not want to relive the lighting issues that they experienced with Dayspring Church. Engineer Barbeau explained these lights will be from the top of the garage doors shining downward. Chairman Troy stated he would feel more comfortable if a gate was in place so that lights could be shut off automatically.

## Landscape Plan

Engineer Barbeau explained the applicant will be putting in a line of trees on the west side of the property using pine and spruce trees. There will be a tree planted one every 11 feet. He explained there would be berms to the front of the property with little trees. Mr. Van Kleunen comment that a possible solution to the density and lighting issue could be to increase landscaping to screen out the property and block light pollution. Commissioner Frank explained the biggest site line is from Highway 18 and from halfway through the development and back there is almost no need for landscaping. Chairman Fitzgerald explained it may be beneficial to put money into landscaping

closer to the south but be cognizant of the view from the east. The applicant explained that the current building plan for Veteran's Electric incorporates landscaping buffers for residents to the north.

### Architectural

Engineer Barbeau reviewed comments regarding the building facing Highway 18 and questioned if possibly adding brick or some type of feature would create a better visual. He asked the commission if they would prefer stone be added to the entire length of the building. The commission agreed to have something architecturally appealing on the roadside. The commission pointed out that the dimensions on the #2 buildings in the site plan were marked incorrectly. Supervisor Kranick stated he felt the commission got a lot of information and hopefully the applicant heard the commissions comments and recommendations.

Michael Van Kleunen asked that the board consider motioning to approve the request contingent on specific changes to the plan. He explained that his client would like to see the commission give specific requests that he can make changes to the site plan, so he knows there will be no concerns for getting approved. He explained that saying something is too dense is a subjective definition. He stated if there is a specific request to cut back on two buildings to ensure more space, that is more specific. He stated it makes it hard to go back to the drawing board without clear direction.

Supervisor Kranick explained they do not want to necessary tell him the specific number of buildings but would like to give him an opportunity to go back to the drawing board to take our comments into consideration. He explained the commission wants screening from the road and a less dense development. He explained the applicant and the architects can figure out how many buildings to take out and bring it back to the Plan Commission. Commissioner Frank suggested the applicant reach out to the neighbors to the north and get some positive reactions which would go a long way. Chairman Troy stated he hopes they gave the applicant a lot of guidance tonight. He stated it would be an error to push the Plan Commission to decide tonight. He also explained pushing the commission to make specific request tonight, may result in something the applicant would not like.

*Motion by Supervisor Kranick to table " Scott Flaugher, 385 Kennedy Ct E. Colgate, WI, Re: Consideration and possible action on a request to approve Site plan, grading/drainage plan, Landscaping, Lighting and Architectural plans, and Plan of Operation for a self-storage facility to be located on lands at the northwest corner of Cushing Park Road and STH 18." Seconded by Commissioner Frank. Motion passed unanimously.*

- C. James Horneck, S23 W33769 Morris Road, Oconomowoc, WI, Re: Consideration and possible action on an amendment to his conditional use permit to allow a veterinary clinic at W314 N720 STH 83, Delafield, WI.

Engineer Barbeau explained the applicant is looking to amend his conditional use to allow for the vet clinic. Chairman Fitzgerald explained he thought the recital of the Conditional Use was okay but paragraph B would need to be changed from a wellness center to a veterinary clinic. He stated if we amend paragraph B, we should be set if the commission agreed with the use. Mr. Severson, the proposed tenant, explained that the boarding of dogs would only occur if overnight hospitalization was required. He explained this would only be for animals that did not require observation. Any required observation would be sent to an animal hospital. The applicant explained the site plan and plan of operation anticipated 5 to 6 cars per hour with a staff of 3 people. The applicant expressed some concern with visibility when pulling onto Highway 83, but the traffic generated from the clinic would be minimal.

*Motion by Commissioner Frank to approve the request by James Horneck, S23 W33769 Morris Road, Oconomowoc for an amendment to his conditional use permit to allow a veterinary clinic at W314 N720 STH 83 to reflect the current plan of operation with revisions to Section B and Section E. Seconded by Supervisor Kranick. Motion carried unanimously.*

**Sixth Order of Business:** Discussion: None

**Seventh Order of Business:** Announcements and Planning Items: Next meeting date to be October 6, 2020.

**Eighth Order of Business:** Adjournment

*Motion by Commissioner Frank to adjourn the August 4, 2020 Plan Commission meeting at 8:38 p.m. Seconded by Supervisor Kranick. Motion passed unanimously.*

Respectfully submitted,

Dan Green, CMC, WCMC  
Administrator-Clerk/Treasurer

Minutes approved on: