

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Call to Order

Mayor DeYoe called the Wednesday, May 27, 2015 Plan Commission meeting to order at 7:00 P.M.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call for the Wednesday, May 27, 2015 Plan Commission meeting:

Present

Michele DeYoe, Mayor  
Wayne Dehn  
Dave Greenway  
Dan Jashinsky (exited 7:48 P.M.)  
Meghan Johnson  
Jim Reiher  
David Simon (arrived 7:05 P.M.)  
Roger Dupler, Planner  
Scott Hussinger, Building Inspector  
Tom Hafner, City Administrator/ Director of Public Works

Absent

Tim Aicher, Ald.

**PUBLIC HEARING #1:**

**Architectural Modification**

**TAX KEY/ADDRESS:**

**DELC 0804.999.002, 3105 Golf Road, Delafield, WI**

**OWNER/APPLICANT:**

**Owner: Kohl's Department Stores. Applicant: Casco Architecture and Engineering.**

**MATTER:**

Applicant seeks consideration to modify the existing architecture and install additional windows.

M. DeYoe opened the Public Hearing at 7:01 P.M. Frank Evans, of Casco Architecture and Engineering and applicant for Kohl's Department Store, explained the proposed plans entailed an additional window and glazing of the storefront system on the exterior to provide interior lighting and design elements on the interior in the future. Adam Stein, Manager of Store Planning for Kohl's Department Store was present as well. Hearing no further comments, M. DeYoe closed the Public Hearing at 7:03 P.M.

**PUBLIC HEARING #2:**

**Amended Conditional Use Permit**

**TAX KEY/ADDRESS:**

**DELC 0748.998.002, 5213 North Highway 83, Hartland, WI**

**OWNER/APPLICANT:**

**Owner: Delafield Congregation of Jehovah's Witnesses. Applicant: Tim Seidel.**

**MATTER:**

Applicant seeks consideration of an amended conditional use permit to modify an existing monument sign.

M. DeYoe opened the Public Hearing at 7:03 P.M. Tim Seidel, Applicant, explained the Congregation wished to add a 24 inch by 24 inch logo (www.jw.org) onto the existing sign. Hearing no further comments, M. DeYoe closed the Public Hearing at 7:04 P.M.

**CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES**

**PUBLIC HEARING #3:**                    **Amended Conditional Use Permit**  
**TAX KEY/ADDRESS:**            **DELC 0756.996.00, 3041 Oakwood Road, Hartland, WI**  
**OWNER/APPLICANT:**           **Owner: Oakwood Church. Applicant: Kenneth Kureck**  
**MATTER:**                            Applicant seeks consideration of an amended conditional use permit to erect an accessory building.

M. DeYoe opened the Public Hearing at 7:04 P.M. Kenneth Kureck, applicant, explained an accessory building would be constructed and used for storage of church equipment, such as lawn mowers, props, etc. A pavilion would be constructed as part of the accessory building to be used for future consideration of a team concession stand once sufficient funds became available. The buildings would be designed to match current architecture on site. Hearing no further comments, M. DeYoe closed the Public Hearing at 7:06P.M.

**PUBLIC HEARING #4:**                    **Ordinance Text Amendments**  
**OWNER/APPLICANT:**            **Owner Applicant: City of Delafield.**  
**MATTER:**                            The City of Delafield seeks consideration of ordinance text amendments for multiple Sections of Chapter 17 Zoning Code, and multiple Sections of Chapter 18 Subdivision Control Code.

M. DeYoe opened the Public Hearing at 7:06 P.M. R. Dupler explained the proposed ordinance text amendments were the culmination of discussions of the past year that captured changes for text amendments in ordinance form. Kent Attwell, 2816 Ridley Road, expressed concerns regarding various sections of Chapter 17. He asked that the Commission remove them for consideration as they represented changes in policy which brought significant consequences to the applicant in each of the processes referenced in the proposed ordinances. It was important to conduct due diligence in these matters to determine how changes would impact residents prior to approval. Hearing no further comments, M. DeYoe closed the Public Hearing at 7:09 P.M.

1. Approve Plan Commission meeting minutes of April 29, 2015 meeting.

Hearing no corrections, the April 29, 2015 Plan Commission meeting minutes were approved.

2. City of Delafield Citizen's Comments pertaining to subjects on this agenda.

**Chris Smith, 185 Steeple Pointe Court and Kent Attwell, 2816 Ridley Road,** were present regarding political signs. Various options had been discussed in the past regarding appropriate placement, management and enforcement related to political signs. Currently C. Smith understood that the City ordinance prohibited placement of such signage in the right-of-way areas; however, once placed there were not enforced according to ordinance. Some cities banned the placement of signage in the right-of-way; however, this was difficult because people were uncertain where the right-of-way was located relative to their property line. K. Attwell discussed potential draft language shared with the Commissioners specific to section 17.673 regarding Election Campaign and Political Signage at this time. He suggested the proposed language be a starting point for discussions on this matter as it included the option to place political signage in the public right-of-way if marked with the approving initials or signature of the abutting property owner. If not properly marked in this manner, signage could be removed. Discussion was needed regarding an appropriate number of signs to be allowed for placement. Information from three municipalities in the U.S dealing with this issue was shared. The goal was to provide something simple that was easily enforceable in this matter. He also understood this was a "free speech" issue and it was important to allow people to have a reasonable and equitable way to create a statement of their beliefs.

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

There were no objections from the Commission; therefore, M. DeYoe stated Citizen's Comments were closed. 7:16

3. Consent Agenda

- a. **DELC 0792.056.001, 525A Milwaukee Street, Delafield. Owner: Jason Steiner. Applicant: James Nowak.** Applicant seeks approval for permanent sign for Healthy 4 Life, a health food store.
- b. **DELC 0808.985.002 501 Maple Avenue, Delafield. Owner: YCA Delafield Building LLC. Applicant: Mike Court.** Applicant seeks approval of a new sign to reflect new ownership.
- c. **DELC 0804.994.017, 2798 Heritage Drive, Delafield. Owner: Kensington Development. Applicant: Anna's Rockers.** Applicant seeks approval of an amended Business Plan of Operation to reflect new ownership of Rocky Rococo's Pizza Restaurant. Hours of Operation: Monday through Friday 10:30 a.m. to 9:30 p.m., Saturday 10:30 a.m. to 10:00 p.m., Sunday 11:00 a.m. to 9:00 p.m., with ten part-time employees and 5 full-time employees.
- d. **DELC 0793.028.001, 435 Wells Street, Delafield. Owner: HSI Properties. Applicant: Sign Effectz.** Applicant seeks final approval for a monument sign for Wells Street Station.
- e. **DELC 0807.978.008, 350 Austin Circle, Delafield. Owner/Applicant: Gerry Fleisher.** Applicant seeks approval to change the building color of 5 Alarm Fire and Safety Equipment.

**W. DEHN MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED, CONTINGENT UPON CHANGING THE STARK WHITE BACKGROUND TO OFF-WHITE IN THE SIGNAGE NOTED IN ITEM 3A. D. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

4. Unfinished Business – None.

5. New Business

- a. **DELC 0804.999.002, 3105 Golf Road Delafield. Owner: Kohl's Department Stores Applicant: Casco Architecture and Engineering.** Applicant seeks consideration to amend the conditional use permit to modify the existing architecture and install additional windows, and recommendation to the Common Council of the same.

***TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Architectural Modification. The Department Store wishes to modify the south façade of the building near the west end of the structure to incorporate additional windows. Since this property is governed by a conditional use the Plan Commission must conduct a public hearing prior to any action. The new windows are proposed to accommodate a new interior use within the Kohl's space. A café will be constructed. The end user has not yet been identified but the new business will appear before the Plan Commission for approval of a Business Plan of Operation at a future date. The proposed windows are consistent with the façade aesthetics and appropriately scaled. Recommendation: Approval, contingent upon public input and Plan Commission deliberation thereof. Recommend to Common Council accordingly.***

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

D. JASHINSKY MOVED TO APPROVE AN AMENDMENT TO THE CONDITIONAL USE PERMIT TO MODIFY THE EXISTING ARCHITECTURE AND INSTALL ADDITIONAL WINDOWS FOR DELC 0804.999.002, 3105 GOLF ROAD DELAFIELD. OWNER: KOHL'S DEPARTMENT STORES APPLICANT: CASCO ARCHITECTURE AND ENGINEERING AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. W. DEHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **DELC 0748.998.002, 5213 North Highway 83, Hartland. Owner: Delafield Congregation of Jehovah's Witnesses. Applicant: Tim Seidel.** Applicant seeks consideration of an amended conditional use permit to modify an existing monument sign, and recommend to Council of same.

***TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Signage, and Amended Conditional Use Site Plan. The Church wishes to add a plaque to their existing monument sign. The change is consistent with the aesthetics of the current sign, all other elements are unaffected. Recommendation: Approval, recommend to Council accordingly.***

D. SIMON MOVED TO APPROVE AN AMENDED CONDITIONAL USE PERMIT TO MODIFY AN EXISTING MONUMENT SIGN FOR DELC 0748.998.002, 5213 NORTH HIGHWAY 83, HARTLAND. OWNER: DELAFIELD CONGREGATION OF JEHOVAH'S WITNESSES. APPLICANT: TIM SEIDEL AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. M. JOHNSON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. **DELC 0756.996.00, 3041 Oakwood Road, Hartland. Owner: Oakwood Church. Applicant: Kenneth Kureck.** Applicant seeks consideration of an amended conditional use permit to erect an accessory building, and recommendation to the Common Council of the same.

***TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Accessory Building, Amended Site Plan and Conditional Use. The Church wishes to erect an accessory building for the storage of maintenance equipment and materials, as well as a covered gathering space for outdoor activities and a future restroom. The structure is 1,632 sf, one third of the coverage is an overhead pavilion for recreational use. It should be noted that the P-1 district does not have a limitation on accessory buildings. As proposed, the accessory building would conform to the limitations listed in 17.38(10) for residential accessory structures. The color and materials are compatible with the Church building and the location is reasonably placed in the center of their 35 acre parcel. Recommendation: Approval, recommend to Council accordingly.***

W. DEHN MOVED TO APPROVE AN AMENDED CONDITIONAL USE PERMIT TO ERECT AN ACCESSORY BUILDING FOR DELC 0756.996.00, 3041 OAKWOOD ROAD, HARTLAND. OWNER: OAKWOOD CHURCH. APPLICANT: KENNETH KURECK AS PRESENTED AND RECOMMEND TO THE COMMON COUNCIL THE SAME. D. GREENWAY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

- d. **DEL C 0802.997 1758-66 Milwaukee Street, Delafield. Owner: Robert Loro. Applicant: Bill Gridley.** Applicant seeks preliminary feedback on an amended conditional use permit to change the allowed use of an existing building.

***TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Preliminary Presentation*** Mr. Gridley, president of Vico Plastics Inc., is interested in the purchase of Mr. Loro's property at the south shore of Lake Nagawicka. This property is governed by a conditional use and has a very ambiguous chronology as it has evolved over the past few decades. The property is zoned B-1A which allows for business operations conducted by residents occupying the homes. In 1987 a Planned Unit Conditional Use Permit was granted to allow site improvements and two apartment rentals above two offices on the ground floor of the eastern building. The western building was prohibited from housing any commercial operation. Evidenced in the minutes of the 1987 decision is an agreement to allow the two apartment residences in the second story of the east building in exchange for no commercial use in the west building. This agreement is similar to previous conditional uses agreements on the property that limited the western building to only storage. The western building was identified as a metal building and had a history of being an eyesore on the south shore. Over time the building has evolved from a marine equipment storage building into a residence, consistent with the permitted uses in the B-1A district. Mr. Gridley wishes to amend the permit to allow for a residence and business operation in that building. His intent is to reside in the west building and operate the Vico Plastics office in the residence. The Plan Commission may wish to consider the extremely low intensity of use resulting from the proposed amendment. In addition, the one-time pole building has been upgraded to a residential building that conforms to the City's aesthetic standards. The former marine equipment storage use is no longer a concern. **Recommendation: Share with the applicant any comment or concerns, schedule a public hearing accordingly.**

Bill Gridley, applicant, owned a corporate office in Jefferson County where his company sold marine parts to manufacturers and distributors. He wanted his corporate offices moved to the proposed site. There would be no retail trade occurring in the office as it would house three full-time staff and two sales people that traveled frequently. His desire was to reside in the western building and have the corporate offices in the eastern building. Discussion ensued regarding the history of the property. The proposal was consistent with zoning requirements and there were no parking restrictions associated with the planned use of the property. B. Gridley noted that as a result of changes in the designation recently, the property was removed from the floodplain.

**D. JASHINSKY MOVED TO SCHEDULE A PUBLIC HEARING FOR AN AMENDED CONDITIONAL USE PERMIT TO CHANGE THE ALLOWED USE OF AN EXISTING BUILDING DELC 0802.997 1758-66 MILWAUKEE STREET, DELAFIELD. OWNER: ROBERT LORO. APPLICANT: BILL GRIDLEY. W. DEHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

- e. **DELIC 0733.998.003, 3001 Village Square Drive, Hartland. Owner/Applicant: United Properties, Melissa Duce.** Applicant seeks consideration for a minor subdivision to split one lot into two in the Village Square of Delafield and recommendation to the Common Council of the same.

***TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Certified Survey Map. United Properties returns to the Plan Commission this month with a CSM to facilitate the development of the MSP Heritage development. This survey mechanism will detach 1.55 acres from the balance of the western undeveloped parcel. By approval of this CSM the Heritage development will be allowed to pursue their Specific Implementation Plan unique to the identified Lot 2, and United Properties may pursue development of the allowable commercial space on Lot 1. Recommendation: Approval, contingent upon resolution of the surveyor's issues in the May 20, 2015 review letter, recommend to Council accordingly.***

**W. DEHN MOVED TO APPROVE A MINOR SUBDIVISION TO SPLIT ONE LOT INTO TWO IN THE VILLAGE SQUARE OF DELAFIELD FOR DELIC 0733.998.003, 3001 VILLAGE SQUARE DRIVE, HARTLAND. OWNER/APPLICANT: UNITED PROPERTIES, MELISSA DUCE, CONTINGENT UPON RESOLUTION OF THE SURVEYOR'S ISSUES IN THE MAY 20, 2015 REVIEW LETTER. D. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

6. Zoning and Ordinance Revision

- a. Discussion and action regarding ordinance text amendments for multiple Sections of Chapter 17 Zoning Code, recommend to Council of same.

R. Dupler explained the ordinance text amendments for sections of Chapter 17 of the City's zoning code were included in the epacket. The amendments had been prepared by Attorney Hammes. S. Hussinger requested Section 17.55 be removed for further discussion. This section pertained to existing non-conforming structures and was in need of additional review as it did not apply to all non-conforming structures. Various sections were requested for removal at this time including Sections 17, 16, 6, and portions of Section 5 that included definitions for "accessory building" and "accessory use or structure."

The issue raised by K. Attwell in the Public Hearing on this agenda item pertained to Section 17.58, Existing Non-Conforming Lots in the City. The process for approval of actions on these lots would be conducted before the Plan Commission rather than the Board of Zoning Appeals as was currently in the Code. Commissioners discussed the difference in fees paid by an applicant in each process of approval. Concern was expressed regarding potential costs to single family homeowners as a result of living on a nonconforming lot. Discussion further ensued regarding the rationale for the change being proposed. S. Hussinger supported the change in the proposed ordinance to allow for a thorough review of the site and building plans. The Board of Zoning Appeals typically focused on key issues of the site and building plans and involved a burden of hardship. The Plan Commission typically focused on the overall review of the site and building plans and was more accustomed to dealing with the standards associated with the entire site plan review.

**CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES**

**W. DEHN MOVED TO APPROVE ORDINANCE TEXT AMENDMENTS FOR MULTIPLE SECTIONS OF CHAPTER 17 ZONING CODE WITH THE EXCEPTION OF SECTIONS 17, 16 6 AND PORTIONS OF SECTION 5 RELATED TO “ACCESSORY BUILDING” AND “ACCESSORY USE OR STRUCTURE” AND RECOMMEND TO THE COMMON COUNCIL THE SAME. D. GREENWAY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. Discussion and potential action regarding a text amendment to regulate the display of political signs.

Commissioners discussed a text amendment to regulate the display of political signs. When discussed last summer, there remained unresolved controversy related to several issues pertaining to political signage. Historically campaign signs were regulated and were a prohibited use of a public right of way. People typically respected the right-of-way line and put the signs close to the perceived right-of-way. In a recent election, one candidate challenged the wording in the regulations noting the ordinance did not specially state that signage could not be placed in the right-of-way. Discussion ensued. Concern was expressed regarding private property owners governing a public right-of-way space. When one property owner controlled another property owner, more conflict would be invited than resolved. There were no issues noted in the current process and confusion was expressed by various Commissioners regarding the issue that required resolution in this case. Discussion further ensued regarding various locations throughout the City where a property owner would not be allowed to place political signage in the right-of-way area because of the location of the house relative to the roadway. There remained a need to distinguish between political campaign signage and political issue signage. Some signage should be removed within a certain timeframe and others could remain over time to express an opinion or viewpoint on a specific topic/issue. It was suggested that future discussions on this topic consider two sections – one including political issues and one for candidate signage. Definitions and duration of each type of signage should be discussed. This discussion was preliminary and no action was required at this time. This item would be placed on the next Commission agenda in order for all Commissioners and the City Attorney to have adequate time to research and review the changes being discussed. Any suggestions, comments, or concerns should be shared with T. Hafner prior to the next Commission meeting.

- 7. Reports of City Officials:
  - a. Clerk
    - 1. Plan Commission Meeting Dates & Deadlines  
Meeting: June 24, 2015; Regular submittal deadline: June 10, 2015; Public Hearing submittal deadline: May 27, 2015.
  - b. Planner – No Report

**CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES**

- c. Building Inspector
  - 1. Amended site plan for Westbrook Church.

S. Hussinger explained approval for an accessory building for Westbrook Church had recently been approved; however, while preparing to install the building, underground water storage for a fire protection system was discovered. He had issued the building permit for the project to allow the same building to be constructed on the north side of the existing pump house in the rear yard to accommodate this storage system.

8. Adjournment.

There was no further business; therefore, the Wednesday, May 27, 2015 Plan Commission meeting adjourned at 8:14 P.M.

Minutes Prepared By:

Accurate Business Communications, Inc.