

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Call to Order

Mayor DeYoe called the Wednesday, June 24, 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, June 24, 2015 Plan Commission meeting:

Present

Michele DeYoe, Mayor
Tim Aicher, Ald.
Wayne Dehn
Dave Greenway
Dan Jashinsky
Jim Reiher
David Simon
Roger Dupler, Planner
Scott Hussinger, Building Inspector

Absent

Meghan Johnson

PUBLIC HEARING #1:

Amended Conditional Use Permit

TAX KEY/ADDRESS:

DELC 0802.997, 1962 Milwaukee Street, Delafield, WI

OWNER/APPLICANT:

Owner: Robert Loro. Applicant: William Gridley.

MATTER:

Applicant seeks consideration of an Amended Conditional Use permit to remove a restriction prohibiting a commercial use in an existing building.

M. DeYoe opened the Public Hearing at 7:01 P.M., noting the correct street address for this parcel should be 1762 Milwaukee Street.

William Gridley, N2885 County Road Z, Dousman, Wisconsin, explained corporate offices for his plastic injection molding company would be moved to the location on the subject property if approved. Portions of the property were currently rented; however, a home office and outbuilding were vacant. There would be no retail sales and he anticipated use of office space to include a boardroom and three desks.

Erv Sadowski, 1716 Milwaukee Street, and City resident for 23 years, provided historical information regarding the property and related Conditional Use Permit (CUP) and amendment. He expressed concern that sewer and water services were being provided to the property in error. If this error had occurred the CUP had been violated. He urged swift action and enforcement if such a violation occurred as it would put the entire CUP in peril.

Hearing no further comments, M. DeYoe closed the Public Hearing at 7:05 P.M.

1. Approve Plan Commission meeting minutes of May 27, 2015 meeting.

Hearing no corrections, the May 27, 2015 Plan Commission meeting minutes were approved.

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

Robert Borkowski, 4521 Vettelson Road, was present regarding Item 5c. He lived directly south of the project and his easterly and northerly property lines abutted the new development. He was opposed to the construction of a path as there was no need for one. There were no sidewalks anywhere on the property or on Vettelson Road and the path would go nowhere. He remained

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concerned about the topography of the development as there was a drainage ditch that drained from the southeast to the northwest to the holding pond beyond his property. Lighting continued to be a concern because the lighting at Village Square was turned off from 11:00 P.M. to 5:00 A.M. With the proposed development, there would be additional lighting outside each unit on all three stories. He questioned whether these lights would be turned off. Driving lights from the parking area would span his house and property unless the driveway could be moved to the north and east sides of the property. Snow removal would continue to be an issue as plows disrupted his sleep during the night and this new development would only add to that. In addition, for six months of the year, leaves were off the trees making Village Square completely visible from his property. He had planted more than 100 evergreen trees on his property over the past 12-15 years in order to block this view. The few trees that Village Square staff had planted were sparsely populated and were of minimal size. He suggested planting more trees and staggering the landscaping so that it overlapped the view from his house. The trash should be moved indoors and secured as it was uncertain what was in the trash cans. If the development were to be moved to the north side of the property and have the parking, noise and headlights coming from the north, many of these issues would be negated. The traffic study shown for Village Square prior to construction was in error and in actuality was ten times the amount shown in the study. Now, another facility was being added to an already existing issue. The rudeness of drivers was inappropriate when he tried to get to his mailbox currently. The roadway continued to be a major cut-through route for vehicles. No trucks were to be traversing the roadway and yet several delivery trucks, including FEDEX and UPS, traversed the route daily without enforcement by the City. He requested consideration be given to his feelings and needs prior to voting on this matter.

Jeff Krickhahn, 4506 Vettelson Road, lived resided across the street from Village Square and was familiar with the proposal. He did not think a good enough reason had been provided to avoid relocating the driveway to the north side of the building. In the past thick heavy plantings had been provided to screen the farm field from view and when the farm fields developed, there was no replacement screening provided by Village Square that mitigated the view. He requested more emphasis be placed on shielding the entire development from the neighborhood through the use of staggered tree plantings and also putting additional plantings on the east and west sides of the property lines. Neighbors were opposed to the path on site as there was no need for it. He also remained concerned about the amount of traffic on the roadways and thought enforcement of the truck traffic entering Vettelson Road should take place because the roadway was not designed to support use of heavy trucks. Speed bumps and bump outs would make it difficult to get through the area. Current lighting should be reduced and future lighting reduced as well.

Kent Attwell, 2816 Ridley Road, thanked the Commission for its efforts in handling the MSP/Heritage development and distributed a document to Commissioners at this time noting concerns. He remained concerned about two large electrical boxes, the number of handicapped parking stalls, dead trees on the United Properties development, street lighting, and landscape screening on the north side of the well lot. (*Clerk's note: Please see letter to Commission attached at the end of the minutes.*)

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

3. Consent Agenda

- a. **DEL 0784.971.003, 1100 Highway 83, Hartland. Owner: Westbrook Church Inc. Applicant: Dr. David L. Hubbard.** Applicant seeks approval for a Business Plan of Operation to conduct a counseling practice for New Life Resources, Inc. Hours of Operation: Monday through Friday 8:00 a.m. to 8:00 p.m., Saturday 8:00 a.m. to 1:00 p.m., with four part-time employees.

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- b. **DELIC 0798.005, 620 Milwaukee Street, Delafield. Owner: Historic Delafield LLC. Applicant: Andrea Johnson.** Applicant seeks approval for permanent sign for Encompass Realty, a real estate office.
- c. **DELIC 0787.081, 615 Milwaukee Street, Delafield. Owner: Thomas & Marlene Kelley Trust. Applicant: Sara Mehring & Jamie Kernen.** Applicant seeks approval of a Business Plan of Operation for Nourishing Wellness, LLC, a health food and wellness retailer. Hours of Operation: Monday through Friday 8:00 a.m. to 8:00 p.m., Saturday 8:00 a.m. to 6:00 p.m., with two full-time employees.

Hearing no objections, the Consent Agenda was approved as presented.

4. Unfinished Business – None.

5. New Business

- a. **DELIC 0802.997, 1962 Milwaukee Street, Delafield. Owner: Robert Loro. Applicant: William Gridley.** Applicant seeks consideration to amend the conditional use permit to allow for a business in combination with a residential use, and recommendation to the Common Council of the same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Amended Conditional Use and Business Plan of Operation: 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 use 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. The proposed Business Plan of Operation offers an appropriate use and hours. There are no proposed changes to the site plan or architecture and the parking demand is unaffected. In preparing a motion to approve, approve with conditions, or deny the Plan Commission is encouraged to use the guidance provided in the Conditional Use Review, Determination, and Approval ordinance excerpt. **Recommendation: Approval, contingent upon public input, recommend to the City Council accordingly. In preparation for the City Council meeting the City Attorney must prepare a revised Conditional Use Permit incorporating these changes and reformat it into the current standard.**

Dupler explained the property had gone through redevelopment and a more recent CUP allowed the current uses of the property including legitimate use of sewer and water.

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Commissioners clarified the proposed use of the request and noted the parking was sufficient for future operations on the site. It was noted that a CUP stayed with the property but was controlled by the City through a Business Plan of Operation which could be analyzed at the time of application.

REIHER MOVED TO APPROVE AN AMENDMENT TO THE CONDITIONAL USE PERMIT TO ALLOW FOR A BUSINESS IN COMBINATION WITH A RESIDENTIAL USE FOR DELC 0802.997, 1962 MILWAUKEE STREET, DELAFIELD, OWNER: ROBERT LORO, APPLICANT: WILLIAM GRIDLEY, AS PRESENTED AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. SIMON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FIVE WERE IN FAVOR. MOTION CARRIED WITH NAY BY AICHER.

- b. **DELC 0797.050, 051, 052, 1510 Second Street, and 1514 Second Street, Delafield. Owner/Applicant: John Huber.** Applicant seeks approval of a Certified Survey Map to consolidate three residential lots into two, and recommendation to the Common Council of the same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Certified Survey Map: Mr. Huber wishes to consolidate three existing residential lots into two residential lots. The properties are zoned R-4 Single Family and Two Family Residential. The minimum lot size in this district is 7,900 sf, both of the resulting lots will respect that size. There are issues with the existing homes in that they are legal nonconforming structures. One of the residences is built across an existing property line and neither of the homes respect the 35' front setback of the district. This CSM reduces the nonconformities and may be approved with the understanding that the created lots are legal and a grandfathered status will be respected for the two existing homes. Recommendation: Approval contingent upon the recommendations of the Surveyor's review letter of June 17, 2015, and recommend to the City Council.

John Huber, 1514 Second Street, explained he owned Lots 49, 50 and 51 in the Douglas Park subdivision and was a personal representative for his parents that owned the property at 4148 Second Street. He requested the property line be removed for two of the three existing residential lots in order to construct a garage on his property. This could be accomplished through the Certified Survey Map (CSM). The City Surveyor's comments included a request for a vision corner easement on the corner property. He objected to that because it was in the City Code but he did not think it belonged in the CSM.

Dupler explained Lot 51 should not be in the CSM because it can be sold separately. The surveyor's issue was related to illustration of all lots in ownership and adjacency. This needed to be illustrated on the CSM. In addition, the request for the vision corner easement was related to visibility due to existing trees which could be limbed up to assist in mitigating vision concerns. A 15 foot easement would not conflict with the building envelope on the lot.

Huber opposed this easement because it added restrictions to the CSM. Dupler explained it should be reviewed at the Common Council meeting after action was taken on this item if needed.

AICHER MOVED TO APPROVE A CERTIFIED SURVEY MAP TO CONSOLIDATE THREE RESIDENTIAL LOTS INTO TWO, FOR DELC 0797.050, 051, 052, 1510 SECOND STREET, AND 1514 SECOND STREET, DELAFIELD. OWNER/APPLICANT: JOHN HUBER, CONTINGENT UPON THE RECOMMENDATIONS OF THE SURVEYOR'S REVIEW LETTER OF JUNE 17, 2015, AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME.

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GREENWAY SECONDED THE MOTION. THERE WAS NO FUTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. DELIC 0733.998.003, 3001 Village Square, Hartland. Owner: Delafield Investment LLC. Applicant: Heritage/MSP Real Estate. Applicant seeks approval of a Specific Implementation Plan for Heritage – Delafield, and recommendation to the Common Council of the same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Specific Implementation Plan: The MSP Heritage development is submitted for final consideration of the S.I.P. The petitioner has been working with staff to resolve all issues and enable the Plan Commission to act without any contingencies. The Public Works Committee reviewed the development plans at their June 3rd meeting. The required engineering changes have been met with the latest submittal of the site plan documents. All surveying and Easement items are resolved. All Planning and Landscape issues unique to this property have been resolved as well. However, as part of the Council's action on the Settlement Agreement a requirement was imposed upon the Village Square owner; additional landscape screening is required at the north end of the City Well lot to be installed in conjunction with the Heritage development. **Recommendation: Approval, recommend to City Council, contingent upon submittal of a landscape plan for the north side of the city well lot to be approved by staff. In preparation of the City Council meeting the City Attorney must prepare the final Conditional Use Document for approval. Note that there is no Developer's agreement necessary for this project; there are no public infrastructural improvements required.**

Mark Hammond, Director and General Counsel for MSP and Isaac Wallace, of Dimension IV, were present. Aicher questioned the feasibility of moving the entrance road to the north end of the property vs. the south end as proposed. Wallace explained that pushing the building further away from the neighbors would provide screening options. To bring the building closer would bring sight lines more into view. Also with the proposed configuration, cars would be turning south into the property and the building would help to block the view. It would be feasible to change the driveway entrance with changes in grade; however, it would be complicated and not necessary to achieve the desired goals. Several evergreen trees, more than five feet in diameter, would be added and a berm included in the plans would assist in blocking the view as well. Adding more trees would add more cost. The proposed 450 foot path was added at the request of the owner and was of no benefit to the development, thus it could be removed from the plans. Clarification was provided regarding the trees on the United Property development. Aicher requested replacement of any dead trees on the property in order to assist in screening the overall development from view. Wallace explained there would be no opposition to replacing them if they were dead. Chris Johnson of CJ Engineering, provided clarification on the light of sight on the turning radius for emergency vehicles, the location of the trees atop the berm running approximately 141 feet along the western edge of the property, the berm near the entrance drive and a drainage culvert that would accommodate water draining to the east and directing it to the pond on site. Aicher also clarified parking issues, noting the employees should park "nose in" as far from the entrance as possible in the parking area.

Discussion ensued regarding overplanting of trees to ensure 100% coverage of the development relative to costs of the landscaping. Wallace expressed concern for the costs associated with overplanting. Hammond would continue to work with staff on this matter. DeYoe then referenced the Attwell letter presented in Citizen's Comments regarding this development and questioned the resolutions possible in this matter. Hammond indicated screening of the electrical boxes could take place, the number of handicapped parking locations included three on grade and two underground, lighting along Vettelson Road to be removed or

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turned off would be discussed with United Properties staff. He also indicated there with a reciprocal agreement with United Properties regarding the overflow parking area; however, there was room for expansion of the parking lots if needed.

Dupler explained a landscaping plan for the north side of the well lot had been received earlier in the day and was not part of the epacket for this meeting. This item could be passed subject to staff review if desired; however, the petitioners were not responsible for this item. All other aspects of the engineering and landscaping were without issue at this time. Lighting specifications were reviewed regarding lighting on the residential units. It was suggested that sensitivity be encouraged to surrounding property owners and also to face signage on the front side of the development toward the Village Square development.

AICHER MOVED TO APPROVE A SPECIFIC IMPLEMENTATION PLAN FOR HERITAGE – DELAFIELD, DELC 0733.998.003, 3001 VILLAGE SQUARE, HARTLAND. OWNER: DELAFIELD INVESTMENT LLC. APPLICANT: HERITAGE/MSP REAL ESTATE; CONTINGENT UPON APPROVED LANDSCAPE PLAN FROM UNITED PROPERTIES FOR THE NORTH SIDE OF THE VILLAGE SQUARE DEVELOPMENT, REMOVAL AND REPLACEMENT OF DEAD TREES ON THE PROPERTY, SCREENING OF THE ELECTRICAL BOXES IN VIEW ON THE VETTELSON PROPERTY LINE, REMOVAL OF THE WALKING PATH FROM THE PLAN, AND A “NOSE IN” PARKING POLICY FOR PARKING ON THE SOUTHERLY END OF THE BUILDING AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. DEHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- d. **DELC 0794.017.003, Lot 6 Cushing Business Park, Delafield. Owner: Jerry Lyons. Applicant Greg Thompson.** Applicant seeks preliminary feedback for a business condominium development and schedule a public hearing.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Preliminary Presentation: The applicant is a developer of a specialized architectural product that accommodates small businesses that require office and warehouse flexibility in a limited space to own their space. The proposed building is a two unit commercial duplex arranged in a multi-building campus setting. This is proposed as a commercial condominium; each owner owns their building footprint and a proportional interest in the common elements. The proposed site plan places 9 two unit buildings and 1 single unit on Lot 6 in the Cushing Business Park, this is the last remaining vacant lot in the business park. The Cushing Business Park is a B-6 Planned Development approved for B-2 and B-3 uses, but it also accommodates B-4 uses with individual conditional uses permits when necessary. The proposed development must be considered as a Planned Development due to the campus setting with multiple structures on one lot. In addition B-4 uses must be approved via a Conditional Use Permit. The applicant has submitted a draft of the covenants and restrictions, as well as condominium association documents for review. Identified in those documents is a list of proposed uses unique to the condominium that correspond to the allowable uses in B-2, B-3 and B-4 districts. In addition there are several proposed uses that are not allowed in the business park, these uses are allowed only in the Manufacturing district:

Cartage and express facilities

Contractor's office, shops

Cosmetic manufacturing, processing and packaging

Electronic devices manufacturing

Instrument manufacturing

Jewelry manufacturing

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Leather fabrication

Machine shops

Painting

Storage and sale of machinery and equipment

*There are a number of permitted uses in the B-2, B-3 and B-4 districts that are not reflected in the proposed covenants. This is the owner's prerogative. Any new business owner wishing to operate in the development will require their own Business Plan of Operation approval by the Plan Commission. Any potential use that varies from the approved list of uses will first need to be approved by the Association before applying to the Plan Commission for a B.P.O. Enforcement or mediation of any owner disputes will be the responsibility of the Association and not the City, unless there are clear violations of code. The architecture is well presented with masonry half-walls and the applicant has been informed of Delafield's building material standards. The applicant is also aware that the type of construction may limit the type of use allowed by building code. The business duplexes will be serviced by a private drive and have reserved parking for each business location. **Recommendation: Share with the petitioner any comments or concerns, schedule a public hearing accordingly.***

Mike Freedy, applicant's representative, explained the request included review of a preliminary approval for a development plan for commercial condominiums in the Enterprise Business Park that would include duplex structures of approximately 2,500 sf that could be split or kept as one large structure for commercial uses. DeYoe expressed concern regarding the types of businesses that could potentially fill the development. Assurances of appropriate uses and respectful use of the property for the neighbors was requested. Dupler explained these sites were typically hard to manage. As a result, applicants had been encouraged to pursue the request as a condo development with an association to take care of disputes related to parking, snow removal, etc. Various uses were shared in the Staff Report regarding this matter, noting the uses allowable were not appropriate for buildings proposed with a common wall.

AICHER MOVED TO SCHEDULE A PUBLIC HEARING ON THIS MATTER. GREENWAY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- e. **DEL 0781.170, 828 Division Street, Delafield. Owner/Applicant Delafield Woods Land Corporation.** Applicant seeks preliminary feedback for an amended Conditional Use Permit to allow for a reduction in required tree mitigation requirements for Delafield Woods and schedule a public hearing.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Amended Conditional Use: *The developer of Delafield Woods returns to the Plan Commission to ask for consideration to reduce the amount of tree mitigation of the project. Originally the tree mitigation for this project was determined to be more than 1,400 caliper inches in February of 2011, based on a sampling survey conducted by then City Forester Shantele Schmidt. That amount was thereafter reduced by 613 caliper inches after the City determined that the mitigation of Ash trees was no longer appropriate, given the influence of the Emerald Ash Borer. The original landscape plan accommodated 324.5 caliper inches of tree mitigation. In May, 2011 a revised landscape plan was submitted that increased the proposed landscape materials to 410 caliper inches of mitigation. The remaining deficiency of tree mitigation was 501 caliper inches. The commitment to replace this amount of trees was approved by the Developer and the City in the Developers Agreement dated July, 2012. If the developer elected to satisfy the tree replacement requirement via a cash contribution to the Tree Board \$150.00 per caliper inch amounts to \$75,150.00. To compensate for the remaining tree replacements the developer suggests*

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*passing this requirement onto the future home owners of the single family lots by creating an obligation for future home owners to plant a minimum number of caliper inches on their new home site after construction of their residence. In the current deed restrictions for Delafield Woods there is no identified requirement for the homeowners to install any trees. Such a plan would be solidified in the subdivision covenants and restrictions, however, the City does not enforce such covenants and the monitoring of such a program would not be feasible from the City perspective. If the addition of trees in the single family lots were to be an approved option for the remaining tree mitigation, 501 inches, the developer would need to amend the landscape plan to illustrate the appropriate plantings and install them as has been done on the balance of the property. **Recommendation: Approve the cash contribution of \$75,150.00 in lieu of planting for 501 caliper inches to satisfy the mandatory tree mitigation requirements.***

Joe McCormack, applicant, explained his request, noting there was an error in mitigation calculations with a lack of oversight in the deed restrictions and recorded developer's agreement regarding caliper inches of trees required for planting. Discussion ensued. Dupler clarified the process utilized in reviewing the tree calculations in this matter, noting information was provided in the epacket for this item. The request included the transfer of obligation to the owners on the single-family lots in the development. The City would not enforce covenants in this matter. No precedent had been set in the past regarding tree mitigation in this manner. Aicher noted that in taking action on this request there was significant confusion. The agreement was clear and there was no need to change the past requirements based on errors and confusion. Dupler clarified McCormack had satisfied 410 caliper inches and 501 caliper inches were remaining.

AICHER MOVED TO DENY THE REQUEST TO CHANGE THE DEVELOPMENT AGREEMENT IN THIS MATTER. DEHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- f. **DELC 0793.014.003, 505 Wells Street, Delafield. Owner: Ace Delafield Properties. Applicant: David S. Hoffman, Architectural Expressions.** Applicant seeks approval of an amended site plan to erect an outdoor wait station for Revere's Wells Street Tavern.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Site Plan Amendment: The operators of Wells Street Tavern wish to construct an outdoor wait station associated with the outdoor dining patio in the front of the restaurant. The proposed structure will be near the building on the west side of the entrance stairway. Since this is ancillary to the approved dining patio an amended Business Plan of Operation is not required. The property is zoned CBD-1 and therefore has no setback requirement. The floor area ratio is well below the maximum allowable build-out. This structure would be considered an accessory structure, the area of which is again far below the allowable limit. The issues to be considered for this approval would be the location and the aesthetics. Note that if the use were to be modified for the sale and service of alcohol the liquor license would need to be amended. **Recommendation: Approval**

Dave Hoffman, Applicant, explained his request for an outdoor pavilion to be used as an outdoor bussing station at Revere's Wells Street Tavern. The proposed free standing structure would be a steel frame with an exterior aesthetic that could be closed for safety. Discussion ensued regarding the permanence of the structure, the façade, construction materials, and signage restrictions. Concern was expressed regarding the lack of cohesiveness with the current architecture of the existing building. Hoffman agreed to work with staff on this matter and return next month with revised renderings.

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6. Zoning and Ordinance Revision

- a. Discussion and action on adopting Ordinance No. 719, An Ordinance Repealing And Recreating Various Sections Of Chapter 17 Of The Municipal Code Of The City Of Delafield, Waukesha County, Wisconsin, Relating To The Zoning Code, and recommendation to the Common Council of the same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: *The proposed text amendments addressed all issues discussed with the Plan Commission to date. If requested, changes may be made prior to review by the Council. Please forward any questions, comments or suggestions to: rdupler@sehinc.com prior to the Plan Commission meeting so we may be prepared to address issues and be able to recommend all text amendments to the Council.*
Recommendation: Approve, and recommend to the Council accordingly.

The associated fees and the role of the Planner for a special exception has been questioned. Currently the fee for application to the Board of Zoning Appeals is \$100.00 in addition staff takes time to send notification to all of the surrounding property owners. If the ordinance is changed to allow nonconforming lots to come directly to the Plan Commission the fee is \$50.00 for the application, no staff time would be spent to send out notification to the surrounding owners, and the Planner's time would be negligible. The process of approval for a legal nonconforming lot special exception would be to confirm the nonconforming issue and verify that the proposed development would not increase the nonconformity. This information would be provided by the Building Inspector and presented to the Plan Commission in the Planner's report. Most likely the item would be placed on the consent agenda for Plan Commission consideration. The Planner's time for this process would only be a half hour.

Dupler explained the City Attorney had reviewed the proposed changes to Sections of Chapter 17 of the City's zoning code. Various changes were noted in a memorandum from the City Attorney and had been included in the epacket for this meeting. In response to a question by Attwell at the last Commission meeting, information had been provided regarding fees of the Planner (Please see above.).

AICHER MOVED TO ADOPT ORDINANCE NO. 719, AN ORDINANCE REPEALING AND RECREATING VARIOUS SECTIONS OF CHAPTER 17 OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, RELATING TO THE ZONING CODE, AND RECOMMEND TO THE COMMON COUNCIL THE SAME. REIHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

7. Reports of City Officials:

- a. Clerk
 - 1. Plan Commission Meeting Dates & Deadlines
Meeting: July 29, 2015
Regular submittal deadline: July 15, 2015
Public Hearing submittal deadline: July 1, 2015
- b. Planner- NO
- c. Building Inspector

S. Hussinger stated the total number of permits to date was 54 with one residential permit and two commercial occupancy permits this month.

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8. Correspondence:
 - a. Email from Robert L. Coon re regulation and zoning.
 - b. Letter from Pamela W. Krainik re zoning.

9. ADJOURNMENT

There was no further business; therefore, the Wednesday, June 24, 2015 Plan Commission meeting adjourned at 9:10 P.M.

Minutes Prepared By:

Accurate Business Communications, Inc.