

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Call to Order

Attwell called the Wednesday, September 25, 2019 Plan Commission meeting to order at 7:00PM.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call for the Wednesday, September 25, 2019 Plan Commission meeting:

Present

Absent

Kent Attwell, Mayor

Tim Aicher, Ald.

Dave Greenway

Dan Jashinsky

Ed Marek

Jim Reiher

Laura Schult

Robert Weiler

Roger Dupler, Planner

Scott Hussinger, Building Inspector

PUBLIC HEARINGS:

PUBLIC HEARING #1: Height Regulations – Increase Permitted

APPLICANT: City of Delafield

MATTER: Consideration of proposed zoning text amendment to repeal and recreate a portion of 17.15(3), to prohibit building height increase in CBD-1 district.

Attwell opened the Public Hearing at 7:01 PM.

Dave Ziegler, 166 Fieldstone Road, was part of a group called “Delafield Citizens for Responsible Growth (DCRG)” which supported the type of economic development that Hendricks Commercial Properties, LLC represented. The time and effort to update the building codes to move the City to a better financial position was appreciated and he hoped that the revised codes could be sent to the Common Council for approval. No consensus was shared regarding the architectural changes proposed. He deferred to the professionals in the architectural field to move things forward.

Lyn Holton, 485 Lillian Court, objected to this public hearing because it failed due process due to a lack of request for public hearing. She remained concerned that a height of 65 feet could be obtained with interpretation of the proposed language and suggested that a public hearing be held to gather public input. She questioned the starting point for measurement and in general and also related to underground parking. Clarification was required to prevent an unintended 10 feet of height in the ordinance. The proposed ordinance was awkwardly worded and should be clearly stated. The height was listed as part of a Conditional Use and as such any development coming forward would need to be approved if the height regulations were met.

Hearing no one come forward to provide comment at this time, Public Hearing #1 was closed at 7:06PM.

PUBLIC HEARING #2: Building Height - Definition

APPLICANT: City of Delafield

MATTER: Consideration of proposed zoning text amendments to repeal and recreate portion of 17.24, Definition of Building Height. Text amendments will affect the mechanics used for determining building height.

Attwell opened the Public Hearing at 7:06 PM.

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Lyn Holton, 485 Lillian Court, objected to this public hearing because it failed due process due to a lack of request for public hearing. This ordinance provided a list of definitions and terms. The approach being taken to decide building height seemed to be out of order because it could restrict what could be done in the future. She requested simplicity in defining a formula that would meet the needs of the CBD-1 district and then determine the specifics needed for height. In addition, Section 17.39 should be referenced in the ordinance because it deferred to individual zoning district requirements. The building height and exception noted in the proposed ordinance were confusing and convoluted. They should be easy to understand for all. As written, the proposed ordinance seemed to apply to all districts within the City and she questioned whether this was the intent. The terms “finished grade,” “first floor elevation” and entrances to certain streets required additional clarification before approval. The proposed ordinance should be revised prior to approval.

Bill Wischer, 231 South Lapham Peak Road, requested that the proposed ordinances be properly edited so that all could easily understand the information presented.

Hearing no one come forward to provide comment at this time, Public Hearing #2 was closed at 7:13PM.

1. Approve Plan Commission meeting minutes of the [August 28, 2019](#) meeting.

REIHER MOVED TO APPROVE THE AUGUST 28, 2019 PLAN COMMISSION MEETING MINUTES AS PRESENTED. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

2. City of Delafield Citizen’s Comments pertaining to subjects on the Consent Agenda.

Hearing no comments pertaining to subjects on the Consent Agenda, Citizen’s Comments pertaining to subjects on the Consent Agenda were closed.

3. Consent Agenda

- a. **DELC 0798.013.001, 611 Main Street, Delafield. Owner: Nagawicka Lake Shops LLC. Applicant: Edward R. Jones & Co.** Applicant seeks approval of a Business Plan of Operation and a permanent building sign for Edward Jones. Hours of Operation are 8:30 A.M. to 4:30 P.M., with two full-time employees.
- b. **DELC 0798.045, 710 Milwaukee Street, Delafield. Owner: Delafield Auto Specialists LLC. Applicant: Lake Country Detail Specialists, Lance Drum.** Applicant seeks approval of a permanent building sign.
- c. **DELC 0798.013.001, 611 Main Street, Delafield. Owner: Nagawicka Lake Shops LLC. Applicant: Andrew Zachary Kirk.** Applicant seeks approval of a Business Plan of Operation and a permanent building sign for Giuseppe’s Pizzeria. Hours of Operation are 11:00 A.M. to 12:00 P.M., with four full-time and four part-time employees.
- d. **DELC 0798.013.001, 611 Main Street, Delafield. Owner: Nagawicka Lake Shops LLC. Applicant: Realty Executives Connect** Applicant seeks approval of a Business Plan of Operation and a permanent building sign for Realty Executives Connect. Hours of Operation are 6:00 A.M. to 10:00 P.M., with ten full-time and ten part-time employees.
- e. **Ice Age Trail, Hwy 83 and Mill Road. Owner/Applicant: City of Delafield** Proposed identification signs are proposed to be posted at the east and west points of entry into the City.

JASHINSKY MOVED TO APPROVE ITEMS 3A- 3D ON THE CONSENT AGENDA AS PRESENTED. REIHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FOUR WERE IN FAVOR. MOTION CARRIED WITH SCHULT VOTING NAY.

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Item 3e was removed from the Consent Agenda. Attwell explained there were currently two temporary Ice Age Trail signs placed in the permanent sign locations at the east and west entrances to the City. At the last Common Council meeting, permanent Ice Age Trail sign/locations were approved. A motion was required to remove the temporary Ice Age Trail signs to allow permanent sign placement.

WEILER MOVED TO REMOVE THE TWO EXISTING TEMPORARY ICE AGE TRAIL SIGNS FROM THE CURRENT LOCATION TO ALLOW PERMANENT SIGN PLACEMENT IN THE SAME LOCATIONS. MAREK SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

4. City of Delafield Citizen's Comments pertaining to items on or off this Agenda.

Laura Schult, 935 Bahr Road, read a letter from **Danielle Henry, Lakeview Drive, Nashotah, WI**, that expressed concern about the introduction of a CBD oil store into the City. Henry was appalled that the City had allowed a vape store to exist at Village Square. The Plan Commission should listen to the community.

Lyn Holton, 485 Lillian Court, objected to consideration of item 7b at this time. All three ordinance revisions should be considered all together because they contained cumulative effects on one another. She questioned several terms in the proposed ordinance revisions including existing floor elevation, grade and a starting point for measurement. The ordinances were not consistent with one another at this point in the language being used. Also, Item (c)ii, should have the word "arterial" added. She also noted the agenda used the word "hospital" when it should have listed the word "hotel" in Item 7b. These errors and proposed ordinance revisions needed resolution prior to approval.

Bill Wischer, 231 South Lapham Peak Road, noted he was an adjacent landowner to the proposed project in Item 8b. With regard to rezoning the agricultural parcel from A-1 to B-5 was not a simple rezoning as noted in the Planner's Report. This parcel would seem to be close to a Planned Unit Development (B-6) due to the assisted living center and inclusion of the hotel. Consideration should also be given to how the rezoning affected the surrounding A-1 zoning, particularly the lots to the south. The item listed on the agenda was listed incorrectly and this would preclude any public hearings scheduled for next month.

Hearing no other comments pertaining to items on or off this Agenda, Citizen's Comments were closed.

5. Unfinished Business – None.

6. New Business

- a. **DELC 0807.978.010, 400 Austin Circle, Delafield. Owner/Applicant: Purple Dog Real Estate Investments LLC.** Applicant seeks approval of a Business Plan of Operation and Site Plan for Purple Dog Storage, an outdoor storage facility. Hours of Operation are 8:00 A.M. to 4:30 P.M.

PLEASE SEE PLANNER'S REPORT IN THE EPACKET FOR THIS MEETING TO LOCATE DETAILED INFORMATION ON THIS ITEM.

The applicant was not present.

REIHER MOVED TO DENY APPROVAL OF A BUSINESS PLAN OF OPERATION AND SITE PLAN FOR PURPLE DOG STORAGE, AN OUTDOOR STORAGE FACILITY. HOURS OF

**CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES
OPERATION ARE 8:00 A.M. TO 4:30 P.M. FOR DELC 0807.978.010, 400 AUSTIN CIRCLE,
DELAFIELD. OWNER/APPLICANT: PURPLE DOG REAL ESTATE INVESTMENTS LLC.
JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL
WERE IN FAVOR. MOTION CARRIED.**

- b. **DELC 0734.989, DELC 0735.998, and DELC 7035.999, 4024 Nagawicka Road, Delafield.**
Owner: University Lake School. Applicant: MSI General, Julie Mitchell. Applicant seeks preliminary feedback regarding an amended Conditional Use Permit to accommodate a Nature Study Center on campus.

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Julie Mitchell, MSI General representative for University Lake School, was present. She clarified the proposed Nature Study Center would be located approximately 50 feet from the parking lot and the windows would be without glass. The structure would have a ramp for all abilities to be able to enter the Center. Flooding was not of concern.

JASHINSKY MOVED TO SCHEDULE A PUBLIC HEARING REGARDING AN AMENDED CONDITIONAL USE PERMIT TO ACCOMMODATE A NATURE STUDY CENTER ON CAMPUS FOR DELC 0734.989, DELC 0735.998, AND DELC 7035.999, 4024 NAGAWICKA ROAD, DELAFIELD. OWNER: UNIVERSITY LAKE SCHOOL. APPLICANT: MSI GENERAL, JULIE MITCHELL. REIHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

7. Zoning and Ordinance Revision.

- a. Text amendments to repeal and recreate portions of 17.24 Definitions regarding Floor Area, Basement, Average Improved Slope, Unimproved Slope, and Building Height.

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This item had been on the Commission agenda for the past three months with a public hearing conducted at the August 28, 2019 Plan Commission meeting. Modifications were noted and those requested changes had been incorporated into the proposed ordinance. Discussion ensued. Schult noted confusion regarding the definitions being presented as an ordinance. The definitions pertaining to "slope" were new and had been added at the request of the Commission in the format indicated necessary by the City Attorney. The measurement of the floor area remained confusing for the reader and seemed to indicate that with certain calculations additional living space could be achieved in an attic area. Discussion ensued regarding the readability of the proposed ordinance verbiage. Clarification was provided that the additional building height would apply to any building not just those in the CBD-1 district and this did not increase the maximum height allowed for any building. A request was made to better define "base grade" and to clearly define the calculations for floor area and defined slopes.

JASHINSKY MOVED TO APPROVE TEXT AMENDMENTS TO REPEAL AND RECREATE PORTIONS OF 17.24 DEFINITIONS REGARDING FLOOR AREA, BASEMENT, AVERAGE IMPROVED SLOPE, UNIMPROVED SLOPE, AND BUILDING HEIGHT WITH REVISIONS NOTED AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. MAREK

**CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES
SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. Text amendments to repeal and recreate 17.39(7) through 17.39(15) regarding Residential FAR

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The proposed text amendments were for residential floor area only. Changes had been made since the last Commission meeting to reflect the increased allowable floor area ratio for each district. The format used complied with the Municipal Zoning Code.

REIHER MOVED TO APPROVE THE TEXT AMENDMENTS TO REPEAL AND RECREATE 17.39(7) THROUGH 17.39(15) REGARDING RESIDENTIAL FAR AS PRESENTED AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. GREENWAY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. Text amendments to repeal and recreate 17.39(18)(L) CBD-1 District regarding Maximum Building Height, Number of Floors, and Restrictions Imposed on a Fourth Floor.

PLEASE SEE PLANNER'S REPORT IN THE EPACKET FOR THIS MEETING TO LOCATE DETAILED INFORMATION ON THIS ITEM.

This item had been on the Commission agenda for several months with a public hearing conducted at the August 28, 2019 Plan Commission meeting as a result of consideration of the Hendricks Development proposal in the CBD-1 district. The actions in the previous item would allow for 10 feet of height in the accessory building and would allow for a fourth floor with restrictions of parking space in addition to providing residential spaces with a requirement of four parking stalls required per 1,000 sf, regardless of the number of floors. Discussion ensued regarding the maximum heights allowed. The setback was not dependent on the building height in general; however, it would pertain if a fourth floor was desired according to the proposed ordinance change. It was noted that the words "arterial and" were left out of the exception noted under Section (c)(ii) in the proposed ordinance. In addition, additional clarity should be provided relative to the word "grade" in Section (c) and should be changed to "proposed finished grade."

MAREK MOVED TO APPROVE THE TEXT TO REPEAL AND RECREATE 17.39(18)(L) CBD-1 DISTRICT REGARDING MAXIMUM BUILDING HEIGHT, NUMBER OF FLOORS, AND RESTRICTIONS IMPOSED ON A FOURTH FLOOR WITH THE WORDS "PROPOSED FINISHED GRADE" IN LINE C AND IN SECTION (C)(II), THE WORDS "ARTERIAL AND" ADDED TO THE PROPOSED ORDINANCE AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. GREENWAY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- d. Text amendment to repeal and recreate 17.15(3) regarding Increased Building Height

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GREENWAY MOVED TO APPROVE A TEXT AMENDMENT TO REPEAL AND RECREATE 17.15(3) REGARDING INCREASED BUILDING HEIGHT AS PRESENTED AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. MAREK SECONDED THE

**CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES
MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION
CARRIED.**

8. Reports of City Officials:

a. Clerk

1. Plan Commission Meeting Dates & Deadlines
 - i. Meeting October 30, 2019
 - ii. Meeting Submittal Deadline October 15 2019
 - iii. Public Hearing Submittal Deadline September 30, 2019.
2. Correspondence
 - i. Correspondence from District 7 Alderman Tim Aicher stating he is in favor of the proposed amendments to the CBD1 height zoning and height definition.

b. Planner

1. Discussion regarding amending the Comprehensive Plan to change the Agriculture parcel of the C and 94 parcels, DELC 0799.983, 224 South Genesee Street, to be consistent with the balance of the Ixonia Bank owned property; Office Land Use Designation and rezone accordingly to B-5 district.

History of the development requests for this site. Each historical request included a need to rezone the A-1 parcel located at 224 South Genesee Street to be consistent with the remainder of the five acre property that surrounded it. Discussion ensued regarding the need to consider future plans for this property and the impact that fixing the intersection of Genesee Street and Indian Spring Road would have on the property.

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

2. Discussion regarding amending the B-5 zoning text to allow limited hospital usage as a permitted use in the Office Research Commercial district.

It was noted that the word "hospital" in this agenda item had inadvertently been incorrectly noted and should have been correctly stated as the word "hotel." This item would be placed on the next Plan Commission agenda with correct wording. Discussion could take place regarding any special qualifications that might be included in a future ordinance on this topic. Discussion ensued regarding the ability to create an exception to be used to allow a single hotel on this five acre site and could become part of the overall plan of approval for this specific development. Schult noted residents in that area remained opposed to having a hotel on the site. If a hotel was desired the developer could bring that forward to the Commission for determination at the time of application. No action was taken. Public input was desired on this matter.

c. Building Inspector – No report.

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

9. Adjournment.

There was no further business; therefore, the Wednesday, September 25, 2019 Plan Commission meeting adjourned at 8:19PM.

Minutes Prepared By:

Accurate Business Communications, Inc.