

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES
DRAFT

Call to Order

Attwell called the Wednesday, October 30, 2019 Plan Commission meeting to order at 7:00PM.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call for the Wednesday, October 30, 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
Jim Hammes, Attorney

PUBLIC HEARINGS:

PUBLIC HEARING 1:

Amended Conditional Use Permit

OWNER:

University Lake School

TAX KEY/ADDRESS

DELC 0734.989, DELC 0735.998, and DELC 7035.999, 4024 Nagawicka Road

MATTER:

Consideration of an amended Site Plan and Architecture for a Nature Study Classroom on campus.

Attwell opened the Public Hearing at 7:01 PM.

Hearing no one come forward to provide comment at this time, Public Hearing #1 was closed at 7:02PM.

1. Approve Plan Commission meeting minutes of the [September 25, 2019](#) meeting.

MAREK MOVED TO APPROVE THE SEPTEMBER 25, 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 0807.978.015, 3700 Hillside Drive, Delafield. Owner: Bright Holdings LLC.**
Applicant: Lemberg Electric. Applicant seeks approval of an amended Business Plan of Operation and a permanent building sign for Window Design Center a home design service and supplier. Ours of Operation are 7:30 A.M. to 4:30 P.M., Monday through Friday, with three full-time employees.

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- b. **DELC 0804.999.006, 3255 Golf Road, Delafield. Owner/Applicant: Albrecht Sentry Foods.** Applicant seeks approval of an amended Business Plan of Operation to expand the grocery pick-up service to include alcohol sales. Approval is contingent upon Common Council action to amend the liquor license accordingly.
- c. **DELC 0733.998.002, 3001 Village Square Drive, Hartland. Owner: Delafield Station LLC. Applicant Dr. Seth Barr.** Applicant seeks approval of an amended Business Plan to change the business name to Complete Health Chiropractic and permanent building sign.
- d. **DELC0793.018.003, 803 Genesee Street, Delafield. Owner/Applicant: Hendricks Commercial Properties, LLC.** Applicant seeks approval of an amended Business Plan of Operation and Signage for Blue Collar Coffee. Hours of Operation are 6:00 A.M. to 6:00 P.M. Monday through Friday, 7:00 A.M. to 6:00 P.M. Saturday and Sunday, with one full-time and 12 part-time employees.
- e. **DELC 0798.023, 634 Main Street, Delafield. Owner/Applicant: Jerry W. and Arlene A. Spencer.** Applicant seeks approval of permanent building signage for Soul Fire Art Studio.
- f. **DELC 0798.003, 612 Milwaukee Street, Delafield. Owner: A+ Development, LLC Applicant: Pete Bethke.** Applicant seeks approval of a Business Plan of Operation for Indigo Collective, a yoga studio. Hours of Operation are 6:00 A.M. to 10:00 P.M. with one full-time and 3 part-time employees.

Item 3b was removed from the Consent Agenda.

SCHULT MOVED TO APPROVE ITEMS 3A, 3C-3F ON THE CONSENT AGENDA AS PRESENTED. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **DELC 0804.999.006, 3255 Golf Road, Delafield. Owner/Applicant: Albrecht Sentry Foods.** Applicant seeks approval of an amended Business Plan of Operation to expand the grocery pick-up service to include alcohol sales. Approval is contingent upon Common Council action to amend the liquor license accordingly.

Clarification was requested regarding proper identification for alcohol purchase. Identification was required upon pick-up at the store.

JASHINSKY MOVED TO APPROVE ITEM 3B ON THE CONSENT AGENDA. REIHER 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.

Attwell provided special instructions regarding comments pertaining to Item 6d on the agenda. There would be no discussion of new information and Commissioners were instructed not to consider any commentary on new issues pertaining to this item.

Schult read into the record a letter written by **Bill Restock, 4527 Vettleson, Road**, who was strongly opposed to the CBD/vaping store that recently opened at Village Square. He requested consideration be given to creating ordinances or zoning to prohibit marijuana dispensaries within residential neighborhoods or within two miles of a school.

Bill Wischer, 231 South Lapham Peak Road, had a question regarding Item 6d. He questioned the City's responsibility should an accident occur because he had not noticed any information regarding liability and insurance in past discussions about that Item. Also, he wanted to clarify that Item 8b1

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would only change the A-1 parcel to B-5 and no other zoning changes would be made to any other parcels in the proposed project area.

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

5. Unfinished Business.

a. **DELCO 0793.021.001 and DELCO 0793.021.001, 705 Genesee Street Delafield.**

Owner/Applicant: 705 Genesee Street LLC. An extension was granted by the applicant through October 2019. The commission can approve the application, deny the application, or request an additional extension from the applicant. If the commission chooses denial, let it be known this is not a reflection of the applicant proposal, but rather the adherence to the municipal code. Recommend to the Common Council of the same.

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

Information had been provided in the epacket on this item. The applicant had offered another extension to the end of February 2020 in order to allow consideration of ordinance modifications to progress through the City's planning process. If approved, another public hearing would be required on this matter.

AICHER MOVED TO ACCEPT THE PETITIONER'S EXTENSION FOR 90 DAYS.

GREENWAY SECONDED THE MOTION. It was clarified that the petitioner requested consideration of an extension that was complete at the end of February 2020. **AICHER WITHDREW HIS MOTION.**

AICHER MOVED TO ACCEPT THE EXTENSION OF THE PETITIONER'S APPLICATION TO THE END OF FEBRUARY 2020 AND TO SCHEDULE A PUBLIC HEARING AT THE APPROPRIATE TIME FOR DELCO 0793.021.001 AND DELCO 0793.021.001, 705 GENESEE STREET DELAFIELD. OWNER/APPLICANT: 705 GENESEE STREET LLC. GREENWAY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. New Business

a. **DELCO 0734.989, 4024 Nagawicka Road, Delafield. Owner: University Lake School.**

Applicant: MSI General, Julie Mitchell. Applicant seeks approval of an amend Conditional Use Permit, Site Plan and Architecture for University Lake School to accommodate a Nature Study Center on campus and recommend to the Common Council of the same.

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MAREK MOVED TO APPROVE AN AMENDMENT TO A CONDITIONAL USE PERMIT, SITE PLAN AND ARCHITECTURE FOR UNIVERSITY LAKE SCHOOL TO ACCOMMODATE A NATURE STUDY CENTER ON CAMPUS AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. WEILER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

b. **DELCO 0807.978.010, 400 Austin Circle, Delafield. Owner/Applicant: Purple Dog Real**

Estate Investments LLC. Applicant seeks approval of a Business Plan of Operation, Site Plan,

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and Certified Survey Map for Purple Dog Storage, an outdoor storage facility. Hours of Operation are 8:00 A.M. to 4:30 P.M. and recommend to the Common Council of the same.

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Gerry Fleischer, 350 Austin Circle, noted he had spent money to upgrade his property a few years ago. He requested consideration of a six or eight-foot-high chain link fence with decorative slats to enclose mechanicals on the south side of his property that would blend with his current property. Discussion ensued regarding visibility on the southern side of his property from I-94. Fleisher confirmed that with his current proposal he was still able to conduct his extrication school.

JASHINSKY MOVED TO APPROVE A CERTIFIED SURVEY MAP CONTINGENT UPON THE CITY ENGINEER'S REVIEW AND APPROVAL, AS WELL AS A BUSINESS PLAN OF OPERATION AND SITE PLAN AS PRESENTED FOR PURPLE DOG STORAGE, AN OUTDOOR STORAGE FACILITY, DELC 0807.978.010, 400 AUSTIN CIRCLE, DELAFIELD, OWNER/APPLICANT: PURPLE DOG REAL ESTATE INVESTMENTS LLC, AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. **DELC 0807.985.021, 3884 Kettle Court East, Delafield. Owner: KB Investments LLC. Applicant: Shaun Sullivan.** Applicant seek approval of an amended Site Plan and Landscape Plan to accommodate a revised retaining wall design that encroaches into the setback.

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John Barker, 3776 Kettle Court East, and **Shaun Sullivan, of Design2Construct**, were present. The landbanked parking spaces had been relocated to the back side of the building and were not needed at this time. Originally proposed retaining walls were now tiered into several stepped tiers and would extend five feet into the setback area. A thirty-foot setback was required from the driveway location and the proposed tiered retaining wall would be 25 feet from the driveway. There were no proposed changes to the tree mitigation in the landscape plan. Sullivan noted the tiered retaining wall would ease the grade transitions and allow added landscape materials to be added to the beds.

AICHER MOVED TO APPROVE AN AMENDED SITE PLAN AND LANDSCAPE PLAN TO ACCOMMODATE A REVISED RETAINING WALL DESIGN THAT ENCROACHES INTO THE SETBACK FOR DELC 0807.985.021, 3884 KETTLE COURT EAST, DELAFIELD. OWNER: KB INVESTMENTS LLC. APPLICANT: SHAUN SULLIVAN. REIHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- d. **DELC 0825.994, 701 Maple Avenue, Delafield. Owner/Applicant: Hartland Sportsmen Club.** Discussion and possible action as the City of Delafield continues deliberation of the requested Conditional Use Permit in compliance with court mandates and recommend to the Common Council.

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The history of this matter was shared. No new information could be discussed at this meeting. The purpose of discussion was to review the conditional use permit and determine if any revisions were needed to satisfy issues of concern. Action was not required. Information pertaining to this item provided in the epacket for this meeting had changed since the epacket was distributed. **Mike Sitarz, Hartland Sportsmen's Club (HSC) President, and Stacie Rosenzweig, HSC attorney of Halling & Cayo- 320 East Buffalo Street, Milwaukee,** were present.

Schult recused herself due to her history with this matter and exited the room at 7:44PM. Hammes reviewed proposed changes made since distribution of the epacket. Commissioners discussed those remaining issues of concern including non-commercial status definition, the baffle system, the range safety officer position, fees and reimbursement to the City. Other items of concern pertaining to information provided in the epacket included accurate definitions of the types of guns being used at the HSC, an issue with the City Code regarding archery references in the Conditional Use, fencing, the baffle system, bullet catchers, noise abatement and hours of operation, distance from buildings and properties, privacy issues associated with maintaining a roster of HSC members/guests, certain terms pertaining to substantial conformance with specified criteria, and typographical errors within in the documents noted in the epacket. Discussion ensued regarding how best to consider the proposed changes. Rosenzweig suggested changes be made in writing, submitted to and discussed by legal staff, and this matter could be considered at the next November 2019 Plan Commission meeting. All agreed. No action was taken.

Atwell recessed the meeting at 8:22PM and reconvened the meeting at 8:25PM.

7. Zoning and Ordinance Revision.

- a. Discussion and action regarding text amendments to repeal and recreate portions of 17.24 Definitions regarding Floor Area, Basement, Average Improved Slope, Unimproved Slope, and Building Height. Recommend to the Common Council.

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

Items 7a-7d were approved at the last Commission meeting; however, they had been correctly noted on this agenda and were being redone for compliance with the agenda.

AICHER 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, SPECIFICALLY WITH THE ADDITION OF THE VERBIAGE IN SECTION 1 REGARDING BUILDING HEIGHT AS PRESENTED. JASHINSKY SECONDED THE MOTION.

Discussion ensued regarding the inability of a property owner to remodel the interior of their house if desired due to the following verbiage in Section 1:

Every building erected, structurally altered or relocated after the effective date of this ordinance shall comply with Floor Area herein defined.

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This was not the desired intent of the proposed text amendments. Additional language was needed for clarification of this section.

THERE WAS NO FURTHER DISCUSSION. NONE WERE IN FAVOR. MOTION FAILED.

This item would be placed on the next Plan Commission agenda for consideration.

- b. Discussion and action regarding text amendments to repeal and recreate 17.39(7) through 17.39(15) regarding Residential FAR. Recommend to the Common Council.

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

JASHINSKY MOVED TO APPROVE TEXT AMENDMENTS TO REPEAL AND RECREATE 17.39(7) THROUGH 17.39(15) REGARDING RESIDENTIAL FAR AS PRESENTED AT THIS MEETING 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. Discussion and action regarding 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. Recommend to the Common Council.

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SCHULT MOVED TO APPROVE 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 AS PRESENTED AT THIS MEETING AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. MAREK SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- d. Discussion and action regarding text amendment to repeal and recreate 17.15(3) regarding Increased Building Height. Recommend to the Common Council.

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SCHULT MOVED TO APPROVE A TEXT AMENDMENT TO REPEAL AND RECREATE 17.15(3) REGARDING INCREASED BUILDING HEIGHT AS PRESENTED AT THIS MEETING AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. GREENWAY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- e. Discussion and possible action regarding preliminary text amendment language to codify multiple residential district building height limitations 17.39(2) through 17.39(30) to be consistent with new building height definitions.

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A typographical error in the preliminary text amendment to codify multiple residential district building height limitations 17.39(2) through 17.39(30) to be consistent with new building height definitions was noted. Item "m" was referenced in 17.39(3)(m) and it should state 17.39(3)(k) because "m" did not reference building height.

AICHER MOVED TO APPROVE THE PRELIMINARY TEXT AMENDMENT LANGUAGE TO CODIFY MULTIPLE RESIDENTIAL DISTRICT BUILDING HEIGHT LIMITATIONS 17.39(2) THROUGH 17.39(30) TO BE CONSISTENT WITH NEW BUILDING HEIGHT DEFINITIONS WITH THE CHANGE FROM 17.39(3)(M) TO 17.39(3)(K). JASHINSKY SECONDED THE MOTION.

Dupler explained ample direction had not been given on this item. A public hearing was required prior to approval.

AICHER WITHDREW THE MOTION.

JASHINSKY MOVED TO SCHEDULE A PUBLIC HEARING AT THE NEXT PLAN COMMISSION MEETING FOR PRELIMINARY TEXT AMENDMENT LANGUAGE TO CODIFY MULTIPLE RESIDENTIAL DISTRICT BUILDING HEIGHT LIMITATIONS 17.39(2) THROUGH 17.39(30) TO BE CONSISTENT WITH NEW BUILDING HEIGHT DEFINITIONS. AICHER SECONDED THE 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. Discussion and action to approve a date change for the Plan Commission meeting scheduled November 27, 2019 to November 20, 2019.

AICHER MOVED TO APPROVE A DATE CHANGE FOR THE PLAN COMMISSION MEETING ORIGINALLY SCHEDULED NOVEMBER 27, 2019 TO NOVEMBER 19, 2019 AT 7PM IN THE COMMON COUNCIL CHAMBERS. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- ii. Meeting November 20, 2019 (TBD)

- iii. Meeting Submittal Deadline November 5, 2019 (TBD) Public Hearing Submittal Deadline October 21, 2019. (TBD)

Due to the change of the next Plan Commission meeting date, the submittal deadline would now be November 4, 2019 and October 20, 2019 for a Public Hearing submittal. No submittals of either kind had been received.

- iv. The December 2019 Plan Commission meeting date was approved to be held December 18th, 2019 at the January 2019 Plan Commission meeting.

2. Correspondence

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b. Planner

1. Discussion and possible action regarding an amendment to 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. The action may include scheduling a Public Hearing. This was discussed at the September 25, 2019 Plan Commission meeting. No action was taken at that time.

AICHER MOVED TO SCHEDULE A PUBLIC HEARING ON NOVEMBER 19, 2019 REGARDING AN AMENDMENT TO 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. MAREK SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

c. Building Inspector – No Report.

9. Adjournment.

There was no further business; therefore, the Wednesday, October 30, 2019 Plan Commission meeting adjourned at 8:44PM.

Minutes Prepared By:

Accurate Business Communications, Inc.