



**CITY OF DELAFIELD
MEETING MINUTES
PLAN COMMISSION**

Commissioners: Mayor Kent Attwell, Ald. Tim Aicher, Dan Cahalane, Mike Hausman, Dan Jashinsky, Scott Krienke, Edward Marek, Laura Schult

September 27, 2023

7:00 p.m.

City Hall, Council Chambers
500 Genesee St.

Regular Meeting Minutes

DRAFT

[YOUTUBE LINK](#)

1. Call to Order

The meeting was called to order at 7.00 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Roll Call

Commissioners Present: Tim Aicher, Ald. D7
Dan Cahalane
Laura Schult
Scott Krienke
Ed Marek
Dan Jashinsky
Kent Attwell, Mayor
Scott Hussinger, Building Inspector

Commissioners Excused: Mike Hausman

Also Present: Amy Barrows, City Planner
Crystal Turner, Deputy Clerk

4. Minutes

Discussion and possible action on the following minutes:

A. Approval of minutes of the [August 30, 2023](#) Regular Meeting.

Motion by Marek, seconded by Schult, to approve the minutes of the August 30, 2023, Regular Meeting, as presented.

All in favor. Motion carried.

5. Citizen Comments on Consent Agenda Items

Mayor Attwell opened citizen comments at 7:01 p.m.

Hearing no one who wished to speak, the citizen comments were closed at 7:01p.m.

6. Consent Agenda

Recommended approvals in accordance with the staff report. Items listed under the Consent Agenda are considered in one motion in accordance with the Staff Report unless a Plan Commission member or staff member requests that an item be removed from the Consent Agenda. Items recommended for discussion and possible action:

A. DELC0803988005, 2574 Sun Valley Drive, #207. Owner: R Gary Storts. Applicant, Caitlyn Stern, Milwaukee Sign Company, representing Lake Country Healing Hearts. Applicant requests approval for Permanent Signage.

- B.** DELC0802997, 1760 Milwaukee St., Unit C. Owner: Waukesha County Capital, LLC. Applicant: Michael Sparks, representing Adonis Roofing LLC. Applicant requests approval to amend their Business Plan of Operation for a business name change and Permanent Signage.
- C.** DELC0804994016, 2725 Hillside Drive, Unit D. Owner: Heritage Hillside LLC. Applicant: Lori Dominiak, FASTSIGNS of Waukesha, representing Amplifi Yoga. Applicant requests approval for Permanent Signage.
- D.** DELC0804994017, 2738 Heritage Drive. Owner: Heritage Hillside LLC. Applicant: Alexander Young, representative of Connect Chiropractic. Applicant requests approval of a Business Plan of Operation for an outpatient chiropractic practice.

Motion by Marek, seconded by Schult, to approve the Consent Agenda as presented.

All in favor. Motion carried.

7. Public Hearings: None

8. Citizen Comments on items other than Public Hearing

Mayor Attwell opened citizen comments at 7:02p.m.

Hearing no one who wished to speak, Citizen's Comments were closed at 7:02 p.m.

9. Unfinished Business

Discussion and possible action on the following items:

- A.** DELC0798953, Unknown address south of 124 Genesee Street. Owner: 3 ME GOS, LLC. Applicant: Michelle and Michael Kelly. Applicant seeks approval of an amendment to the Site Plan to allow a modification to the exterior of the dental clinic building.

Michelle Kelly, 11 Crossroads Ct, was present to speak.

Barrows summarized the update to the dental clinic entry. This is now not recessed and the siding is updated to the plank siding similar to rest of the building.

Motion by Krienke, seconded by Schult, to approve the exterior modifications as presented.

All in favor. Motion carried.

- B.** DELC0807985022, 3660 Kettle Court East. Owner: Pine Brush, LLC, c/o Dave Schill & Nick Mallinger. Applicant: John Kutz, MSI General. Applicant is seeking Site Plan and Appearance and Business Plan of Operation approval to construct an addition to an existing building and expand the operation that manufactures a variety of brushes.

John Kutz, MSI General, PO Box 7, Oconomowoc, was present to speak.

Kutz summarized the concerns of the proposed design raised last month for Tanis Brush. The top issue is parking. Staff revised the number to 127 (2 are potentially in the way of a loading dock) based on the engineer's conversation. Have overflow parking agreement available with the neighbor (Arcon) for parking spots to reach the total. Do have an employee count of 87 and not expecting any growth. Landscape plans clarify existing trees and potentially mitigation fees based on some of the removal. There are renderings and samples of the retaining wall.

Barrows also noted the dumpster removal and rebuild to the other side of the building. The building had no negative feedback last month. Just ensure that there are no mechanicals on the roof or visible.

Kutz stated pallet storage will be in the back.

Barrows noted they are removing 17 of the priority trees and potentially paying \$14,125.00 in mitigation fees.

Due to the revised parking numbers, they can add 10 stalls to the side with 2 being close to a loading dock. If he can reach the 127 then they will not need a formal agreement with another business.

Attwell asked if they are potentially off by two parking spaces now.

Barrows stated the code does require 24' entrance but with one way traffic and signage then they are able to go with 20' wide access road. The revised lighting plan did meet the ordinance. Storm water management has

been reviewed by the engineer and comments will need to be addressed. Barrows asked Jashinsky to see if the Public Works Committee would need to review anything.

Jashinsky stated he is on the fence with this. Asked if SEH are reviewing the retaining walls but if conditions are satisfied then they may not have to go to Public Works Committee.

Kutz did run through the storm water management review and they are submitting the revised plan Monday.

Barrows confirmed the applicant correctly identified the areas of business with the warehouse area increasing to accommodate a lower number of parking stalls. Employees will use two offices and a breakroom located in the warehouse area.

Motion by Aicher, seconded by Jashinsky, to approve the Site Plan and Business Plan of Operation update for the addition to the existing building and expansion of operations for 3660 Kettle Court East, subject to the planners' following conditions:

- 1. The required In-lieu mitigation fees shall be paid prior to commencing any construction activities.*
- 2. The retaining wall specifications/ design shall be certified by an engineer as part of building permit issuance. All provisions of Section 52-16(f) of the Zoning Ordinance shall be met.*
- 3. The applicant shall demonstrate compliance with all parking requirements prior to commencing any construction activities. If parking on an adjacent property will be used to meet the parking requirements, a written agreement shall be submitted to city staff for review and approval and the agreement shall be recorded with Waukesha County Register of Deeds. Parking shall not inhibit access to the loading docks on the south side of the property.*
- 4. The Fire Department shall review and approve the final site plans for emergency vehicle and hydrant accessibility.*
- 5. Revised photometrics and associated lighting that complies with all standards of the ordinance shall be submitted for review and approval by city staff.*
- 6. The landscape plan shall be reviewed and approved by landscape architect/ engineering staff to ensure plants will not be impacted by snow removal or deer or other wildlife, and that the densities are sufficient.*
- 7. All stormwater requirements and conditions of the engineering report dated September 18, 2023, shall be complied with. In addition to the issuance of a stormwater and erosion control permit, an addendum to the stormwater maintenance agreement shall be provided for review by Common Council.*
- 8. The plans shall clearly identify the location of any HVAC and other mechanical equipment. The equipment shall not be visible to the street or adjacent properties.*

All in favor. Motion carried.

- C.** DELC0798978, 505 N. Lapham Peak Road, DELC0798979001, 427 N. Lapham Peak Road, DELC0798893001, 532 Bleeker Street, DELC0798167002, 1014 Kenora Road, DELC0798976, 1016 Kenora Road. Owner: Behrend Property, LLC. Part of DELC0798977001, 333 N. Lapham Peak Road Owner: American Legion Post No. 196. Applicant: Jim Behrend. Applicant is requesting Final Site Plan and Appearance approval for a 29-lot single family residential subdivision.

Jim Behrend, 757 Garrison Court, Delafield was present to speak.

Barrows summarized the site plan review with the tree mitigation plan. Removing 150" of trees but making intentional decisions to save trees too. In total they are removing 350" of trees and planting 383". Originally had native plantings by the road, which is now not part of the final plans. Have submitted a revised Declaration of Restrictions and mimicking the Beacon Hill Declarations of Restrictions. This is currently being reviewed by the City Attorney.

The applicant is paying in-lieu fire suppression fees and the site is served by sewer and private well. A developer's agreement will hopefully go to Common Council on Monday 10/2 for approval. Still need final Civil and engineering plans reviewed and storm water management needs to be completed.

Aicher asked if tree mitigation does not include new home owner plantings.

Behrend confirmed that is correct and they did also move the road to avoid more areas of trees.

Barrows said they were trying to save two houses.

Behrend said the final plat will have no existing houses as other developers had confirmed this would be a better subdivision and less cost involved if they do not spend resources to remodel existing properties.

Jashinsky asked if the hydrangeas salt resistant

Behrend is not sure but had asked for hardy plants.

Attwell suggested they see Golf Road for the grasses that are hardy.

Motion by Aicher, seconded by Krienke, to approve the final Site Plan and Appearance for the 29 lots subdivision on the Behrends property, including the 24 ft. wide road, and the restrictions listed in the staff report.

All in favor. Motion carried.

10. New Business

Discussion and possible action on the following items:

- A. DELC0798978, 505 N. Lapham Peak Road, DELC0798979001, 427 N. Lapham Peak Road, DELC0798893001, 532 Bleeker Street, DELC0798167002, 1014 Kenora Road, DELC0798976, 1016 Kenora Road. Owner: Behrend Property, LLC. Part of DELC0798977001, 333 N. Lapham Peak Road. Owner: American Legion Post No. 196. Applicant: Jim Behrend. Applicant is requesting Final Plat approval for a 29-lot single family residential subdivision.

Jim Behrend, 757 Garrison Court, was present to speak

Behrend stated the Developer agreement had been forwarded this afternoon and he does not disagree with anything and comfortable to start construction based on what they are presenting. Removing one house they were able to better lay 3 property lots lines. No one has easements for public facilities.

There will be a side walk on the north side that connects to Lapham Peak and the Legion. The side walk will generally be at the set-back but if there is a tree it may go to the road side or to a private easement if it must go to the property side.

Barrows noted other developers have provided trail easements after to ensure that it was in the right place. If possible, it would be ideal to see the easement on the final plat as soon as they are aware.

Barrows stated there does appear to be a recorded easement to one of the old properties and they will need to get that easement vacated.

Behrend said this will happen within a week or two as WE Energies are reporting they can vacate.

Barrows said the building set back typo needs to be corrected to 10' and then the transfer of the lands with the CU agreement to rezone with land use plan.

Behrend said the status is they have title reports and closing statements and waiting on the timing of the transfer with the Legion. Barrows asked if the city can have the information on title so that it is listed corrected.

Barrows said they will need to meet storm water engineering comments.

Behrend has reviewed and the list is getting smaller as they are addressing.

Barrows said civil plans show different building envelopes than the final plat of specifically lot 15. Lots 15-17 need to be reviewed by engineer at time of construction.

They are proposing four early start permits especially for the more challenging lots. Two lots are to be model homes with similar restrictions as Beacon Hill as to not be used as sales offices, in place for a maximum of 5 years in and will need a BPO.

Attwell expressed the need of due diligence to move forward smoothly.

Motion by Jashinsky, seconded by Marek, to approve the Final Plat subject to compliance with the Planner, Surveyor, and Engineer comments and all other approval and objecting authorities prior to Common Council review.

Discussion: Barrows stated final plat will go to Common Council once all conditions are met.

All in favor. Motion carried.

- B.** DELC0792990 & DELC0793997, Oakwood Drive. Owner: Hendricks Commercial Properties LLC. Applicant: George Erwin III. Applicant is requesting approval of a Final Plat for a single-family conservation design subdivision known as St. John's Estates.

George Erwin III, 2600 N Mayfair Road was present to speak.

Barrows summarized the plan for the subdivision. The Applicant needs to comply with all the planners and engineers report prior to going to Council for final plat. Common Council did approve everything but storm sewer easement. Following up tomorrow to see what needs to still be updated.

Erwin said they have County and DNR approval on the final plat. Have a boulevard and two islands in the cul-de-sac to designate as an easement for the HOA to take care of.

Motion by Marek, seconded by Cahalane, to approve the Final Plat subject to compliance with the Planner, Surveyor, and Engineer comments and all other approval and objecting authorities prior to presenting the Final Plat to Common Council.

All in favor. Motion carried.

- C.** DELC0798094, 736 Wells Street; DELC0798098007, 737 Division Street; DELC0798098006, 731 Division Street; DELC0798098005, 723 Division Street. Owners: Behrend Property, LLC, Robert Behrend, James Behrend, and Richard Behrend. Applicant: Chris Miller, Miller Marriott. Applicant is seeking feedback regarding architectural renderings for a proposed building that will accommodate office and showroom space.

Chris Miller and Jim Marriott, Miller Marriott Construction, were present to speak.

Barrows summarized the applicant's proposal to purchase four properties for the development. Due to a previous purchase and proposal half of the alley of Lake St was vacated and the property on the north side will vacate the other half of Lake Street with this proposal. They will only vacate the alley by the property.

The proposal is to use as the Miller Marriott office and rent the remaining space.

Miller stated the north elevation is facing Wells Street. East elevation is one-story in the back to match the street level that side. Lower level would be mechanicals, storage, and rentable office spaces. They are asking for feedback on architectural renderings. If approved they would comply with the process.

Marriot explained the take on the prevailing colonial character with a twist of a Hamptons look. Has a very vernacular but commercial aesthetic.

Attwell asked if the building had a vaulted ceiling for the second floor.

Miller explained there will be 12'-14' ceilings with spiraling ducts and traditional wood beams.

Jashinsky asked for the north elevation height.

Marriott confirmed it is 33' short of the 35'.

Schult asked if the Lot 6 house was being removed.

Miller confirmed it will be.

Miller tried to dampen the converted barn feel with lighter grey and black windows. Shingles towards the top of the building are like the first house in Beacon Hills.

Marriott noted the east side is facing the bike path.

Miller stated there will be parking in the front and landscaping. The west exposure will have a larger dormer window.

Aicher stated it is not out of line with the city and not alike to the rest of the city but is clearly in a transitional area. Nice transition between apartments and residential.

Jashinsky said it sets the stage for redevelopment.

Attwell noted the flexibility of the building for future businesses based on the floorplan.

Miller explained the floorplan will be a showroom and offices for Miller Marriott. Lower floor will be flex offices which are single or double for professionals and they have a waiting list for the Hartland office flex space. No need for tenant approval work. If there is a major tenant the building is very easy to retrofit and repurpose due to load bearing through the center of the building. Garage door goes to storage and mechanicals below.

Marek likes the proposal.

Barrows noted the south and west elevations are in the packet along with color renderings and materials supplied with the application.

Miller will tuck in the garage door and there will be retaining wall at the elevation transition.

Schult would prefer an architectural feature door.

- D.** DELC0733989001, 4431 Vettelson Rd. Owner: 4431 Vettelson Rd LLC. Applicant: Mike and Sue Gatzow, representative. Applicant is requesting Site Plan and Appearance approval of an accessory building addition that exceeds the size requirements.

Mike Gatzow, 4439 Vettelson Road, was present to speak.

Barrows summarized the property of the family home and garage space. Existing outbuilding is used for hobby storage. The applicant is proposing an additional 2160sq ft building. Asked why the property is already graded by the proposed outbuilding.

Gatzow explained to use the existing building, move cars to the back of the property and turn into the building he ran a driveway up to the building and graded the area for turning into the building. Originally gravel from previous owner and most is grown over with grass.

Barrows stated areas not part of the driveway should be seeded for grass. B1A does allow for retail service like businesses but does not allow contractor storage. Current tenant has a painting business. Is the proposed building truly being used for residential purposes or would have to comply with B1A business requirements and apply for a BPO.

Attwell asked to clarify if this was to be used as storage for Gatzow or for the tenant.

Krienke asked if it is used for personal storage or for offsite businesses.

Gatzow explained he has a collection and prefer to store inside plus items from contractors.

Kreinke is concerned on size increase at 125% larger.

Barrows stated the Code allows for a 1200 sq ft building and larger will need approval from the Plan Commission. Code is being updated but not yet in place and this would exceed that planned change.

Kreinke understands that the accessory building cannot be rented out and it is not clear that this is not the case.

Gatzow said the current tenant would be renting for storage of painting equipment for business.

Attwell noted the benefit of the zoning area but the applicant needs to apply in the correct status.

Gatzow is not certain of what the usage would be of the building.

Barrows stated the limitation is for the compatibility within the community and the eventual use. B1A is limited to retail and service establishments. Areas can be rezoned but Plan Commission needs to understand the use of the building.

Gatzow's plan for now is not for retail use but storage.

Krienke asked if it is the tenant or owner that would get the BPO.

Barrows said it would be the tenant with the owner's permission with the proprietor living on the property.

Discussion continued to whether the applicant was intending the building for personal storage or business usage. The outcome of which was the end use is unknown.

Aicher stated based on the impact to the neighborhood and adjoining properties he does not see too much of an issue. Understands the building size is greater than usual but fits the area. This will still not be bigger than the building to the west.

Jashinsky personally feels the building is too big for the acreage.

Marek agrees the proposed size is high for the lot in question. Use is minor but the size is a concern. 2000 sq ft total size of building would be a better option.

Shult recommended to cut the size of the building.

Cahalane asked how did the applicant settle on the size of the building.

Gatzow explained he just doubled what he had and wanted larger 18' doors to access.

Motion by Krienke, seconded by Jashinsky, to deny the applicants request to build the building due to its size and potential use for commerce.

Discussion: Cahalane would like to give feedback on size and what usage would be a possibility for the applicant.

Krienke asked if the later proposal of the 2% size would be relevant.

Barrows stated it would then allow a 1400 sq ft building based on lot size.

Krienke would like to uphold consistency and guidelines of section 52-110.

Barrows noted more than 1200 sq ft must come to Plan Commission.

Cahalane said the applicant can review building size or come back with a business plan.

Marek stated if the building addition is reduced to half of the 36' and this shows more of personal use.

Motion passed with 2 voting nay.

E. DELC0807985021, 3875 Kettle Court East. Owner: Kettle Court Circle, LLC. Applicant: John Barker. Applicant is requesting Site Plan and Appearance approval to construct a storage building for his business operation, Arcon Manufacturing.

John Barker, 3875 Kettle Court East and Mike Davis, Insight Design 105205 W North Ave, were present to speak.

Barrows summarized that in 2018 the applicant had been approved for the current building. Completed additional tree cutting and Plan Commission did approve additional tree mitigation. Currently proposing a two-story 15,330 sq ft building (7800 sq ft stacked). Zoned for manufacturing. Building will be used for storage for material and equipment.

Barker stated they have about 60 different machines for manufacturing and at certain times of year some are idle and need storing. Product space is needed to be stacked as it is produced. Planning for future space needs. Potential to purchase SEH building. Based on the economy the convenience would be to build on site.

Barrows noted there are bathrooms and a kitchenette on each floor.

Barker stated they just need a sink and bathroom for each floor. The plan is to stack on top of each other. They have removed the deck and loading dock. Items can be loaded without the loading dock. There are two overhead doors below and 1 overhead door above. This will look and feel the same as the current building. Built into the elevation.

Barrows stated there may be an issue with storm water management and tree mitigation. Questioned if the entrance size is correct.

Plan Commission agrees with the design aesthetic.

Barrows noted the site does require a significant amount of grading and some areas do go on to the SEH site. If he does not own SEH then they will need the property owner's permission. There is work to be done with engineering staff to ensure the proposal functions properly. Any future driveway to connect to the SEH site should be included in the plans and storm water management.

Barker said he reviewed the comments and will address all. None are an issue and will show in the revised plans.

Barrows stated the goal is to extend the sewer and water from the SEH property.

Barker shared an updated tree mitigation plan. Removing 10 crab apples trees.

Barrows said technically the trees or plants that did not survive must be replanted to meet requirements of fees paid.

There was discussion around the placement of current trees and proposed landscaping to figure out tree mitigation and/or fees due. The consensus is that the applicant will work with CJ Engineering to mark the proposed building boundary. Davis will review grading and get an updated as built landscaping plan to understand future tree mitigation due to the proposed addition.

Barrow stated maybe the in-lieu fee is the best route to go as the grading plan appears to conflict with the landscape plans.

Barrows noted the building has no issues and will need to comply with storm water management. Allowed storage as an accessory of the business use.

Attwell asked if the applicant and Barrows are confident that the plans are complete.

Barker said he is planning on early spring to start construction but need to place the order for prefabricated walls soon.

Barrows stated that grading should not take place until storm water management plan is approved. Barrows asked Hussinger if it is reasonable to allow an early start building permit.

Hussinger said he would need to understand what areas are impacted to issue.

Barker would like to start to move dirt in 2-3 weeks after plans but want to get plans approved.

Barrows requested the applicant returns to Plan Commission in October with updated plans.

11. Comprehensive Plan, Zoning and Ordinance Revision

Discussion and possible action on the following items:

- A.** Discussion and reconsider action taken at August 30, 2023 Plan Commission meeting to amend sections of Article I of the City of Delafield Zoning Ordinance, including Section 52-16(d) Yard projections and Section 52-21 Street access requirements and by amending the text of Article III of the City of Delafield Zoning Ordinance, including Section 52-89(a) through (d) Plans of operation, and possibly other Sections related to the topics specified in this notice.

Barrows covered the last months recommendation to approve at Common Council. This was sent back due to questions on the street ordinance section 52-23 and when the conditions apply. It becomes impractical in areas where several lots do not abut a public road. The reason for the provision is so that emergency vehicles can reach the properties. Have now tweaked the language so that it would be considered for a vacant lot. Property needs to demonstrate there is legal access to the property.

Aicher confirmed it eliminates the 30' and 60' easement requirements.

Barrows noted all other provisions are the same

Motion by Cahalane, seconded by Jashinsky, to recommend Common Council adopt the enclosed draft revised ordinance to amend several sections of Article I and Article III of the City of Delafield Zoning Ordinance subject to City Attorney review.

All in favor. Motion carried.

- B.** Discussion and possible action to schedule a public hearing to amend sections of Article IV Zoning Districts and Article X Administration and Penalties of the City of Delafield Zoning Ordinance.

Barrows reviewed what has been refined from the last months discussion. Removes special exceptions from the board of appeals. If this comes back as a Public Hearing for the draft ordinance it will touch chapter 2 that defines the committee roles. Clarifies the role of board of appeals and matches amended statutes. Makes it clear how and when to file an appeal based on board decision and staff decisions.

Area variances are clearly defined and prohibiting use variances are stated. Clarified the confusion of when a building permit and occupancy permit are issued by the Building Inspector and use permit would be from the Planner.

Schult asked if the use permit is approved after Plan Commission approval.

Barrows said the Planner issues certificate of compliance issue once approved through the consent agenda and going forward should be issued each time per the code. It keeps it cleaner and gives written documentation of approval.

Barrows covered the increase in the occupancy bond for Hussinger to secure compliance if he issues a temporary occupancy.

Krienke asked if it goes as a percent of value to the building as \$5000 may still not be enough for commercial buildings.

Hussinger said the plan is more for residential to ensure completion.

Barrows reviewed permitted accessory uses in all residential districts listing the set amounts per size of the lots. Additional provisions for the use of building. The header is updated to include structures and list the districts.

Discussion on selected districts to include in the ordinance and a provision on size.

Motion by Aicher, seconded by Jashinsky, to schedule a public hearing for Article IV Zoning Districts and Article X Administration and Penalties for the City of Delafield for October 27, 2023 Plan Commission.

All in favor. Motion carried.

- C.** Acknowledge updated Zoning and Land Use Plan Maps that are reflective of recent amendments that have been enacted by Common Council.

Barrows will need to update the reference to zoning codes. PUD for Hawthorn Farms was stretched to adjoining property.

Attwell asked that the publication date on the map is current.

Barrows said the land use plan was amended and should read central business and not list district. Reflective of the updated changes. Special use plan will need to be referenced within the document.

Aicher asked for the changes to be made and then bring back to approve.

12. Report of City Officials

A. Correspondence

B. Planner

1) Schedule November and December meeting dates

Confirmed that November 29th and December 20th are the November and December Plan Commission meeting dates.

C. Building Inspector

13. Plan Commission meeting dates and deadlines

1) Regular meeting October 25, 2023

2) Regular meeting submittal deadline September 27, 2023

14. Adjournment

Having no further business, the meeting was adjourned at 9.52 p.m.

Respectfully submitted,

Crystal Turner,
Deputy Clerk