



CITY OF DELAFIELD MEETING MINUTES PLAN COMMISSION

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

Wednesday, May 25, 2022

7:00 p.m.

City Hall, Council Chambers
500 Genesee St.

Regular Meeting

DRAFT

[YouTube Link](#)

1. Call to Order

The meeting was called to order at 7:00 PM.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Roll Call

Commissioners Present: Tim Aicher, Ald. D7
Dan Cahalane
Mike Hausman
Dan Jashinsky
Ed Marek
Laura Schult
Robert Weiler
Kent Attwell, Mayor

Also present: Amy Barrows, City Planner
Scott Hussinger, Building Inspector
Molly Schneider, City Clerk

4. Minutes

Discussion and possible action on the following minutes:

A. Approval of minutes of the [April 27, 2022](#) Regular Meeting.

Motion by Aicher seconded by Marek, to approve the minutes of the April 27, 2022 meeting as presented.

All in favor. Motion carried.

5. Citizen Comments on Consent Agenda Items

Hearing no one present who wished to speak, citizen's comments on consent agenda items were closed.

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. DELC0798013001, 607 Main Street. Owner: Nagawicka Lake Shops LLC. Applicant: Handcrafted Barber (Kory Vaillancourt). Applicant seeks approval of a Business Plan of Operation for a new barber shop.

B. DELC0807978016, 350 Austin Circle. Owner: Purple Dog Real Estate Investments LLC. Applicant: Fastsigns of Waukesha, on behalf of Macqueen Emergency. Applicant seeks Permanent Signage approval to change the sign face for two permanent wall signs in order to update the business name.

- C. **DELC0804999008, 3272 Golf Road. Owner: Shoppes at Nagawaukee Equity LLC and Shoppes at Nagawaukee Equity IV LLC. Applicant: Melissa Cataldo, Innovative Signs, on behalf of Stretch Zone. Applicant seeks Permanent Signage approval for a wall-mounted sign and approval for a Business Plan of Operation for a new wellness studio.**
- D. **DELC0804996003, 2750 Golf Road Suite C. Owner: Lake Country Real Estate LLC. Applicant: Lake Country Pediatrics. Applicant seeks approval of a Business Plan of Operation for the relocation of their pediatrics clinic.**
- E. **DELC0803002, 2420 Milwaukee Street. Owner: Smiley Barn Property Company LLC. Applicant: Smiley Barn. Applicant seeks Permanent Signage approval to change the sign face on an existing freestanding sign.**
- F. **DELC0793020003, 524 Milwaukee Street. Owner: Hendricks Commercial Properties LLC. Applicant: Brian Behl, Behl Wealth Management. Applicant seeks approval of a Business Plan of Operation for their wealth management business.**

See the Planner's Report in the May 25, 2022 ePacket for detailed information on these proposals.

Motion by Marek seconded by Aicher, to approve the consent agenda as presented.

Aicher noted the write ups were thorough.

All in favor. Motion carried.

7. Public Hearing:

A. Public Hearing #1:

Topic: Special Exception from Section 52-199 of Zoning Code – Side Yard Setback
Location: 1037 Milwaukee Street
Owner: Peter Keck
Applicant: Same
Matter: Special exception to construct a screened porch within the side yard setback on a nonconforming lot

Attwell opened the Public Hearing at 7:02 PM.

Hearing no one present who wished to speak, Attwell closed the Public Hearing at 7:02 PM.

B. Public Hearing #2:

Topic: Zoning Code Text Amendments related to the creation of a new Central Business District CBD-4 and related provisions
Applicant: City of Delafield Plan Commission
Matter: Zoning Code Text Amendments related to the creation of a new Central Business District CBD-4 and related provisions. Sections to be amended include Section 52-111 Zoning districts, 52-112 Summary of lot area, width, setback and yard requirements, and 52-231 Signs

Attwell opened the Public Hearing at 7:03 PM.

Marcia Stocks, 226 Genesee St - Thanked the Plan Commission for listening to concerns regarding the previously discussed prop. Asked why the additional structure on Genesee St being would be included at this point. It would start a domino effect in the neighborhood.

Suzi Thompson, 700 Milwaukee St - Noted that the proposed changes are not clear about the intention for the residential lot being included in the proposed Land Use changes.

Michelle Kelly, 124 Genesee St – Stated there are no changes planned for the residential home, but is considering the change for future marketability.

Hearing no one else who wished to speak, Attwell closed the Public Hearing at 7:07 PM.

8. Citizen Comments on items other than Consent Agenda Items and Public Hearing

Hearing no one present who wished to speak, citizen's comments were closed.

9. Unfinished Business

Discussion and possible action on the following items:

- A. DELC0787995, 1037 Milwaukee Street. Owner and Applicant: Peter Keck. Applicant seeks approval for a special exception to convert an existing patio into a screened porch on a non-conforming lot that does not meet side yard setbacks.**

See the Planner's Report in the May 25, 2022 ePacket for detailed information on this proposal.

Peter Keck, 1037 MKE St, was present to discuss the proposal.

Barrows summarized the location and the proposed special exception.

Motion by Aicher seconded by Hausman, to approve the proposed request as presented subject to the special exception being recorded with the Waukesha County Register of Deeds prior to the issuance of a Building Permit in accordance with Section 52-199(4)h of the Zoning Code.

All in favor. Motion carried.

- B. DELC0782001001, 1807 Nagawicka Road. Owner: Walkers Point Property, LLC (Jay Franke & David Herro). Applicant: Peter Damsgaard, Architect. Applicant seeks approval to exceed the height requirements for cupolas and a weathervane.**

See the Planner's Report in the May 25, 2022 ePacket for detailed information on this proposal.

Peter Damsgaard, 11739 Northshore Cliff Lane, Mequon was present to speak regarding the proposal.

Barrows explained that there was not a formal application for this type of submission, but the current proposal is to allow for the height exception. The top of the weathervane is 14.67' and the Cupola is 8.5' above the peak.

Aicher asked if a specific height should be included in the recommendation. The applicant was asked if there was any intention to change the scale. It was noted that the intention is to provide flexibility.

Schult suggested reducing the size of the cupola in half.

Cahalane asked about why this is going first. Barrows noted that this is

Motion by Aicher seconded by Marek, to recommend Common Council approve the request to exceed the height requirements up to 9' for cupolas and 15' weathervane, contingent upon Plan Commission approval of the final site plan.

Attwell asked about the approvals for the cupolas downtown. Jashinsky thought this was allowed in the code in the area.

All in favor. Motion carried.

- C. DELC0798001, 600 Milwaukee Street. Owner: DMK Investments, LLC, Matt Kowalske, Applicant: Jola Fronczak. Applicant seeks Site Plan and Appearance Review approval to remodel the exterior of the building that contains Kowalske Kitchen and Bath.**

See the Planner's Report in the May 25, 2022 ePacket for detailed information on this proposal.

Tom Luck and Jola Fronzak, 600 Milwaukee St, were present to speak regarding the proposal.

Barrows summarized the proposal. This is part of the Downtown Design district and the Plan Commission determined that the proposal closely meets the requirements. The signage will have to come back for formal approval.

Fronzak noted that the colors are dark charcoal and off white.

Barrows asked for clarification regarding why there are no supporting posts in the overhang. Luck explained that the intention is to keep the look and that the support would present difficulty in. The preference is to have the awning be done in metal. However, there is also the thought to have the awning be done in fabric if necessary.

Barrows pointed out the black Delafield Sailboat logo on the building and questioned whether it is appropriate. Aicher noted this isn't a nautical style building and that company signage may be more fitting.

Discussion occurred about the box bays on the building and the aesthetics of the building.

Fronzak provided material samples for review.

Aicher noted this looks like a quality upgrade.

Attwell asked about the awning material and the proposal for metal. Fronzak noted this is for making a statement and to go with the overall design of the building. The awning would look like wood material. On the south side that would be a shingle roof. Attwell noted there is downlighting in the soffits. The lighting in the district is not generally prominent, especially late into the evening. Fronzak noted the lighting is intended to be soft lighting. Attwell asked the applicant to put dimmers on the lighting.

Motion by Schult seconded by Weiler, to approve the site plan and appearance review as presented, with the requirement that dimmers be put on the exterior down lighting and that any signage, including the proposed Delafield City logo, come back for separate approval.

All in favor. Motion carried.

- D. DELC0781989004 & DELC0781989005, unknown address on Nagawicka Road East. Owner: Joes Legacy Farm, LLC. Applicant: Jon Spheeris. Applicant is requesting the Plan Commission approve the Planned Unit Development – Specific Implementation Plan for a conservation type single-family subdivision.**

See the Planner's Report in the May 25, 2022 ePacket for detailed information on this proposal.

John Spheeris S1W33857 Abbots Rd, Oconomowoc and Rob Davie, Lake Country Engineering, 970 S Sliver Lake St, Oconomowoc, were present to discuss the proposal.

Barrows explained this application is for the Specific implementation Plan for the subdivision. The SIP approval gives the developer the opportunity to start construction. They needed to submit detailed plans which have been reviewed and most comments have been addressed. The Public Works Committee asked the Plan Commission to look at the disturbance of steep slopes and explained the Plan Commission could grant an exception. The engineer review noted that stability could be achieved. The landscape plan was reviewed. Surrounding property owners have requested specific additions to the plan. Adding tree planting along a specific property was requested and removal of all buckthorn.

Aicher stated that the southeast corner which included lots 24, 23, and 22, should have more robust non-deciduous trees in the area. Spheeris explained that they bring in spaded evergreen trees for screening. Staff would review this additional screen prior to Common Council approval.

The tree cutting and mitigation plan was reviewed. There are not many trees being removed. There will 429 caliper inches of trees being planted with only 17 caliper inches of trees being removed.

The signage will include fencing along the road and columns at the entrance roads.

Barrows noted the open space management plan stated that there are isolated natural resource restrictions, but there were none included. Davie stated the restrictions will be noted on the plat.

Regarding the Public Works Committee recommendations, Davie explained everything had been addressed with the exception of the steep slope issue. There is a 3000 sq. ft. area that the slope area couldn't be reduced enough. The planting will be low grow, no mow. There is also a matting being put in to stabilize the area prior to when the vegetation takes off. This is not a swale and should only be affected by runoff. A retaining wall may be bigger hazard than the slopes.

The path connection to the south is having issues with the homeowners for the preferred easement size. This will affect the angle of the path curve.

Motion by Aicher seconded by Jashinsky, to recommend that Common Council approve the Specific Implementation Plan components as described in the Planners report for the May 25, 2022 meeting, subject to final review and approval of all required plans and documents by the City Administrator, City Planner, City Surveyor, City Engineer, and City Attorney, as necessary, including the following:

1. *Final review and approval of detailed stormwater management and utility connection plans, public road improvement construction plans, trail construction plans, and grading plan*
2. *Stormwater Management Plan and Maintenance Agreement*
3. *Developer's Agreement and any necessary Financial Assurances*
4. *Open Space Management Plan*
5. *Subdivision Declaration of Restrictions and Covenants*
6. *Final Plat (prior to the sale of lots)*

And subject to the space behind lots 21-24 having a robust additional non-deciduous planting array added to the landscape plan for appropriate screening, the appropriate amount to be contingent upon staff review prior to Common Council approval.

And the special erosion treatment per the presenters' letter dated May 17, 2022.

All in favor. Motion carried.

10. New Business

Discussion and possible action on the following items:

- A. DELC0804994017, 2730 Heritage Drive. Owner: Heritage-Hillside LLC. Applicant: Bill Karmell, Springfield Sign, on behalf of Sears Hometown Store. Applicant seeks Permanent Signage approval of a wall-mounted sign and a multi-tenant panel sign for the new Sears retail store.**

See the Planner's Report in the May 25, 2022 ePacket for detailed information on this proposal.

Michael Prochaska, Racine, WI, was present to discuss the proposal.

Barrows explained the building signage is ok, but the panel signage would not be cohesive with the existing signage.

Jashinsky suggested the colors be reversed. Discussion occurred regarding inverting the colors. The signage of blue writing with white background would be preferred.

Motion by Weiler seconded by Cahalane, to approve the sign with the panel signage colors being inverted.

All in favor. Motion carried.

- B. DELC0742986, W73 East Wisconsin Avenue. Owner: The Boat House of Lake Country, LLC. DELC0742014, W127 East Wisconsin Avenue. Owner: Boat House of Lake Country Real Estate, LLC. Applicant: Andy Ingarra (owner), Rick Hargarten (MSI General), and Scott Boese (Bauer Sign). Applicant seeks approval of Permanent Signage.**

See the Planner's Report in the May 25, 2022 ePacket for detailed information on this proposal.

Andy Ingarra, W73 East Wisconsin Ave, was present to discuss the proposal.

Barrows explained that this is signage continued from the previous application that was not complete. The Conditional Use required signage needed to be approved. The Right of Way is in the jurisdiction of the County. The arrow signage will be painted on the asphalt surface to direct the flow of traffic. The additional signage was reviewed. Barrows corrected the indicated location of a sign from east side to west side.

Aicher noted this space was previously Quaden Dodge and the signage is just replacing existing sign cabinets.

Attwell asked for clarification regarding if the arrows will be painted.

Marek noted discrepancies between the plans. The formal plan is correct.

Aicher stated this looks appropriate, but the flow may need to be corrected.

Attwell asked that staff follow up in 12 months to make sure the directional indicators were working.

Motion by Jashinsky seconded by Aicher, to approve the signage and directional arrows as presented. No sign shall result in internal/external illumination of more than 40 footcandles when measured with a standard light meter held perpendicular to the sign face at a distance of 10" from the sign and having staff follow up on the traffic flow in 12 months.

All in favor. Motion carried.

- C. DELC0755999018, 2480 Nagawicka Road. Owner and Applicant: Richard and Deborah Swearingen. Applicant seeks Site Plan and Appearance Review approval for the construction of an addition to an existing accessory building that exceeds the maximum size requirements.**

See the Planner's Report in the May 25, 2022 ePacket for detailed information on this proposal.

Rick Swearingen, 2480 Nagawicka Rd, was present to discuss the proposal.

Barrows summarized the zoning for the property and the location. The proposal is for a 36' by 36' addition to the current building. The existing building was recently remodeled. It is used for personal entertainment only and cannot be used for commercial development or human habitation.

Attwell asked about how this existing building was put on the property initially. Discussion occurred about the existence of any records related to the existing building.

Schult was not fond of putting livestock housing near a family recreation center. Swearingen explained that the current design does separate the livestock area from the human recreation area. The manure is kept on the lot. Jashinsky noted it fits in well with the 5 acres, barring any restrictions on the property.

Aicher indicated that this is the time to put those restrictions on and enhancing the lot to allow the livestock and equestrian ownership in the area is a good thing.

Attwell summarized a previous approval. Attwell asked about the home occupation.

Schult noted the building is nice looking.

Hussinger asked about the number of horses on the lot. Three is the maximum for that size property.

Cahalane asked about the farmland to the northeast and the zoning. Barrows stated it is A1-E and is part of the focus group recommendation for Land Use Plan change. Cahalane asked about the pasture area and any fencing that is intended to be added. Barrows said fencing would have to be approved either by the building inspector or Plan Commission, depending upon the plan. The possible construction of the fencing was discussed.

Motion by Jashinsky seconded by Aicher, to approve the proposed addition subject to the following conditions being met prior to the issuance of a building permit:

- 1. The accessory building, including the proposed addition, located on the north side of the residence shall not be used for human habitation or for commercial purposes. The building shall not be used as an event facility. The building shall be used for personal purposes only.*
- 2. The building shall not be rented out for any purpose.*
- 3. No further land divisions are permitted on the property.*
- 4. A deed restriction with the conditions contained herein shall be recorded with Waukesha County Register of Deeds.*

And contingent upon obtaining the required permitting for the fencing through the building inspector or Plan Commission as necessary.

All in favor. Motion carried.

11. Comprehensive Plan, Zoning and Ordinance Revision:

Discussion and possible action on the following items:

- A. DELC0798954 & DELC0798953, 124 Genesee Street, Owner: Michelle Kelly, and DELC0798892, 600 Poplar Path, Owner: City of Delafield. Applicant: City of Delafield. Consider adoption of a modified resolution that would recommend approval of an Amendment to the 2030 Comprehensive Plan Text specific to the Central Business land use category and expand the Central Business land use category with a Special Use Area #1 designation on the Land Use Plan Map. The Delafield Cemetery would also be modified from the Medium Density Residential category to the Institutional category.**

See the Planner's Report in the May 25, 2022 ePacket for detailed information on this proposal.

Barrows explained this resolution was previously sent to the Common Council and they sent the resolution back to Plan Commission for modifications prior to approval. The applicant with the two properties would like to see the existing residential property approved for amendment, but Barrows cautioned that the resolution may be denied again if the residential property is included in the amendment.

Attwell summarized the process and that initially the Plan Commission had thought they had come to an acceptable offering for the Common Council, but at the Common Council meeting there were property owners with heavy objection. The Common Council did not seem to object to both properties.

Aicher explained that at the Common Council meeting, he noted that the Plan Commission considered what was a good plan, but the Common Council decided that the City should not compel changes on the property when the vast majority of current owners are against the proposal. The property on the south did not seem to have any objections. It may be best to hold the residential property to eliminate risk of denial at Common Council.

Hausman asked about what might have changed. Aicher thought that perhaps the change was due to understanding the process overall and perhaps the overall preservation of the neighborhood. Discussion occurred about what might have resulted in the apparent change from property owner support.

Cahalane supported breaking up the amendment.

Schult referenced the master plan and the progression of the City towards the master plan. The understanding was that this proposal was that sort of change. Barrows explained this is intended to be a long-term possible change and the intention was made clear to the property owners. The Common Council turned it down and either the Plan Commission would need to change it, or it will not move forward.

Schult stated concern about spot zoning. Barrows clarified this is part of a process and this proposal was intended to change absent any property owner request.

Motion by Aicher seconded by Marek, to adopt the draft resolution as written, recommending the Amendment to the 2030 Comprehensive Plan Text specific to the Central Business land use category and expand the Central Business land use category with a Special Use Area #1 designation on the Land Use Plan Map, but to exclude the northern property (DELCO798954) from the resolution. The Delafield Cemetery would also be modified from the Medium Density Residential category to the Institutional category.

All in favor. Motion carried.

B. City of Delafield, Text Amendments to Zoning Code. Discuss and provide a recommendation to Common Council regarding text amendments to the Zoning Code for the creation of a new Central Business Zoning District (CBD-4) and related provisions.

See the Planner's Report in the May 25, 2022 ePacket for detailed information on this proposal.

Barrows noted this is not specific to any property but is a new Zoning District. The Ordinance will require relocation of the verbiage related to the CBD districts in the code to keep them together. The proposed verbiage was summarized. The parking requirements that will be included in the Ordinance were clarified. It matches the CBD-2 language. There was an error in the setbacks on the table that will be corrected.

Aicher asked about if the access to Genesee was included. Barrows noted this verbiage was struck at the previous meeting. Aicher clarified this would be controlled on a case-by-case basis based on the site. The flexibility for blending is appreciated.

Schult noted this adds to the character.

Barrows explained the lot areas are more specific to the Genesee St properties, so this may have to be updated in the future. The Downtown Delafield district might be described incorrectly in the Zoning Code.

Motion by Marek seconded by Schult, to accept the text amendments as presented and to recommend to Common Council the same.

All in favor. Motion carried.

C. DELC0781989001 & DELC0781989003, Owner: JAG II, LLC., DELC0781990003, Owner: JAG 1605, LLC., Applicant: City of Delafield. Consider adoption of a resolution that would recommend approval of an Amendment to the 2030 Comprehensive Plan specific to the Land Use Plan Map, so that the subject properties are modified from the Agriculture category to the Medium Density Residential Category in accordance with the recommendations of the Economic Development – Land Use Focus Group.

See the Planner's Report in the May 25, 2022 ePacket for detailed information on this proposal.

Schult asked for clarification regarding the process for these changes. Barrows stated this had been noticed appropriately and could be considered, but the Public Hearing takes place at Common Council. This is only for the single property listed.

Barrows explained this is just the high-level vision for the medium density in the area. the Plan Commission had discussed previously that the Land Use Plan amendment would be fine, but development would still require a rezone and allows for consideration of where the density will fall is part of that process.

Aicher voiced concern about the very northwest corner where the 2-acre lots are adjacent. These plans should be scrutinized to protect those properties.

Motion by Cahalane seconded by Weiler, to adopt the resolution to recommend to Common Council the amendment to the 2030 Comprehensive Plan specific to the Land Use Plan Map, so that the subject properties are modified from the Agriculture category to the Medium Density Residential Category in accordance with the recommendations of the Economic Development – Land Use Focus Group.

All in favor. Motion carried.

D. Discuss and initiate Zoning Code text amendments to modify the deadline for matters that are considered by the Plan Commission and schedule a public hearing for the same.

See the Planner's Report in the May 25, 2022 ePacket for detailed information on this proposal.

Barrows explained that there are several deadlines specified in the code. These deadlines are challenging regarding completing the review process in order to get the application documents to the City Clerk for publication. The recommendation is a 28-day deadline for all items. Even items that seem that they should be easy do take significant time.

Cahalane asked about the deadline for other municipalities. Barrows stated the municipality she is familiar with is nearly 5 weeks.

Aicher noted that there is a separate conversation going on regarding the Public Hearing consideration, but this is a separate issue.

Motion by Jashinsky seconded by Marek, to initiate the application for the text amendments to modify the deadline for matters that are considered by the Plan Commission and to schedule a public hearing for the same for June 29, 2022.

All in favor. Motion carried.

12. Report of City Officials

A. Plan Commission meeting dates and deadlines

- 1) Regular meeting June 29, 2022**
- 2) Regular meeting submittal deadline June 14, 2022**

B. Correspondence

C. Planner

D. Building Inspector

There were three new building permits this month and approximately ten for the whole year.

13. Adjournment

Having no further business, the meeting was adjourned at 9:14 PM.

Respectfully Submitted,

Molly Schneider
City Clerk