



**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

July 26, 2023

7:00 p.m.

City Hall, Council Chambers
500 Genesee St.

Regular Meeting Minutes
DRAFT

1. Call to Order

The meeting was called to order at 7:03 p.m.

2. Pledge of Allegiance

3. Roll Call

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

Commissioners Excused: Dan Cahalane

Also Present: Amy Barrows, City Planner
Scott Hussinger, Building Inspector
Sally DuPont, Recording Secretary

4. Minutes

Discussion and possible action on the following minutes:

A. Approval of Minutes of the June 28, 2023 Regular Meeting and Public Hearing

Motion by Edward Marek, seconded by Laura Schult, to approve the minutes of the June 28, 2023 regular meeting and public hearing.

All in favor. Motion carried.

5. Citizen Comments on Consent Agenda Items

Citizen comments were opened at 7:04 p.m.

Hearing no one who wished to speak, citizen comments were closed at 7:04 p.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. DELC0804996002, 2700 Golf Road. Owner: Realty Income Properties 6 LLC. Applicant: Amber Smith, Lemberg Electric. Applicant is requesting approval of Permanent Signage replacement for an existing business, BMO Bank.

B. DELC0793020003, 524 Milwaukee St, Suite 300. Owner: Hendricks Commercial Properties LLC. Applicant: Aaron Kowal, representative. Applicant is requesting approval of a BPO and Permanent Signage for a wealth management business, Kowal Investment Group.

*Motion by Laura Schult, seconded by Dan Jashinsky, to approve the consent agenda, as presented.
All in favor. Motion carried.*

7. Public Hearings: None

8. Citizen Comments on Items Other Than the Consent Agenda and Public Hearings

Citizen comments were opened at 7:05 p.m.

Hearing no one who wished to speak, citizen comments were closed at 7:05 p.m.

9. Unfinished Business

Discussion and possible action on the following items:

- A.** DELC0799997001, 920 Indian Spring Drive. Owner: 920 Indian Spring Drive, LLC. Applicant: Chris Potrykus. Applicant requests Site Plan and Appearance approval to extend the deadline to comply with all pending conditions of a previous approval and to amend the landscape plan and fencing and dumpster enclosure locations at an existing dental clinic site known as Delafield Dental.

Chris Potrykus, Delafield Dental, 920 Indian Spring Drive, Delafield, WI, and Paul Heding (Piala's Nursery) 406 Karen Drive, North Prairie, WI, were present to speak.

Barrows said Hussinger checked the lights at Delafield Dental and they are on a timer. Barrows said the dumpster enclosure will consist of composite material with a gate structure.

Barrows spoke about the landscape plan. 12 evergreen trees are shown on the south side of the property that span the majority of the width of the property; 2 of the trees are Eastern Hemlock and 10 of the trees are Star Power Junipers. Barrows said all of the trees will be planted at a minimum of 6 feet tall, which will meet the 30 inches of mitigation that was originally required. Barrows said the applicant did complete what was asked in regard to planting the appropriate number of trees and the location of the trees.

Barrows mentioned there are gravel areas in the parking lot that are not shown on the original grading plan as being parking stalls. Potrykus said the gravel was installed in an area that retains water and they have no long-term plans for that area yet. Barrows said the gravel areas should be asphalted and suggested they be made into parking spaces. Potrykus said it would be helpful if the gravel area could be made into parking stalls.

Schult asked when the work is due to start. Heding said in the interest of establishing a good seed bed, he suggested this Fall due to the current drought and irrigation needs. Heding said if the weather does not improve this Fall, he proposes that it would be a dormant seed project that would include an erosion control mat for the winter, to grow next Spring. Heding said the trees and shrubs will be installed at the same time, with planting being proposed for the Fall, due to the current drought conditions.

Motion by Dan Jashinsky, seconded by Edward Marek, to approve the Delafield Dental revised landscaping plan as presented, with allowance for additional asphalt parking in the gravel areas that is to match the existing asphalt parking, with a deadline of January 1, 2024.

All in favor. Motion carried.

10. New Business

Discussion and possible action on the following items:

- A.** DELC0733994001, DELC0733994, and DELC0733995, 31385 Hill Road. Owner: Divine Redeemer Lutheran Church. Applicant: Matthew Mehring. Applicant is requesting a Certified Survey Map to combine three lots of record.

Adam Wolf, 321 Parkside Drive, Whitewater, WI, was present to speak.

Barrows said one of the conditions of the Conditional Use is that the applicant combine the lots through a Certified Survey Map. Barrows noted an important Engineer Comment that needs to be incorporated before this can be advanced; the sanitary sewer and water easements that are going to be put into place should be illustrated on the Certified Survey Map.

Barrows spoke with the city attorney about signage and the city attorney recommended they work through a Text Amendment.

Motion by Edward Marek, seconded by Robert Weiler, to recommend approval of the Certified Survey Map subject to the Planner, Engineer, and Surveyor comments being addressed, prior to the Common Council review and approval.

All in favor. Motion carried.

- B.** DELC0755999014, 2310 Hirschman Lane. Owner and Applicant: Robert and Danielle Kallenberger. Applicant is requesting Site Plan and Appearance approval of an accessory building addition that exceeds the size requirements.

Robert and Danielle Kallenberger, 2310 Hirschman Lane, Delafield, WI, were present to speak.

Barrows said the applicants are proposing to add on 1,020 square feet to a 720 square foot pole building to make it 1,740 square feet. There is also a 1,200 square foot detached garage on the property, and the total of the two accessory structures together will total 2,940 square feet. Barrows said any structure that exceeds 1,200 square feet requires Plan Commission approval and compliance with the site plan criteria.

Barrows spoke about the following criteria that should be considered:

1. The uses need to be incidental to the principle use.
2. Architecture should be reviewed for quality and compatibility with the neighborhood.
3. The materials of the structure should be similar to the existing structures on the property and cohesive.

Barrows said there are five conditions she is recommending:

1. The accessory building shall not be used for human habitation or commercial purposes. The building shall not be used as an event facility and it is to 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 full to-scale site survey will be provided to the Building Inspector prior to the issuance of a building permit.
5. A deed restriction with the conditions is to be recorded with Waukesha County Register of Deeds.

Motion by Dan Jashinsky, seconded by Tim Aicher, to approve the building addition to the Kallenberger property as presented, and in accordance with the list of items the City Planner has in the packet this evening.

Mayor Attwell commented the deed restrictions are important and need to be there to control it over time, regardless of ownership. The mayor asked about the estimated timeline and the Kallenbergers said the builder is due to start in October and the construction is estimated to take around two weeks.

All in favor. Motion carried.

11. Comprehensive Plan, Zoning and Ordinance Revision:

- A.** Discussion and possible action to remove or amend sections of Article I of the City of Delafield Zoning Ordinance, including Section 52-16(d) Yard projections and 52-21 Street access requirements, Article III Plans of Operation, Article X Administration and Penalties, and Article IV Zoning Districts, and possibly other related Sections.

Barrows went over the following Zoning Code Text Amendments:

Article I General Provisions

Yard Projections:

Section 52-16(d) – They are adding a cap of no closer than 5 feet from a lot line.

Section 52-16(d)(2) is being stricken.

Section 52-16(d)(5) is being stricken in order to keep it consistent with 52-16(d)(4).

Section 52-16(d)(6) is being stricken because it is a duplicative statement.

Street Access Requirements:

Barrows said the language will be reviewed by the city attorney.

52-21(a) – This is for existing lots that do not abut a public street. Barrows said this occurs most frequently along the lakes and they want to provide a minimum provision.

Article III Plans of Operation

Section 52-89(a)(3) – This has been added and the city attorney will review the language. Barrows said for a business name change only, they want to change it so it does not need to be approved by the Plan Commission and can be approved administratively. Aicher asked if the business name changes can be included on the Plan Commission agendas as a formal item for public awareness, and suggested they be included under the Report of City Officials section on the agenda. The mayor suggested these can be included in the Planner's report on the agenda, and Aicher agreed saying they should also be recorded in the meeting minutes. Barrows said she would adjust the language accordingly.

Section 52-89(c) – They are taking out public schools and limiting it to municipal offices.

Section 52-89(d)(7) has been added regarding interior floor plan of tenant space.

Section 52-89(d)(8) has been added regarding a narrative explaining the operation.

Motion by Tim Aicher, seconded by Robert Weiler, to approve a public hearing for the August Plan Commission meeting, for Article I and Article III.

All in favor. Motion carried.

Article IV Zoning Districts

Section 52-109 - Barrows said she is proposing this be stricken and to move churches to Conditional Use.

Section 52-109(2) - Aicher suggested moving it into P1 as a Conditional Use and leaving it there because having it approvable in all districts could be an issue. The commissioners agreed. Barrows said she will get a list of churches and see how they are zoned for further discussion.

Section 52-110(3) - The commissioners agreed this should be stricken and Barrows said she will check with the city attorney.

Section 52-110(4) - Barrows recommended removing it from the Conditional Use section and have it be subject to a site plan review from the Plan Commission and put the criteria for the Conditional Use in this section for a site plan review. The commissioners agreed this should be stricken.

Section 52-110(5) – For this section, Barrows recommended to refer to the definition.

Section 52-110(9) – Regarding accessory structures, the commissioners liked Waukesha County's concept, which is a sliding scale based on lot size. Barrows asked the commissioners if they want to put restrictive provisions in place to control the use and the mayor commented the city needs more than they have. The mayor said he supports recording of the deed restriction being a part of the code and Hussinger agreed. Barrows said she will draft this for the August Plan Commission meeting.

Article X Administration and Penalties

Barrows said Hussinger and the city attorney will be reviewing Article X.

(d) Yard and open space variance – The commissioners agreed this should be stricken.

12. Report of City Officials

A. Plan Commission meeting dates and deadlines

- 1) Regular meeting August 30, 2023**
- 2) Regular meeting submittal deadline August 2, 2023**

B. Correspondence

C. Planner

D. Building Inspector

13. Adjournment

Having no further business, the meeting was adjourned at 8:25 p.m.

Minutes approved: August 30, 2023

Minutes prepared by: Sally Dupont, Recording Secretary