



**CITY OF DELAFIELD
MEETING MINUTES
PLAN COMMISSION**

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

August 30, 2023

7:00 p.m.

City Hall, Council Chambers
500 Genesee St.

Regular Meeting Minutes

FINAL

[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
Mike Hausman
Laura Schult
Scott Krienke
Ed Marek
Dan Jashinsky
Kent Attwell, Mayor
Scott Hussinger, Building Inspector

Commissioners Excused: Dan Cahalane

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 [July 26, 2023](#) Regular Meeting.

Motion by Aicher, Seconded by Schult, to approve the minutes of the July 26, 2023 Regular Meeting, as presented.

All in favor. Motion carried

5. Citizen Comments on Consent Agenda Items: None

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: None

7. Public Hearings:

A. Public Hearing #1:

Topic: Text Amendments to Article I and Article III of the City of Delafield Zoning Ordinance

Location: None

Applicant: City of Delafield Plan Commission

Matter: 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.

Mayor Attwell opened the Public Hearing #1 at 7:02 p.m.

Hearing no one who wished to speak, the Public Hearing #1 was closed at 7:03p.m.

B. Public Hearing #2:

Topic: Repeal and recreate the text and official maps of Chapter 16, Article II of the City of Delafield Floodplain Zoning Ordinance

Location: None

Applicant: City of Delafield, as required by Wisconsin Department of Natural Resources and Federal Emergency Management Agency

Matter: Repeal and recreate the text and official maps of Chapter 16, Article II of the City of Delafield Floodplain Zoning Ordinance in order to incorporate the most recent version of the model ordinance prepared by Wisconsin Department of Natural Resources. The model ordinance incorporates the required minimum floodplain zoning standards of the Federal Emergency Management Agency (FEMA) and the Wisconsin Department of Natural Resources (DNR). The list of official floodplain maps that is incorporated identifies FEMA map panels and other studies approved by the DNR.

Mayor Attwell opened the Public Hearing #2 at 7:04 p.m.

Hearing no one who wished to speak, the Public Hearing #2 was closed at 7:04p.m.

8. Citizen Comments on items other than Public Hearing

Mayor Attwell opened citizen comments at 7:04p.m.

Hearing no one who wished to speak, Citizen's Comments were closed at 7:05 p.m.

9. Unfinished Business

Discussion and possible action on the following items: None

10. New Business

Discussion and possible action on the following items:

- A.** DELC0787088, 725 Milwaukee Street. Owner: VLC LLC, Daniel Nienhuis, representative. Applicant: Professional Consultants, Inc, Chad Kemnitz, representative. Applicant is requesting Site Plan and Appearance Review for façade improvements of the existing automotive repairs and service building.

Chad Kemnitz, 300 Cottonwood Ave, Hartland was present to speak.

Barrows summarized the updates to the building. Additional hard copies were provided at the meeting and attached to these minutes. Barrows stated this property is located just outside of the design area district.

Schult asked if there will be any signage on the building.

Kemnitz confirmed no signage is included.

Barrows stated the business owner had changed recently.

Attwell noted the last owner's business was appointment only with little activity. He requested that staff review the final window design in order to be historically appropriate to the period.

Motion by Aicher, Seconded by Schult to approve the Site Plan and Appearance review for façade improvements as presented tonight for 725 Milwaukee Street, contingent on final staff approval of the materials for the windows.

All in favor. Motion carried

- B.** DELC0793021002, 705 Genesee St, Suite 110. Owner: 705 Genesee Street LLC. Applicant: Bill Friemoth, Brunch Delafield. Applicant is requesting approval of a Business Plan of Operation for a restaurant business known as Brunch Delafield.

Stephanie and Bill Friemoth, S4W32970 Gout Hill Rd, Delafield were present to speak.

Barrows summarized the business plan of operation for 705 Genesee Street building.

- Brunch Delafield will occupy 4900 sq ft to the north side of the building.
- This will be the second Brunch franchise location in the area.
- Applicant supplied interior schematics. Not proposing any signage currently but it is included in the rendering. Applicant will return with signage proposals later.
- Outdoor seating is reasonable and out of the way of traffic.
- CB-D1 does not require any parking review as it is for tenant and employee parking only. West of the building will be parking and the municipal lot.
- Early application is needed to secure the liquor license. Any future changes should be presented to Barrows as there may or may not be a need to go to Plan Commission.
- Applicant will need a Restaurant license from the county.
- Hendricks will be coming in to the Plan Commission with multi-tenant signage and the applicant will need to comply with the Hendricks proposal.

Attwell asked that the applicant comes back to the Plan Commission if future consideration is needed for window signage and if the applicant needed a broader hours of operation.

S Friemoth requested 7am-9pm with primary hours being 7am- 3pm.

Aicher asked what the interior capacity for seating would be.

Morgan Schnooble, 2495 Shelley Ct, Brookfield, was present to speak and anticipates occupancy at 100 based on architect plans.

Barrows stated that the liquor license will need to be obtained.

Motion by Marek, Seconded by Jahinsky to approve the business plan of operation as presented. With the change of hours to be 7am-9pm. No liquor can be sold until a liquor license is obtained. Outdoor dining shall not impede pedestrian traffic from accessing the building on the east side of the property.

All in favor. Motion carried

- C.** DELC0755958, 2029 Evergreen Lane. Owner: Jay C Warner and Kristin M Warner Living Trust. Applicant: Mathew Widmann, Precise Construction, LLC. Applicant is requesting approval to remodel an existing boathouse and obtain after-the-fact approval for the installation of folding doors on the lakeside of the boathouse.

Matt Widman, 1925 North Oak Grove Rd, Oconomowoc and Kristin Warner, W284 N3865 North Shore Ct Pewaukee and 2029 Evergreen Lane, Hartland were present to speak.

Barrows summarized the boat house improvements and the process the applicant has taken through the Lake Welfare Committee and Plan Commission.

The Lake Welfare Committee in June approved the improvements of stair relocation to the south side, new LP smart siding and window, new service door, overhangs, downcast lights, new roof, and cable railing. The lake side door was shown as an overhead door. Applicant was unable to return the folding glass door and did install this door. LWC approved the updates last month and the original overhead doors as depicted on the original plans.

The Lake Welfare Committee provides a recommendation to Plan Commission. Plan Commission is then required to look at the location, architectural design, color and materials and ensure it is compatible with the principal structure and if rain water remediation if necessary. The patio was preexisting so does not need approval.

The overhead door put in was a precedent set by the Lake Welfare Committee and part of this comes from the zoning code that requires a garage style door. Once they deviate it changes the use to the boathouse.

Schult asked if the structure is used as a boathouse.

Warner confirmed it is.

Widman confirmed it is used more now as a boathouse than the prior owners used it.

Widman presented photos of the previous boathouse with a bar and it depicted as a living space.

Warner understands the importance of the boathouse from previous lake home ownership. The home inspector flagged the doors on the boathouse as unsafe at the time of the homes purchase last year. Safety and functionality was the priority with the improvements.

Kreinke stated that the concern that the Lake Welfare Committee had was the building should be solely used as a boathouse especially when the permanent pier in front makes direct access to the boathouse impossible for a boat.

Warner said the bifold doors do state they can be garage-style door.

Hausman stated that the Warners could not return the door and while we do not want to see them face financial hardship this is the first of two applications tonight. Lake Welfare's question is are these boathouses used as boathouses when you install a nearly \$40,000 door. It seems to be common knowledge that you can frame a boathouse and then complete as a living space after the Plan Commission process. It is then not indicative of a utility type building.

Warner stated when mold and rot was found during the improvements, they made every surface as water tight as possible and have made interior decisions that are necessary for a boathouse.

Aicher asked if either applicant had lived on a lake before. Those that police the lake are the other home owners on the lake. Aicher values the opinions of the Lake Welfare Committee experts which is why they take the first look at boathouse applications.

Widman stated he did not bend any rules and reached out to Hausman during the process noting he was completing all new siding, windows, and doors. He was not alerted that he needed to come to the Lake Welfare Committee and then Plan Commission until the statement that the stairs would be relocating.

Attwell shared that the question was asked if there should be glass overhead doors and why would you want anyone to see inside. Glass is for those to see out of a building. Normal small glass windows on top of the overhead door would be acceptable.

Warner asked what the justification was for the recommendation.

Hausmann stated, per Attwell, the rationale is that they are spending additional money to look at the lake.

Schult stated it is the same as putting full glass garage doors and would be concerned about potential theft.

Barrows stated the Plan Commission does have the authority to review architectural design.

Attwell said the Lake Welfare Committee would like to see changes match the existing home on the lot.

Schult stated it is in the ordinance and if the precedent is set then everyone will follow.

Krienke summarized that pushing the boathouse over time to a living room or den build out changes the buildings use.

Warner said they have reversed what the previous owners completed and changed the boathouse to the correct purpose. The drivers to select the doors were for safety and accessibility.

Widman asked if the next applicant can speak prior to any motions.

Attwell stated the correct process will be followed.

Warner asked if what others have chosen to do have influenced opinions of their build.

Widman stated he followed the rules and did not see anything that defined a garage type door in the zoning code. He did ask Hussinger and Hausman on the process to move through to the Lake Welfare Committee and Plan Commission.

Hausman stated he told the applicant to not present the bifold glass doors to the Lake Welfare Committee as the door would not be approved.

Widman and Hausman continued the discussion on when and where the conversation came up during the process, how permits were to be obtained and the process through Lake Welfare and Plan Commission.

Barrows stated any repair, remodeling or replacement does require committee approval per the municipal code.

Motion by Schult, Seconded by Krienke, to deny the glass bifold doors and remove existing bifold doors and replace with the overhead doors from the plans which can have small glass near the top of the doors, per Lake Welfare's Recommendation, and the fact that the old structure has two overhead doors and it was updated to one large door which should have been change enough for a permit that should have come before Lake Welfare Committee and the Plan Commission, and an overhead door that is not all glass is more in line with other boathouses on the lake and state statues and other information provided.

All in favor, Motion Carried.

- D. DELC0783006, 1425 Weber Court. Owner: Majaybe Family Trust date March 10, 2020. Applicant: Pat Seegers, Ascent, LLC. Applicant is requesting approval to modify overhead doors to folding doors on the lakeside of the boathouse.

Phil Remmers, 815 Crestwood Dr, Waukesha, Attorney for Majaybe Family Trust was present to speak.

Barrows summarized the construction process for the new home and boathouse. The Lake Welfare Committee did approve in 2022 the boathouse with overhead doors. The Boathouse is constructed but the doors are not installed. The proposal is now for folding doors. The staff report has the same information as the previous applicant for the Lake Welfare Committee and Plan Commission process. The Lake Welfare Committee recommended the doors that were previously approved should be installed.

Remmers asked the Plan Commission to consider the ordinance and that the wording of the specific consideration to visual impact can be considered. The Plan Commission should view the folding doors from the lakeside aesthetic. The applicant has the same type of door on the house and the ordinance asks for consistency. Functionality works better with storage. It is not possible to park the boat in the boathouse as there is no installed ramp system but is for accessories and kayaks. Asking Plan Commission to reconsider the consistency, aesthetics and styles change.

Hausman questioned if it is the same door on the house and the boathouse then is it considered a people door not a boat door.

Remmer does not think the decision of the Lake Welfare Committee or Plan commission should be based on door cost. The access to see what is inside at night is if someone was to come up to the door.

Aicher agrees the decision is not based on cost. Floor to ceiling glass does not lend itself to aesthetics for a storage facility. These style of doors and barn doors have been around for a while. The big concern is are they displaying the utilitarian aspect of the boathouse with clutter to be in the boathouse and people able to use the outside, not the other way around. And Aicher will continue to default to the Lake Welfare Committee on the recommendation to adhere to the original plan.

Krienke added that paddleboards are hung horizontally and doors will not change how these are stored.

Remmers stated the point is this is what the home owner chose to put in and does not mean the boathouse is used for something other than a boathouse. The approval should follow the ordinance.

Aicher stated great care is taken to follow up with the applicant to make sure plans are appropriate to city wide aesthetics. The Lake Welfare Committee has been extremely consistent in upholding their recommendations.

Motion by Marek, Seconded by Jashinsky, to deny the applicant seeking to install the Centor door system and to keep the overhead door system that was previously approved.

Barrows asked for clarification regarding the reasons for denial.

Marek amended motion to add the reason is that the Plan Commission is following the recommendations by the Lake Welfare Committee to maintain consistency throughout the lake properties. Jashinsky seconded the amendment.

All in favor. Motion carried.

- E. DELC0807985022, 3660 Kettle Court East. Owner: Pine Brush, LLC, c/o Dave Schill & Nick Mallinger. Applicant: John Kutz, MSI General. Applicant is seeking feedback regarding a Concept Presentation to construct an addition to an existing building that manufactures a variety of brushes.

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

Barrows summarized concept presentation for the addition of 26,534 sq ft space and the modify parking.

- The applicant will need to flatten a slope on the east and south side. The tallest area behind the retaining wall will be 13.5 ft high which plan staff are reviewing.
- Any future plans will need to show the ground slope is contained and stable.
- Proposing to relocate the dumpster to the south side of property.
- There are 116 stalls proposed which includes the existing parking. Based on the buildings usage 153 spaces are required and the applicant will need to comply with this or show other options such as parking on property within 400ft with approval of the offsite property owner.
- New access drive is approved at 20 ft wide with one way traffic flow to be shown with signage.
- They have submitted renderings and to match the existing structure with the addition a little taller than the current 22ft high building.
- No additional signage is proposed.
- They will need to remove 24 trees for the building. Staff are asking for a specific plan for diameters of trees removed and then diameters of replacement of priority trees to be listed. Evergreen trees must be 6ft high to meet mitigation standards.
- Proposing additional 5 pole lights at 25ft height and 6 building lights. Potentially exceeding the light photometrics.
- Storm water management plans are being reviewed.
- 105 full time employees.
- September submission for plans is expected with the planners' recommendations.
- The Fire Department will need to approve the access.
- Need to know the volume of outdoor pallet storage.

Attwell asked that all lights are downward facing.

Aicher asked if the landscape walls are tiered.

Kutz said lighting will be downward facing and he will check photo metrics meet city requirements. The current facility does have one way signing and will provide photos. They are recreating the exact same scenario when moving the access drive. Same dumpster enclosure but just rebuild behind the building. They are expecting to grow to 105 full time employees; however, the current ordinance states 153 spaces are required. They do not expect to need more than 120 spaces and may ask for waiver.

Attwell said there is not a waiver when it comes to the ordinance but should explore other ideas.

Barrows asked if there are potentially options to update text amendments to parking for the usages.

Aicher asked if an offsite lot could be an option.

Kutz stated adjacent property owners have little or no parking space.

Barrows gave an option to relook at the designation of space in the building to see if it would adjust parking criteria.

Kutz stated the current owner wants to invest in the building or look elsewhere. The applicant understands HVAC screening requirements. The pallet storage is for the long pallets used for the large items and he had recommended it is located on the application for Plan Commission to discuss if needed.

Jashinsky asked if the pallets are picked up periodically.

Attwell stated if you cannot see them from the road then they would be fine.

Jashinsky confirmed there are some 20ft high retaining walls around the city so it is possible for a 13.5ft stacked retaining wall.

Kutz, Barrows and Hussinger had conversation around safety and fencing above the retaining wall.

Kutz's intention was to get feedback and then get a submittal to the September Plan Commission and, if approved, then to complete some preliminary site work and retaining wall over the winter.

Barrows stated there needs to be updated parking information by next week to stay on the September Plan Commission schedule.

Jashinsky asked if they have submitted stormwater plans

Barrows said they submitted storm water management plans but they are not yet approved by staff.

Kutz will re-examine the building is classified correctly for parking allocations.

11. Comprehensive Plan, Zoning and Ordinance Revision

Discussion and possible action on the following items:

- A.** Discussion and possible action 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 items from the July meeting and went through with the City Attorney to clean up the language. Content is the same for yard projections. Street access requirement language was reworded.

The Plan Commission discussed the review of easement to public road on existing landlocked lots if building a primary structure but not accessory structures.

Plan of operations amended as to bring to Plan Commission as informational.

Motion by Jashinsky, Seconded by Marek to Recommend Common Council adopt the enclosed draft 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 covered the Article X administration sections with changes based off statutory changes and updates. Special exception changed about a year ago to give definition and requirements. There is a need to clean the language up to present.

Attwell asked if there is more in the State Statute on hardship and instead refer to state statute versus repeating in the code

Barrows noted the need to define administrative official. The Board of Review process language needs the criteria reviewed and time frames updated in relation to the State Statute.

Hussinger asked that the original occupant gets the occupancy certificate for businesses but subsequent owners go through Plan Commission with their business plan of operation.

Barrows will add in a preliminary site evaluation from Waukesha County should be required when necessary regarding septic.

Hussinger asked that bonds are increased to \$5000 as the current numbers are too low to gain compliance.

Barrows and the Plan Commission discussed that in event of a protest the question on the criteria to have 20% of adjacent landowners and how does this impact the single adjacent owner. Attwell asked for the time frame for filing to be updated from 24 hours in order to give the City Clerk the ability to inform all parties.

Barrows will follow up with the Attorney that penalties are to refer to the penalty chapter. Churches are to be P-1 and require conditional use. Specific provisions can be decided in the code.

The Plan Commission discussed that permitted uses should be updated for accessory building square footage size based on lot size. Plan Commission recommends 2% of lot for square footage.

Barrows stated more work is needed to answer questions for Article IV and X and to potentially go to October Plan Commission public hearing.

Hausman asked that boathouses be excluded from accessory fixture criteria.

- C. Discussion and possible action to repeal and recreate the text and official maps of Chapter 16, Article II of the City of Delafield Floodplain Zoning Ordinance in accordance with the requirements of the Federal Emergency Management Agency (FEMA) and Wisconsin Department of Natural Resources (WDNR).

Barrows stated that the city is required to adopt the ordinance to ensure that residents can apply for flood insurance. The existing ordinance complies with the previous version and the maps have been amended since.

Aicher asked if the maps of Nagawicka and Upper Nashotah stayed the same.

Barrows confirmed that they have stayed the same. The changes listed are not new but should have been in the previous version except for the State Act 175. This takes away the requirement of the value of the structure.

Motion by Aicher, Seconded by Marek, to Recommend staff draft an ordinance to article II city of Delafield floodplain ordinance and Common Council adopt the enclosed draft ordinance to repeal and recreate the Floodplain Ordinance of the City of Delafield Zoning Ordinance (subject to City Attorney review)

All in favor. Motion carried

12. Report of City Officials

- A. Plan Commission meeting dates and deadlines
 - 1) Regular meeting September 27, 2023
 - 2) Regular meeting submittal deadline August 30, 2023
- B. Correspondence
- C. Planner
- D. Building Inspector

13. Adjournment

Having no further business, the meeting was adjourned at 9.35 p.m.

Minutes approved: September 27, 2023

Minutes prepared by: Crystal Turner, Deputy Clerk