

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Call to Order

Attwell called the Wednesday, September 30, 2020 Plan Commission meeting to order at 7:00PM.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call for the Wednesday September 30, 2020 Plan Commission meeting:

Present Absent

Kent Attwell, Mayor

Tim Aicher, Ald.

Dave Greenway

Dan Jashinsky

Ed Marek

Jim Reiher

Laura Schult

Robert Weiler

Amy Barrows, Planner

Scott Hussinger, Building Inspector

PUBLIC HEARING #1:

Zoning District Map Amendment (Rezone)

TAX KEY/ADDRESS:

DELC0807.985.008, 3833 Kettle Court East; DELC0826.997.002, 3582 Kettle Court East; DELC0807.985.021, 3875 Kettle Court East; DELC0807.985.016, 3820 Kettle Court East, Delafield.

OWNER:

Jeffords Family Limited Partnership; Schultz Family Properties LLC; Kettle Court Circle LLC; 3820 Kettle Court East; City of Delafield

APPLICANT:

City of Delafield

MATTER:

Rezone several properties from the B-4 General Business District to the M-1 Limited Industrial District in order to be consistent with the zoning and uses on the remaining lots on Kettle Court East.

Attwell opened the Public Hearing at 7:01PM.

There was no one present wishing to speak to this Public Hearing.

Attwell closed the Public Hearing at 7:02PM.

- 1. Approve Plan Commission meeting minutes of the [August 26, 2020](#) meeting.

AICHER MOVED TO APPROVE THE AUGUST 26, 2020 PLAN COMMISSION MEETING MINUTES AS PRESENTED. GREENWAY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- 2. City of Delafield Citizen’s Comments pertaining to subjects on the Consent Agenda:

There was no one present wishing to speak.

- 3. Consent Agenda:

- a. **DELC 0793.001.004, 514 Wells Street. Owner: Wells Street, LLC, Applicant: Laura Slein.** Applicant seeks approval for a Business Plan of Operation and Permanent Signage in order to operate a retail store, including the sale of furniture, home décor, gift, and miscellaneous accessories known as JaLa.

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- b. **DELC 0807.985.012, 3776 Kettle Court East. Owner Stuffed Puffs, LLC, Applicant: John Grinde.** Applicant seeks Site Plan Appearance and Review approval for the installation of two chillers and pump package on a new elevated stand located outside in the southwest corner of the building.
- c. **DELC 0793.001.002, 405 Genesee Street. Owner: Hendricks Commercial Properties, LLC, Applicant: Michael Falk.** Applicant seeks approval for a Business Plan of Operation and Permanent Signage to operate a physical therapy center known as Kinetic Sports Medicine and Performance.
- d. **DELC 0787.081, 613 Milwaukee Street Suite A. Owner: Provenio Properties, LLC, Applicants: Heidi Lindsey & Gwen Haagensen.** Applicants seek Business Plan of Operation and Permanent Signage approval to operate two counseling businesses known as True Counseling & Esme Counseling.

AICHER MOVED TO APPROVE THE ITEMS ON THE CONSENT AGENDA AS PRESENTED. MAREK SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

4. City of Delafield Citizen's Comments pertaining to items on or off this Agenda:

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

5. Unfinished Business. Items recommended for discussion and possible action:

- a. **DELC0807.985.008, 3833 Kettle Court East, Delafield. Owner: Jeffords Family Limited Partnership; DELC0826.997.002, 3582 Kettle Court East, Delafield. Owner: Schultz Family Properties LLC; DELC0807.985.021, 3875 Kettle Court East, Delafield. Owner: Kettle Court Circle LLC; DELC0807.985.016, 3820 Kettle Court East, Delafield. Owner: City of Delafield. Applicant: City of Delafield.** Applicant is requesting the Plan Commission discuss and provide a recommendation to Common Council regarding a rezone of several properties from the B-4 General Business District to the M-1 Limited Industrial District in order to be consistent with the zoning and uses on the remaining lots on Kettle Court East.

It was noted that the epacket for this meeting did not include a Staff Report on this item. There were no changes to the Staff Report for this item that was published two months ago in the epacket for the July 29, 2020 Plan Commission meeting. No concerns were received from the Public Hearing or in correspondence regarding this matter since that time.

SCHULT MOVED TO APPROVE A REZONE OF SEVERAL PROPERTIES FROM THE B-4 GENERAL BUSINESS DISTRICT TO THE M-1 LIMITED INDUSTRIAL DISTRICT IN ORDER TO BE CONSISTENT WITH THE ZONING AND USES ON THE REMAINING LOTS ON KETTLE COURT EAST FOR DELC0807.985.008, 3833 KETTLE COURT EAST, DELAFIELD. OWNER: JEFFORDS FAMILY LIMITED PARTNERSHIP; DELC0826.997.002, 3582 KETTLE COURT EAST, DELAFIELD. OWNER: SCHULTZ FAMILY PROPERTIES LLC; DELC0807.985.021, 3875 KETTLE COURT EAST, DELAFIELD. OWNER: KETTLE COURT CIRCLE LLC; DELC0807.985.016, 3820 KETTLE COURT EAST, DELAFIELD. OWNER: CITY OF DELAFIELD. APPLICANT: CITY OF DELAFIELD AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. New Business. Items recommended for discussion and possible action:

- a. **DELC0755.968, 2623 Zastrow Road, Delafield. Owner: Gerry Benusa, Applicant: Peter Pope.** Applicant seeks approval to replace an existing boathouse.

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

The applicant agreed to modify framing to comply with the sideyard setback by six feet. Rain garden provisions were noted to be compliant with state technical standards and species requirements. The City Engineer had worked with the applicant and technical issues were resolved. The rain garden had been made bigger in size with current dimensions of 11 ft by 7 ft for a total of 77 sf. Barrows would review the plant species and design changes relative to the technical standards because the revised submittal was provided earlier in the day and there had not yet been an opportunity to do so. Approval was recommended with the items noted in the Staff Report in the epacket for this meeting.

Discussion ensued. The technical standards referenced in the Staff Report recommendations (Item 6) were not the same standards approved by the Lake Welfare Committee being used widely throughout the City in the past. The standards provided on the City's website on the Lake Management page for reference were purposefully simple to follow and included language that made it easy for residents to comply in the construction of a rain garden. An engineer should not be needed to follow the Lake Management rain garden information. This discrepancy warranted further study. Additional discussion took place regarding the standards to be used in consideration of the rain garden. Planner Recommendation Item 6 noted in the Staff Report could be removed at the time of approval. Sewer and water could be run to the boathouse, but it was not to have an indoor bathroom. Discussion took place regarding the requirement that the rain garden be installed within six months. Greenway explained the intent was that an owner needed to construct the rain garden in a timely manner.

Peter Pope, applicant - SJ Pope Design and Construction, 4866 Hewitts Point Road, Oconomowoc, explained he complied with the more stringent of the technical standards in his design. There would be no plumbing in the boathouse. The design including the outdoor hose bib was sufficient for the owners. The rain garden would be done prior to building occupancy.

GREENWAY MOVED TO APPROVE REPLACE AN EXISTING BOATHOUSE FOR DELC0755.968, 2623 ZASTROW ROAD, DELAFIELD. OWNER: GERRY BENUSA, APPLICANT: PETER POPE, SUBJECT TO RECOMMENDATIONS IN THE PLANNER'S REPORT FOR THIS ITEM WITH THE EXCEPTION OF ITEM 2, CHANGING COMPLIANCE REQUIREMENTS IN ITEM 6 TO THE DNR PAMPHLET INFORMATION FOUND ON THE LAKE MANAGEMENT PAGE OF THE CITY'S WEBSITE AND CHANGING THE SIX MONTH REQUIREMENT FOR CONSTRUCTION OF THE RAIN GARDEN TO PRIOR TO OCCUPANCY FOR THIS PROJECT ONLY AND TO ALLOW THE SIZE OF THE RAIN GARDEN TO BE 7 FT BY 11 FT FOR 77 TOTAL SF AS PRESENTED AT THIS MEETING. AICHER SECONDED THE MEETING. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

7. Zoning and Ordinance Revision. Items recommended for discussion and possible action:
 - a. Discuss potential code amendments related to special exceptions and Planned Developments. No action will be taken.

Information pertaining to this item was included in the epacket for this meeting. Various code amendments related to Special Exceptions and Planned Developments were discussed, including the definitions of Variance and Special Exceptions and the current process of approval. Statutory requirements were not well noted in the City Code and required amendment to accurately reflect statutory changes. City ordinances did not have a definition for Special

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Exception, and one had been proposed as noted in the epacket. Processes were noted for Special Exceptions for approval to take place in each instance. It was important to understand a Special Exception could not be used to create a use. It was only used in discussing dimensions and should be minor in nature. It would be incumbent upon the applicant to state substantial evidence supporting why the granting of a Special Exception was desired.

Discussion took place regarding whether there should be restrictions noted as minimums or ratios in the standards when considering Floor Area Ratio. Staff would work to bring the ordinances into the same format with approvals to be considered at a future Plan Commission meeting. Various situational examples were provided for each of the ordinance areas discussed. Notice should be provided to neighbors in cases where Special Exceptions were being considered. Variances and Special Exceptions should be recorded with the County Register of Deeds. Specifics should also be used to the extent possible when discussing restrictions in use and Special Exceptions. A discussion of averaging took place relative to Special Exceptions. Averaging should not be used relative to setbacks or accessory structures and should be applied to principal structures only. Height allowances would be removed from Special Exceptions. Discussion ensued regarding the terms "shore setbacks," "shore/line frontage" and "lake frontage" and the different meaning of each. Shore setbacks were discussed in the Code as the intended meaning, but the other terms were also used in the Code to mean the same thing. In areas of the Code where shore setback was noted this intended to be measured from the Ordinary High Water Mark (OHWM). The discussion of width should be stricken from the Code where applicable in considering Special Exceptions related to Water Frontage and Navigable Access, and the language proposed, including the understanding that no additional lots were created, should be added. Discussion took place regarding Conditional Use standards relative to Planned Development processes of consideration. In each district specific permitted uses should be clearly listed and considered along with the areas noted in red in this section of the Planner's Report for this meeting. Staff would coordinate proposed changes based on discussion at this meeting and provide updated ordinance language to be considered in the future.

8. Reports of City Officials:

a. Clerk

1. Plan Commission Meeting Dates & Deadlines
 - i. Meeting October 28, 2020.
 - ii. Meeting Submittal Deadline October 13, 2020.

2. Correspondence

b. Planner: Discuss November and December meeting dates

The November 2020 Plan Commission meeting was scheduled for November 18, 2020. The December 2020 Plan Commission meeting was scheduled for December 30, 2020 subject to being canceled if there was no business.

c. Building Inspector – No report.

9. Adjournment.

There was no further business; therefore, the Wednesday, September 30, 2020 Plan Commission meeting adjourned at 8:32PM.