

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Call to Order

Attwell called the Wednesday, October 28, 2020 Plan Commission meeting to order at 7:00PM.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call for the Wednesday, October 28, 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

1. Approve Plan Commission meeting minutes of the [September 30, 2020](#) meeting.

MAREK MOVED TO APPROVE THE SEPTEMBER 30, 2020 PLAN COMMISSION MEETING MINUTES AS PRESENTED. REIHER 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 0787.074, 814 Genesee Street. Owner: Michael Graf, Applicant: Matt Gerber.** Applicant seeks approval for a Business Plan of Operation and Permanent Signage in order to operate a boutique web and graphic design firm. The business name is Matt Gerber Designs.
- b. **DELC 0793.020.003, 524 Milwaukee Street, Suite 3D. Owner: Hendricks Commercial Properties, LLC, Applicant: Eric Clyse.** Applicant seeks approval for a Business Plan of Operation in order to operate a medical device company, primarily management and development support. The business name is Virtual Incision.
- c. **DELC 0787.081, 615 Milwaukee Street. Owner/Applicant: Provenio Properties, LLC c/o Rob Miller.** Applicant seeks Site Plan and Appearance Review approval to improve the front façade of the building facing Milwaukee Street and to modify the interior space of the 2nd floor to include additional offices that will accommodate the recently approved businesses, True Counseling & Esme Counseling.
- d. **DELC 0793.020.003, 524 Milwaukee Street, Suite 3C. Owner: Hendricks Commercial Properties, LLC, Applicant: Lori Dominiak, Fastsigns.** Applicant seeks approval for Permanent Signage for a wall-mounted sign to advertise the business known as Pathways Wellness.

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

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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: None.

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

- a. **DELC0751.019, 2818 Nagawicka Ave., Delafield. Owner/Applicant: Lotus Homes & Realty.** Applicant seeks approval to construct retaining walls within the side yard offset.

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

Wendy Drago, 2140 Old Lantern Circle, explained the grading plan prepared by the surveying company for this project was supplied at the time of the building permit with discussion taking place about how to make the transition on the front walkway and porch area based on the retaining wall as proposed. Commissioners discussed a reduction in length for the retaining walls. Drago indicated support for doing so and noted the presence of drain tile placed at the bottom course of the wall that would run the distance from west to east to help channel water to a swale. The driveway also would drain properly from north to south. Concern remained regarding the surface water being properly directed. It was critical that the water on the property remain on the property and not flow to adjoining properties. Support for the aesthetics of the project was noted but concerns remained about the amount of water being directed on the property.

AICHER MOVED TO APPROVE CONSTRUCTION OF RETAINING WALLS WITHIN THE SIDE YARD OFFSET FOR DELC0751.019, 2818 NAGAWICKA AVE., DELAFIELD. OWNER/APPLICANT: LOTUS HOMES & REALTY, CONTINGENT UPON THE FOLLOWING CONDITIONS:

- 1. THE DRAIN TILE SHALL OUTLET TOWARD THE CHANNEL, NOT THE ADJACENT PROPERTY.**
- 2. THE CITY ENGINEER SHALL REVIEW THE SWALE TO ENSURE THAT IT WILL FUNCTION PROPERLY. AND CONTAIN ALL SURFACE WATER ON SUBJECT PROPERTY.**
- 3. ALL DISTURBED AREAS SHALL BE RESTORED AND STABILIZED WITH PROPER EROSION CONTROL MATTING (RECOMMENDED CLASS TYPE B ALONG RETAINING WALL AND SWALE).**

GREENWAY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **DELC0807.987.005, 3558 Hillside Drive; DELC0807.982.004, Unknown address on Kettle Drive, Delafield. Owner: Isler Investments, LLC., Applicant: Norm Hanson.** Applicant seeks approval to schedule a public hearing for a Conditional Use and approval of a Business Plan of Operation, Site Plan Review and Appearance, and Certified Survey Map to accommodate the expansion of a parking lot occupied by Grace Church.

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Norm Hanson, applicant, was present. Barrows noted past considerations for approval relative to the property necessitated this request to combine the parking area with the principal structure via Certified Survey Map (CSM). Parking would now comply with existing ordinances. Stormwater management, erosion control, landscaping and lighting were reviewed. Surveyors comments would be addressed prior to this matter being reviewed by the Common Council. Lighting could be enhanced to allow additional lighting in the parking area due to changes in the hours in the Business Plan of Operation. Additional upgrades to the landscaping should be considered, especially with the focal point of a planting bed on the corner of the property. Access to the property included an Easement Agreement that should be included on the CSM. Hanson agreed to review lighting and landscaping for enhancements.

WEILER MOVED TO SCHEDULE A PUBLIC HEARING FOR NOVEMBER 18, 2020 FOR A CONDITIONAL USE AND APPROVAL OF A BUSINESS PLAN OF OPERATION, SITE PLAN REVIEW AND APPEARANCE, AND CERTIFIED SURVEY MAP TO ACCOMMODATE THE EXPANSION OF A PARKING LOT OCCUPIED BY GRACE CHURCH FOR DELC0807.987.005, 3558 HILLSIDE DRIVE; DELC0807.982.004, UNKNOWN ADDRESS ON KETTLE DRIVE, DELAFIELD. OWNER: ISLER INVESTMENTS, LLC., APPLICANT: NORM HANSON. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. **DELC0782.001.001, 1807 Nagawicka Road, Delafield. Owner: Marati, LLC. c/o Tina and Ramona Weissgerber.** Applicant seeks approval of a Special Exception for the division of a lot into three single-family lots that do not comply with the lot width requirements as measured at the shore setback.

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Tina Weissgerber, 1807 Nagawicka Road, and Ramona Weissgerber, 1807 Nagawicka Road, were present. T. Weissgerber explained the land that currently held the Seven Seas Restaurant would be split with approval of a Special Exception into three lots. Survey work completed by LandTech Surveying, LLC showed the land had originally been platted into four lots in 1925 as two 50-foot lots called Lots Eight and Nine of Douglas and Harwoods Nagawicka Lake on the south end. Lots One and Two of Hasslinger's Subdivision on the north end had been recorded as one 150-foot lot and another 30-foot lot. These lots had existed prior to the 150-foot lakeshore zoning requirement now in existence. The current zoning requirement on the east side of the lake made it cost prohibitive for any builder, developer, or family to develop the land into condominiums via a Planned Unit Development. Approximately \$250,000 would be required to remove the existing structure and parking area in existence. Anything less than eight condominiums would not provide a return on investment as would creation of two lots instead of three lots on this property. The proposed request was for creation of three lots with lot widths of 100 feet for the first two lots and approximately 82 feet for the third lot. All proposed lots had generous depths that complied with local ordinances and were over one acre in size. The family personal property would remain located adjacent to the proposed lots. The proposed acreage in these three lots were larger than 16 of the lots that surrounded the property. With regard to lake frontage, the proposed three lots were larger than the lots to the north that had 66 feet of frontage and the lots to the south at 59 feet and 60 feet. The proposed land split would make this portion of the eastern side of the lake more consistent with lots in existence near the property. This proposal encouraged harmony with architecture and scale and would lessen the density impact by going from a business use to a residential use. The existing business had lots of activity, traffic and banquet events that regularly served more than 1,000 people in a weekend. The proposed land split would benefit the surrounding area by

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reducing the scale of activity, was in keeping with the spirit of the zoning ordinance, made logical sense aesthetically and financially, and would also increase value to neighboring properties. M. Weissgerber agreed, noting the Seven Seas Restaurant had been in existence for more than 40 years and supported the local organizations, City of Delafield, and community. While the 150-foot lot requirement was being compromised, it was being requested due to the smaller surrounding lots. Neighbors were in support of the proposed project.

Discussion ensued. Reiher noted the special exception being requested was for three lots with exceptions requested for two lots to be created with a reduction from 150 feet to 100 feet and a third exception for a lot to be decreased from 150 feet to 82 feet. T. Weissgerber clarified the LandTech survey indicated the property contained 284 feet in total. Discussion took place regarding the use of Special Exceptions in residential areas. Concern was expressed regarding the loss of the restaurant in the community as well as how a plan could be developed in this instance that would be in keeping with the spirit of existing and proposed ordinances. The intensity of use was being reduced. Barrows noted the proposed ordinances changes did not benefit the applicants in any way. In all instances a special exception would be needed to create the proposed lots. In this instance a non-conforming lot was being made more conforming. A suggestion was made that verbiage could be added to the proposed Special Exception language to include the concept that the Special Exception must comply with the underlying lot zoning lake width unless there was clear demonstration that the division results in lower intensity of use.

Marek questioned whether any benefit could be found if the lots could be proposed as three 93-foot lots. T. Weissgerber explained the land surveyor noted that the proposed lot configuration would be aesthetically pleasing with respect to the neighboring properties if the bigger lots flanked the smaller lot in between. It also might be easier for a builder to design three complimentary houses for the lots if configured this way.

Discussion ensued regarding the use of Special Exceptions instead of changing an ordinance. It seemed the spirit of the law intended to control against unwanted density and intensity. This proposal would reduce non-conformities and density. The proposed lots were originally platted as 50-foot lots. A public hearing would allow people to weigh in on the Special Exception relative to the 150-foot lot size. If a Special Exception was not granted by the Common Council, a request for variance could be made to the Board of Zoning Appeals. Discussion ensued. This situation could constitute a hardship and the matter could be brought to the Board Of Zoning Appeals; however, the same facts would be applied in either case. Latitude in resolution should be granted if the exact numbers in the CSM were not optimal due to natural features, such as a "heritage" tree or if the CSM demonstrated some change that was in keeping with what was presented. T. Weissgerber confirmed the surveyor would have a detailed survey with legal description for the Common Council meeting. It was also suggested that the applicant provide a clear demonstration of support from the neighboring property owners for the proposed plan.

WEILER MOVED APPROVAL OF A SPECIAL EXCEPTION FOR THE DIVISION OF A LOT INTO THREE SINGLE-FAMILY LOTS THAT DO NOT COMPLY WITH THE LOT WIDTH REQUIREMENTS AS MEASURED AT THE SHORE SETBACK FOR DELC0782.001.001, 1807 NAGAWICKA ROAD, DELAFIELD. OWNER: MARATI, LLC. C/O TINA AND RAMONA WEISSGERBER AS PRESENTED AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. GREENWAY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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- d. **DELC0737.995.001, 1800 Vettelson Road, Delafield. Owner: Lake Country School District, Applicant: Kelly Hoesly, Lake Country School PTO.** Applicant seeks conceptual consideration to amend the text of the zoning ordinance in order to accommodate an electronic message system sign on the property.

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Kelly Hoesly, Lake Country School PTO - 1800 Vettelson Road, explained the proposed sign location was on school grounds tucked back off the road on the south side of Vettelson Road. There were no nearby residences except for the apartment buildings located further to the west near the Fire Station. An electronic message sign would allow staff to be able to change signage without having to endure the elements. In addition, students in the STEM classes at Lake Country School had recently been using an Innovation Lab that would allow students to see the effects of their learning in the signage in real time. Discussion ensued. The issues of electronic message boards had been discussed with a great deal of research in the past resulting in the present ordinance. The proposed sign location was not in the allowable signage area designated in the Ordinance. Other similar requests had recently been denied for the same reason. Concern remained for safety along area roadways where this type of signage could distract drivers from the roadway frequently occupied with students, walkers, joggers, cyclists, and cars as well as aesthetics of the signage. Alternatives could be provided by sign companies to allow similar options allowed by City ordinances.

JASHINSKY MOVED TO DENY A REQUEST TO AMEND THE TEXT OF THE ZONING ORDINANCE IN ORDER TO ACCOMMODATE AN ELECTRONIC MESSAGE SYSTEM SIGN ON THE PROPERTY. SCHULT 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: None.

8. Reports of City Officials:

- a. Clerk
1. Plan Commission Meeting Dates & Deadlines
 - i. Meeting November 18, 2020.
 - ii. Meeting Submittal Deadline November 3, 2020.
 2. Correspondence
- b. Planner – No report.
- c. Building Inspector – No report.

9. Adjournment.

There was no further business; therefore, the Wednesday, October 28, 2020 Plan Commission meeting adjourned at 8:23PM.

Minutes Prepared By:

Accurate Business Communications, Inc.