



**CITY OF DELAFIELD
MEETING MINUTES
PLAN COMMISSION**

*Commissioners: Ald Tim Aicher, Mayor Kent Attwell, Dave Greenway, Dan Jashinsky, Edward Marek, Jim Reiher,
Laura Schult, Robert Weiler*

Wednesday, November 18, 2020

7:00 PM

City Hall, Council Chambers
500 Genesee St.

Regular Meeting

1. Call to Order

Attwell called the Wednesday, November 18, 2020 Plan Commission meeting to order at 7:00PM.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Roll Call

Roll Call for the Wednesday, November 18, 2020 Plan Commission meeting:

Present

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

Absent

4. Public Hearing

A. Public Hearing #1

Topic: Conditional Use Permit - Grace Church
Tax Key/Address: DELC 0807.987.005, 3558 Hillside Drive, Delafield.
DELC 0807.982.004, Unknown address on Kettle Court, Delafield.
Owner: Isler Investments, LLC.
Applicant: Norm Hanson
Matter: Conditional Use to approve an existing church use and parking lot expansion

Attwell called the public hearing to order at 7:01 PM.

Hearing no one present wishing to speak, the public hearing was closed at 7:02 PM.

5. Minutes

Discussion and possible action on the following minutes:

A. Regular meeting of [October 28, 2020](#)

AICHER MOVED TO APPROVE THE [October 28, 2020](#) PLAN COMMISSION MEETING MINUTES AS PRESENTED. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. Citizen Comments

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

7. Unfinished Business

Discussion and possible action on the following items:

A. **DELCO807.985.021, 3875 Kettle Court East, Delafield. Owner: Kettle Court Circle, LLC., Applicant: John Barker.** Applicant seeks approval for tree cutting and a mitigation plan that exceeds the Site Plan Approval plans approved in October of 2019, which were part of the site development for Arcon Manufacturing

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

John Barker, 3875 Kettle Court East and Michael Davis, 11525 W North Ave, Wauwatosa, WI 53226, were present. Barker noted there were more than 15 Austrian Pine trees, approximately six to eight feet in height, planted near the stormwater retention pond that looked good in providing visual screening from neighboring properties year-round. Davis explained the trees planted were much larger than the existing City Code gave credit for in this case. If the credit were applied accurately in relation to what was planted, requirements would be exceeded and there would be no in-lieu of fees needed because what was planted equated to double the amount required. Barker explained the location of the existing planted trees on the proposed plan.

The history of the violation for clearing the wooded area was questioned. Barker provided history of the matter relative to past conversations with a prior City Planner, noting only dead trees and invasive trees, such as buckthorn, had been removed in a specific area. Certain areas of the original plan for the seven-acre parcel were noted as "existing wooded area to remain" and the area that was cut was not labeled in this manner on those plans. Miscommunication had taken place in the past and he was trying to make it right by implementing the proposed plan. He had chosen the trees from a nursery and planted several balled tall trees strategically himself to make the area look nice.

Concern was expressed that credit for planting larger trees was not allowed in the City Code. Barker should get credit for all that was planted. Discussion ensued. The City desired trees to be planted and miscommunication had occurred.

Motion by Aicher, seconded by Greenway, to approve the for tree cutting and mitigation plan that exceeds the Site Plan Approval plans approved in October of 2019, which were part of the site development for Arcon Manufacturing for DELCO807.985.021, 3875 Kettle Court East, Delafield. Owner: Kettle Court Circle, LLC., Applicant: John Barker, and to

require in-lieu mitigation in the amount of \$16,537.50 (half the original amount noted in the Planner's Report for this item), subject to the following conditions:

- 1. Submittal of an as-built landscape plan for 3655 Kettle Court East for City records, including the proposed deciduous trees (size, location, species) along Kettle Court East. The proposed trees must be located outside of the road right-of-way.*
- 2. A site inspection shall be completed by SEH staff upon installation of all trees approved with this proposal to verify compliance. The deciduous trees and evergreens along the stormwater basin shall be spaced appropriately.*
- 3. The mitigation plan shall be implemented prior to December 15, 2020, unless extended by the City Planner because of weather conditions. If the plan is not implemented prior to December 15, 2020, enforcement action will be taken.*

Motion carried with Schult abstaining.

- 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 of a Certified Survey Map to combine two adjacent lots in order to accommodate the expansion of a parking lot occupied by Grace Church.

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Norman Hanson, 1148 Quinlan Dr, Unit A Pewaukee, WI, 53072, was present. Private individuals were hired in the spring of the year to provide plantings around the building and in the marked areas near the easterly side of the proposed parking lot. Existing asphalt would be retained along the easterly side of the building to provide drainage from the east and south. Some asphalt would also need to be removed for the proposed planting area and this would reduce the impervious area and provide a buffer to separate the parking lot. The swale would be protected, and best practices used for erosion control and stabilization. A landscape plan could be provided in the spring if necessary.

Barrows noted lighting information was still needed and could be accomplished with staff review. In addition, a cross access easement needed to be shown on the legal documents for this project.

Motion by Jashinsky, second by Schult, to approve a Certified Survey Map to combine two adjacent lots in order 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, subject to compliance with the Surveyor's comments and to recommend to the Common Council the same. Motion carried.

- C. 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 of a Conditional Use - Site Plan to accommodate the expansion of a parking lot occupied by Grace Church and to approve the church use.

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Motion by Jashinsky, second by Schult, to approve a Conditional Use - Site Plan to accommodate the expansion of a parking lot occupied by Grace Church and to approve

the church use for DELC0807.987.005, 3558 Hillside Drive; DELC0807.982.004, Unknown address on Kettle Drive, Delafield. Owner: Isler Investments, LLC., Applicant: Norm Hanson, subject to the installation of proper erosion control and submittal of a revised lighting plan for review and approval by the City Planner prior to installation and to recommend to the Common Council the same. Motion carried.

- D. **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 of an amended Business Plan of Operation by Grace Church

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Motion by Jashinsky, second by Marek, to approve an amended Business Plan of Operation 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. Motion carried.

8. New Business

Discussion and possible action on the following items:

- A. **DELC0782.001.001, 1807 Nagawicka Road, Delafield. Owner: Marati, LLC. c/o Tina and Ramona Weissgerber.** Applicant seeks approval of a Certified Survey Map for the division of a lot into three single-family lots

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Tina Weissgerber, 1718 Nagawicka Road, and Ramona Weissgerberkummer, 1830 Nagawicka Road, were present. R. Weissgerber explained the southernmost lot included an existing boathouse that they would like to retain. Also, there was a garage/workshop that could potentially be incorporated into a house on that same lot and she requested consideration of keeping those elements on the property because it was a good selling point.

Discussion ensued regarding the ability to create a legal conforming structure from either of these buildings. Hussinger explained doing so was not easy because all requirements in the energy code and City Zoning Code needed to be met. Additional discussion ensued regarding how the structures could temporarily be retained on the property and how to ensure they were maintained properly until someone could make use of the property. The boathouse was entirely contained in the proper setbacks on the lot. The workshop included a 15-foot offset location that was allowed.

Motion by Aicher, second by Greenway, to approve a Certified Survey Map for the division of a lot into three single-family lots for DELC0782.001.001, 1807 Nagawicka Road, Delafield. Owner: Marati, LLC. c/o Tina and Ramona Weissgerber. with the provision that the structure and boathouse on the southernmost lot would be allowed to temporarily remain and would be maintained in good working order, subject to an annual review of the maintenance until the property was sold or the primary structure was constructed on the property. Motion carried.

- B. **DELC 0803.988.004, 2566 Sun Valley Drive, Suite F. Owner: R Gary Storts, Applicant: Rob Remitz, Relany, LLC.** Applicant seeks approval of a Business Plan of Operation and Permanent Signage in order to operate a service business specializing in whole body recovery and wellness. The business name is Cryofit.

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The applicant was present.

Motion by Marek, second by Weiler, to approve a Business Plan of Operation and Permanent Signage in order to operate a service business specializing in whole body recovery and wellness for DELC 0803.988.004, 2566 Sun Valley Drive, Suite F. Owner: R Gary Storts, Applicant: Rob Remitz, Relany, LLC., as proposed, and the intensity of the sign for the business named Cryofit shall not exceed 40 foot candles when measured with a standard light meter held perpendicular to the sign face at a distance of ten inches. Motion carried.

- C. **DELC0798.977.001, 333 N. Lapham Peak Road, Delafield. Owner: American Legion Post No. 196, Applicant: George Gundlach.** Applicant seeks approval for a Site Plan and Appearance Review to accommodate the construction of an addition to the existing building.

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George Gundlach, American Legion Representative, explained there would be a straight walk out area to the ramp up to the parking lot. The plan purposely avoided steps so that when things were being loaded and unloaded from the storage area there would be no steps needed. In times of inclement weather, there would be drain tile constructed to ensure that water was not ponding in that location. A rail system would be explored for placement atop the retaining wall. Clarification was provided that no steps would be placed going to the lower level as shown on the proposed plan.

Motion by Marek, second by Jashinsky, to approve a Site Plan and Appearance Review to accommodate the construction of an addition to the existing building for DELC0798.977.001, 333 N. Lapham Peak Road, Delafield. Owner: American Legion Post No. 196, Applicant: George Gundlach, as proposed, showing no stairs going down to the lower level, the applicant will look at placing a railing atop the retaining wall for safety, and subject to the submittal of a parking plan that identifies how the existing parking lot will be marked in compliance with the zoning ordinance with review and approval by City staff. Gundlach clarified the parking lot would not be marked until the time of building construction. Motion carried.

- D. **City of Delafield, Text Amendments to Zoning Code.** Schedule a public hearing for text amendments to the City of Delafield Zoning Code, including amendments to the special exception, conditional use, nonconforming lots, lake frontage and zoning district summary table provisions

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Information for this item had been provided in the epacket for this meeting. The purpose of the draft special exception language was fix issues in existing zoning code language where certain aspects were not defined clearly and to be able to provide latitude and specific parameters for future decision making. Discussion ensued regarding the draft special exception language. A suggestion was made to include language that included words, "included but not limited to" and to include a cause for the exception to the rule. Discussion took place regarding whether special exceptions could apply to more than one dimension of zoning requirements, the need for a super majority to allow the special exception, notification to the surrounding property owners and whether to hold a public hearing for a special exception. Concern was expressed for being more restrictive in some cases with a super majority vote requirement. Additional research was needed about simple majority and super majority voting requirements relative to special exceptions. Notification of property owners and public hearings was desired. Commissioners discussed potential changes for special exceptions to the Floor Area Ratio (FAR) requirements and shore frontage requirements. A Zoning District table was added to the special exception language for use as a reference. Additional information on this topic would be provided at the next Plan Commission meeting.

Motion by Aicher, second by Jashinsky, to schedule a Public Hearing for text amendments to the City of Delafield Zoning Code, including amendments to the special exception, conditional use, nonconforming lots, lake frontage and zoning district summary table provisions at the next Plan Commission meeting. Motion carried.

9. Zoning and Ordinance Revision – None.

10. Report of City Officials

A. Clerk

- 1) Plan Commission meeting dates and deadlines
 - a) Meeting December 30, 2020
 - b) Meeting Submittal Deadline December 15, 2020
- 2) Correspondence

B. Planner: Future text amendments regarding fencing and impervious surfaces

No report.

C. Building Inspector: Discuss sequencing of permit issuance with retaining wall construction in mind

No report.

11. Adjournment

There was no further business; therefore, the Wednesday, November 18, 2020 Plan Commission meeting adjourned at 8:44PM.

Minutes Prepared By:

Accurate Business Communications, Inc.