

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Tuesday, May 28, 2020, 5:30 p.m.**

First order of business: Call to Order and Pledge of Allegiance

Chairman Fitzgerald called the meeting to order at 5:30 p.m., and led all in the Pledge of Allegiance.

Members present: Supervisor Kranick, Commissioner Diderrich, Commissioner Dickenson, Town Chairman Ron Troy and Plan Commissioner Chairman Fitzgerald. Commissioner Frank was excused.

Also present: Town Engineer Tim Barbeau, and Administrator-Clerk/Treasurer Dan Green.

Second order of business: Approval of the minutes of March 3, 2020.

Motion made by Chairman Fitzgerald to approve the March 3, 2020 plan commission minutes. Seconded by commissioner Diderrich. Motion carried unanimously.

Third order of business: Communications (for discussion and possible action): None

Fourth order of business: Unfinished Business: None

Fifth order of business: New Business:

- A. Daniel Rooney and Jamie Krofta, 1606 E. Webster Place, Milwaukee, Re: Consideration and possible action on the approval of a Certified Survey Map to combine properties at W298 N2785 Shady Lane.

Engineer Tim Barbeau reviewed the application for a combination certified survey map on Shady Lane. He explained the combination would clear up a lot line that cuts through ten feet of the property. He made some technical comments on the CSM but recommends approval contingent on Waukesha County staff approval and signing.

Motion by Supervisor Kranick to approval a Certified Survey Map to Daniel Rooney and Jamie Krofta for the property located at W298N2785 Shady Lane, contingent on Waukesha County's approval and signature and the resolution of the comments by Town staff. Seconded by Commissioner Diderrich. Motion passed unanimously.

- B. Rupesh and Smita Agrawal W296 N2080 Glen Cove Road, owner, by Julie Voeller, agent, Re: Consideration and possible action on the approval of a Certified Survey Map to combine properties at W296 N2080 Glen Cove Road.

Engineer Barbeau reviewed the two parcel combination CSM. He had two conditions of approval which were removing the existing dwelling on the property and converting the other dwelling on the property to an accessory building. The engineer explained there are currently 4 buildings on the property; an existing house, garage, guest house and a building further toward the lake. The guest house will be removed. The Commission discussed that there should be no water going to the accessory building.

Motion by Ron Troy to approve the combination certified survey map for Rues and Smita Agrawal for the property located at W296N2080 Glen Cove Road, contingent on no water to the accessory buildings on the site and subject to Waukesha County and Town staff's recommendations. Seconded by Supervisor Kranick. Motion carried unanimously.

- C. Gina Dillig Revocable Trust, 1304 Trapp Lane Winnetka, IL, owner, by Kathy Gutenkunst, agent, Re: Consideration and possible action on the approval of a Certified Survey Map to combine properties at N26 W30123 Maple Avenue and N26 W30139 Maple Avenue.

Engineer Barbeau explained this is a combination CSM combining two lots. The certified survey map is subject to a technical review from Waukesha County and comments by both entities will need to be addressed. He also explained the Dilligs purchased both properties in the last 24 months and all dwellings have been removed.

Motion by Supervisor Kranick to approve a combination certified survey map for Gina Dillig Revocable Trust for the property located at N26W30139 Maple Avenue subject to the resolution of comments by Waukesha County and Town staff. Seconded by Commissioner Diderrich. Motion carried unanimously.

D. Jeremy and Angela Hausmann, 400 Genesee St., Delafield, WI, owner, Keith Kindred, agent, Re: Consideration and possible action on the approval of a Certified Survey Map to combine properties at W291 N2173 Elmhurst Drive

Engineer Barbeau explained this is another combination CSM. A non-conforming structure would need to be removed. The combination would clean up the property lines and would require Waukesha County's approval and is subject to technical comments by the engineer.

Motion by Supervisor Kranick to approve a combination certified survey map for Jeremy and Angela Hausmann for the property located at W291N2173 Elmhurst Drive subject to Waukesha County approval and resolution of technical comments by Town staff. Seconded by Commissioner Dickenson. Motion carried unanimously.

E. Al and Jean Hunley, N21 W28651 Louis Avenue, owner, Bob Michelini, agent, Re: Consideration and possible action on the approval of a Certified Survey Map to combine properties at N21 W28651 Louis Avenue.

Engineer Barbeau explained this CSM is combining 4 different lots. The owners want to put a garage on the site and in order to meet the rear setback on the existing dwelling they needed to purchase land by the adjacent property owner. This approval would be subject to a lot line adjustment which will be coming back to the Plan Commission in July. Because the CSM would be subject to the approval of the line adjustment the Commission discussed tabling the item.

Motion by Supervisor Kranick to table, "Al and Jean Hunley, N21 W28651 Louis Avenue, owner, Bob Michelini, agent, Re: Consideration and possible action on the approval of a Certified Survey Map to combine properties at N21 W28651 Louis Avenue." To the next meeting. Seconded by Ron Troy. Motion carried unanimously.

F. Scott Flaughner, 385 Kennedy Ct E. Colgate, WI, Re: Consideration and possible action on a request to approve Site plan, Grading/drainage plan, Landscaping, Lighting and Architectural plans, and Plan of Operation for a self-storage facility to be located on lands at the northwest corner of Cushing Park Road and STH 18. (Discussed at March 3, 2020 Plan Commission meeting)

Engineer Barbeau explained that at the last meeting the Town had a pending code change and at that time the Commission took no action in anticipation of the code change approval by the Waukesha County Board. That zoning code change did get approved and the newly adopted code would now require a conditional use permit for the use being proposed by the applicant. The engineer sent a letter to the applicant for all the requirements for a conditional use and would require the applicant to supply more evidence to meeting the standards of a conditional use.

Mr. Flaughner stated he was confused as to if the Town was reviewing his application under the new conditional use standard or based on the old M-1 ordinance. Engineer Barbeau explained that once the County approves our code, the code would be in place. Mr. Flaughner stated that he applied prior to the conditional use approval and should have been reviewed under the previous code. Chairman Fitzgerald stated at the last meeting they stated the ordinance was passed by the Town a year ago and this was not an intended use in M-1 zoning. Engineer Barbeau explained the intent of ordinance was to not allow storage units in the M-1 district except by a conditional use permit. He explained if we are looking at if this is an allowable use under M-1, the Board could

say the use does not fall under the M-1 district because their intent was to pull that out. He also explained the M-1 district gives some flexibility with what the uses are; it just has to be compatible with the adjacent neighborhood, but it still give the Plan Commission the decision to what meets that standard and if it is a permitted use or not. He explained M-1 doesn't have a list of uses such as industrial or storage uses, it's broad. He stated under the M-1 district we have always had a broad determination of if things fit the M-1 or not.

Chairman Troy stated even under the M-1 we can still put in restrictions that we have applied to the conditional use ordinance for storage facilities. Engineer clarified that the conditions of approval would match the conditional use ordinance requirements which Chairman Troy stated yes. He stated we could subject the approval to all of the standards out of the conditional use ordinance.

Mr. Flaughner stated he would request either approval or denial based on the application submitted. Supervisor Kranick stated we need to evaluate the proposal as he has submitted today. Engineer Barbeau explained that the details he deemed to be missing in his application was based on the conditional use ordinance. Mr. Flaughner stated that at the last meeting the Commission stated this was a detrimental use and expressed concerns about crime. He stated he did extensive research and no evidence exists to support increases in crime. Chairman Troy stated he was at a disadvantage as he was not present at the March meeting.

Supervisor Kranick mentioned that the last meeting fencing was a discussion that the Commission concentrated on. Chairman Troy stated when a conditional use permit application requires standards for fencing, building materials, lighting, the pitch of the roof, etc.

Chairman Fitzgerald stated they can make a motion based of the current conditional use process, or a motion to deny based on not being a permitted use based on the Town Board's prior action a year ago. Administrator Green stated the commission has flexibility in what they can consider a permitted use to their discretion. They could deny this as a permitted use based on that flexibility or they could deny based on the newly adopted ordinance requiring this be considered a conditional use. Chairman Troy stated they could also approve the application subject to all the requirements under the conditional use ordinance. Administrator Green cautioned that if they are approving an application under the same standards of the conditional use they would be forgoing the conditional use process which requires a public hearing, a legal notice and a letter to the neighbors. He stated with the fencing and lighting requirements, the Commission may want those neighbors to the north notified of the use.

Chairman Troy asked the applicant what the proposed pitch is on the roof. Mr. Flaughner stated it is similar to the building that is going up on the property right now, 412. The Commission questioned whether they should make a motion based on the old law or the new proposed ordinance. Supervisor Kranick stated since the board has flexibility under the old ordinance and they could still base their motion off the old M-1 zoning. Administrator Green stated the new ordinance was just approved by the County two days prior and still needs to be signed by the County Executive and County Clerk and published.

Motion by Supervisor Kranick to deny the Site plan, Grading/drainage plan, Landscaping, Lighting and Architectural plans, and Plan of Operation for a self-storage facility for Scott Flaughner for the property located on the northwest corner of Cushing Park Road and STH 18 due to it not being a permitted use under the M-1 district. Seconded by Ron Troy. Motion carried unanimously.

Sixth Order of Business: Discussion: None

Seventh Order of Business: Announcements and Planning Items: Next meetings

A. No June 2, 2020 meeting. Next meeting is to be determined.

Eighth Order of Business: Adjournment

Motion by Supervisor Kranick to adjourn the May 28, 2020 Plan Commission meeting at 6:10 p.m. Seconded by Ron Troy. Motion carried unanimously.

Respectfully submitted,

Dan Green, CMC, WCMC
Administrator-Clerk/Treasurer

Minutes approved on: