

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Call to Order

Mayor McAleer called the meeting to order at 7:00 P.M.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call for the Wednesday, August 29, 2012 Plan Commission meeting:

Present

Ed McAleer, Mayor
 Dan Jashinsky
 Michele DeYoe, Ald.
 Kent Attwell
 Kevin Fitzgerald
 Matthew Katz
 Chris Smith
 Roger Dupler, Planner
 Gina Gresch, Clerk-Treasurer
 Scott Hussinger, Building Inspector

Absent

Tony Drake

1. Approve Plan Commission meeting minutes of July 25, 2012 meeting.

K. ATTWELL MOVED TO APPROVE THE JULY 25, 2012 PLAN COMMISSION MEETING MINUTES AS PRESENTED. K. FITZGERALD 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 this agenda.

D. JASHINSKY MOVED TO CLOSE CITIZEN'S COMMENTS PERTAINING TO SUBJECTS ON THE AGENDA AT 7:01 P.M. K. ATTWELL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. Consent Agenda (Recommended approvals in accordance with the staff report).

- a. **DELC 0802.997, 1760 Milwaukee Street, Delafield. Owner: Robert Loro. Applicant: Lilla Alma Bryer, M.D. Applicant seeks approval of a Business Plan of Operation for a medical office/medi-spa, Beauty by the Sea.** Hours of Operation are Weekdays and Saturdays 8AM to 8PM and Sundays 10AM to 5PM with 3 part-time and 1 full-time employees.
- b. **DELC 0804.982, 2920 Golf Road, Delafield. Owner: Told Development Company; Brian Adamson. Applicant: Select Comfort Corporation; Jodi Hanna. Applicant seeks approval of a Business Plan of Operation for a adjustable firmness sleep system store, Select Comfort Corporation.** Hours of Operation are Weekdays and Saturdays 10AM to 9PM and Sundays 11AM to 6PM with 3 full-time employees.

C. SMITH MOVED TO APPROVE THE ITEMS ON THE CONSENT AGENDA IN ACCORDANCE WITH THE STAFF REPORT. KENT SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

4. Final Consideration, Approvals, Previous Approval.

- a. **Kettle Court East, Delafield. Owner/Applicant: Raley, LLC c/o C. Scott Tanis.** Owner/Applicant seeks final approval of a Certified Survey Map to claim unutilized and undeveloped parcel and recommendation to the Common Council of the same.

FROM PLANNER DUPLER'S STAFF REPORT: The Final Certified Survey Map expands the size of one B-4 parcel by modifying an existing undeveloped parcel. The

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area in question was originally created as part of the Kettle Court East CSM which created the Business and Manufacturing lots. The parcel in question is not buildable and only serves as access to the WDNR monitoring station in the landfill, and access to the storm water detention basin associated with Cherokee Woods Addition Three. The resubmitted Certified Survey Map includes an access easement granted to the WDNR, the City, and the Home Owners Association of Cherokee Woods Addition Three. The Final CSM addresses all previous technical surveying concerns. A letter to that affect is included in the packet and has been forwarded to the petitioner. **Recommendation:** Approval, recommend to City Council.

K. ATTWELL MOVED TO APPROVE THE CERTIFIED SURVEY MAP TO CLAIM UNUTILIZED AND UNDEVELOPED PARCEL FOR KETTLE COURT EAST, DELAFIELD. OWNER/APPLICANT: RALEY, LLC C/O C. SCOTT TANIS AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **DELC 0797.031, 617 First Street, Delafield. Owner/Applicant: Fannie Mae, c/o Midwest Realty Group, LLC.** Owner/Applicant seeks final approval of a Certified Survey Map to consolidate residential lots and recommendation to the Common Council of the same.

FROM PLANNER DUPLER'S STAFF REPORT: The proposed Certified Survey Map is a consolidation of three existing lots, for which the owner wishes to combine into one legal residential lot. This petition is presented as a Final Certified Survey Map, foregoing the preliminary approval, because the resulting parcel will be a legal lot in the existing zoning district, and proposes no new parcel. **Recommendation:** Approval, contingent upon resolving the items identified in the surveyor's letter of August 21, 2012. Recommend to the City Council accordingly.

K. ATTWELL MOVED TO APPROVE THE CERTIFIED SURVEY MAP FOR DELC 0797.031, 617 FIRST STREET, DELAFIELD. OWNER/APPLICANT: FANNIE MAE, C/O MIDWEST REALTY GROUP, LLC, CONTINGENT UPON RESOLVING THE ITEMS IDENTIFIED IN THE SURVEYOR'S LETTER OF AUGUST 21, 2012 AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED WITH ONE ABSTENTION BY K. FITZGERALD.

- c. **DELC 0788.022, 1427 Milwaukee Street, Delafield. Owner: Donald R. Jung Family Trust / Joyce C. Heinrich Living Trust. Applicant: Richard Ihnen.** Discussion and action on recommendation from the Lake Welfare Committee on the reconstruction of an existing wet boathouse.

FROM PLANNER DUPLER'S STAFF REPORT: The proposed boathouse is an existing nonconforming structure on the south shore of Lake Nagawicka. The boathouse is a wet boathouse; one that has direct water access at the lake elevation. The structure is proposed for maintenance. This petition has been coordinated through the Building Inspector and has been reviewed and approved by the Lake Welfare Committee. The rebuilt structure will require DNR permitting. The architecture is compatible with the home. **Recommendation:** Approval, conditioned upon securing all appropriate DNR approvals.

S. Hussinger stated since the boathouse existed prior to 1978 a formal DNR approval is not needed as long as the applicant is not expanding or reconfiguring the boathouse. Plan Commission needs to act on the Lake Welfare Committee's recommendation and then he will work directly with applicant for the building permit. K. Attwell stated the updates are being

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completed to be sure the boathouse remains a physically reliable structure. There are living quarters above the boathouse and some of the Lake Welfare Committee members didn't want to be on record approving this out of principal of being opposed to having a living structure on top of a boathouse.

K. FITZGERALD MOVED TO APPROVE THE RECOMMENDATION FROM THE LAKE WELFARE COMMITTEE ON THE RECONSTRUCTION OF AN EXISTING WET BOATHOUSE FOR DELC 0788.022, 1427 MILWAUKEE STREET, DELAFIELD. OWNER: DONALD R. JUNG FAMILY TRUST / JOYCE C. HEINRICH LIVING TRUST. APPLICANT: RICHARD IHNEN, CONDITIONED UPON SECURING ALL APPROPRIATE DNR APPROVALS. M. KATZ SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

5. Plans of Operation, Signage and Site Plan.

- a. **DELC 0804.982, 2920 Golf Road, Delafield. Owner: Told Development Company; Brian Adamson. Applicant: Select Comfort Corporation; Jodi Hanna.** Applicant seeks to overturn staff's denial of the sign petition based on inappropriate color requested.

FROM PLANNER DUPLER'S STAFF REPORT: The proposed Sleep Number sign has been submitted for staff review and found to be noncompliant with the sign program for The Shoppes at Nagawaukee. Knowing in advance that their proposed colors would not be approved, Select Comfort has elected to appeal directly to the Plan Commission. The sign program at The Shoppes at Nagawaukee clearly define three allowable colors; red, white and green. To date only white lettering has been employed. Since this petition introduces a third color that has not yet been used it may be possible for the existing sign program to be modified to allow red, white and blue. The sign program was originally approved as part of the Conditional Use Planned Development and therefore may only be modified after a public hearing. **Recommendation:** Discuss the option to modify the Sign Program with the petitioner and schedule a public hearing as deemed necessary.

John Key from Sleep Number stated that blue is Sleep Number's color and having brand colors creates consistency and consistency in messages is important. There are two aspects of the application. One sign application is for the front and rear sign of the building; the other is for the monument sign. He is appealing the decision of the Planner regarding the building sign that the blue button is not allowed because blue is not an allowed color in the development's sign package. Sleep Number can have a store without a monument sign but they cannot have a store without the blue button on the building signage. R. Dupler stated the shopping centers in those areas were developed in three phases and each has their own sign program. To date, none of the businesses have used green in their signage, however if the landlord wants to change sign the program from green to blue, they can do so by requesting a public hearing to amend the Planned Unit Development. The only exceptions that have been made are for the anchor tenants, like Best Buy and Petco.

E. McAleer stated he doesn't want to make an example out of Sleep Number but each time the Plan Commission grants an exception the City strays away from color continuity. Plan Commission members stated they wouldn't be against modifying the colors from green to blue but the landlord has to petition the City for it.

K. ATTWELL MOVED TO DENY THE REQUEST TO OVERTURN STAFF'S DENIAL OF THE SIGN PETITION BASED ON INAPPROPRIATE COLOR REQUESTED FOR DELC 0804.982, 2920 GOLF ROAD, DELAFIELD. OWNER: TOLD DEVELOPMENT COMPANY; BRIAN ADAMSON. APPLICANT: SELECT COMFORT CORPORATION; JODI HANNA, AS IT DOESN'T CONFORM TO THE EXISTING SIGN PROGRAM. D. JASHINSKY SECONDED

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

6. Preliminary

- a. DELCO 0733.998.002, 3001-3091 Village Square Drive, Hartland. Owner: Delafield Investment, LLC./United Properties. Applicant: Bauer Sign, Bob Hacker. Applicant seeks preliminary feedback for architectural modifications to an existing Planned Unit Development to accommodate store-front awnings and set public hearing date for the same.

FROM PLANNER DUPLER'S STAFF REPORT: A number of tenants at the Village Square desire an awning to shade their south facing windows. Since the shopping center was approved as a Conditional Use Planned Development, and since the awnings are an architectural modification, the petitioner has submitted for a public hearing to allow the proposed change. The awnings are uniformly designed and complement the existing façade. The color is uniform, and the addition of tenant signage on the face of the awning may be allowable. The petitioner must provide a schematic to illustrate the pedestrian clearance beneath the awnings.
Recommendation: Share comments with the petitioner and schedule a public hearing.

K. Fitzgerald asked if it is possible that some tenants will have awnings and some won't. R. Dupler stated that is possible but the building was designed in a way so that that won't be that noticeable. Bob Hacker with Bauer Sign stated the awnings would help knock down some brightness and help reduce energy costs as well as adding esthetic value. He is requesting to add awnings to entire front of the building. His recommendation to United Properties and Cloud 9 is that all awnings should be fabricated the same way for consistency. United Properties informed B. Hacker that the current tenants will not be required to install the awning but new tenants will. M. Katz asked if the business name will be on the awning. R. Dupler stated yes but that development has a very large amount of unused signage. Also the words will only be on the leading edge of the awning. E. McAleer stated he does not want to see any words on the awnings. There was further discussion of illumination and awning colors. B. Hacker stated the awnings will not be illuminated and they will be the same color. K. Attwell asked if verbiage can be added to the decision to replace the awnings after a certain amount of time. R. Dupler stated yes that can be included in the minutes and recorded on the property. E. McAleer asked Planner Dupler to check the Village Square Settlement Agreement to be sure everything is being complied with.

K. ATTWELL MOVED TO SET A PUBLIC HEARING FOR SEPTEMBER 26, 2012 FOR ARCHITECTURAL MODIFICATIONS TO AN EXISTING PLANNED UNIT DEVELOPMENT TO ACCOMMODATE STORE-FRONT AWNINGS FOR DELCO 0733.998.002, 3001-3091 VILLAGE SQUARE DRIVE, HARTLAND. OWNER: DELAFIELD INVESTMENT, LLC./UNITED PROPERTIES. APPLICANT: BAUER SIGN, BOB HACKER. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

7. Zoning and Ordinance Revision.

- a. Discussion of repealing and recreating the following sections the City of Delafield Municipal Code related to the keeping of horses and possible action to set a public hearing date for the same:

FROM PLANNER DUPLER'S STAFF REPORT: In an attempt to eliminate the duplicity of information contained in the zoning ordinance the following proposed text may be considered by the Plan Commission in a public hearing and forwarded to the City Council thereafter. Section 17.38(10) governs the erection of structures intended for the housing of livestock and therefore reference to such is not needed in 1739(4)(a).

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K. Fitzgerald stated the language the Plan Commission discussed originally and what is being presented tonight are very different. The new language regulates where horses and livestock can be and that is not the original intention. Now there are hundreds of acres that can't have livestock but chickens can be on the lake and that doesn't make any sense.

K. FITZGERALD MOVED TO SET A PUBLIC HEARING FOR SEPTEMBER 26, 2012 RELATED TO THE KEEPING OF HORSES, ORDINANCE 670. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH ONE NAY BY K. ATTWELL.

E. McAleer stated he likes the direction the Planner is taking this and want to pursue it. K. Fitzgerald stated he finds it strange to allow chickens on a one acre lot but you can't have chickens in a barn on STH 83. If the Plan Commission is looking at this from a lake preservation issue then issues like using fertilizer, which is more problematic to the lake than horses, should be reviewed. K. Attwell stated the City already has an ordinance on fertilizer but would like to see which properties these changes would affect.

8. Reports of City Officials:

a. Clerk

1. September 26 (Meeting); August 29 (PH Deadline); September 12 (Reg. Deadline)
2. Correspondence

b. Planner

K. Attwell asked Planner Dupler if the meetings with farmers regarding run-ff regulations have made progress. R. Dupler stated that was about a year ago, by January of this year prior Administrator T. Schuenke asked him to not pursue that issue any further.

c. Building Inspector

S. Hussinger stated the total number of permits to date is 26 with one commercial occupancy permit this month.

9. Adjournment.

K. ATTWELL MOVED TO ADJOURN THE AUGUST 29, 2012 PLAN COMMISSION MEETING AT 7:47 P.M. D. JASHINSKY SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes Prepared By:



Gina C. Gresch, MMC/WCPC
City of Delafield Clerk-Treasurer
Waukesha County