

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 February 23, 2011 Plan Commission meeting:

Present

Ed McAleer, Mayor
Michele DeYoe, Ald.
Kent Attwell
Dan Jashinsky
Matthew Katz
Roger Dupler, Planner
Gina Gresch, Clerk-Treasurer / Interim Administrator

Absent

Chris Smith
Kevin Fitzgerald
Michael Frede

1. Approve Plan Commission meeting minutes of January 26, 2011 meeting.

K. ATTWELL MOVED TO APPROVE THE JANUARY 26, 2011 PLAN COMMISSION MEETING MINUTES AS PRESENTED. M. DEYOE 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.

M. DEYOE MOVED TO CLOSE CITIZEN'S COMMENTS PERTAINING TO SUBJECTS ON THE AGENDA AT 7:01 P.M. D. JASHINSKY 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 0787.076, 601 Milwaukee Street, Delafield.** Owner: Cornerstone Investments, LLC. Applicant: Cesar Soto. Applicant seeks approval of Business Plan of Operation Amendment for Mazatlan, to amend the Hours of Operation for Weekdays, 6:00 a.m. to 10:00 p.m., Saturdays, 6:00 a.m. to 11:00 p.m. and Sundays 6:00 a.m. to 9:00 p.m. to serve breakfast.
- b. **DELC 0803.991.003, 2580 Sun Valley Drive, Delafield.** Owner: Richard Flath, Marty's Pizza. Applicant: Jody Knoebel. Applicant seeks approval of a Temporary Business Plan of Operation for a produce stand, Jelli's Market. Hours of Operation are Sunday through Saturday, 11:00 a.m. to 6:00 p.m. with 3 part-time and 1 full-time employees.
- c. Cushing Business Park directional sign revised location.

M. DEYOE MOVED TO APPROVE THE ITEMS ON THE CONSENT AGENDA IN ACCORDANCE WITH THE STAFF REPORT. K. ATTWELL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

4. Final Consideration, Approvals, Previous Approval.

5. Plans of Operation, Signage and Site Plan.

- a. **DELC 0804.994.009, 2750 Heritage Drive, Delafield.** Owner: Kensington Development Corporation. Applicant: Sears Hometown Stores, LLC. Applicant seeks approval of a Business Plan of Operation for a retail store, Sears Appliance Showroom. Hours of Operation are Weekdays 10:00 a.m. to 9:00 p.m.; Saturday 10:00 a.m. to 7:00 p.m. and Sunday 11:00 a.m. to 7:00 p.m. with 2 part-time and 2 full-time employees. Applicant also seeks approval of modified architecture and increased sign square footage.

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Applicants Greg Hughes and Bob Doody with the Wal-Mart Center, along with the architect and sign company representatives were present. G. Huges stated they are asking for the letter "S" in Sears to be larger than the rest of the letters and would like to raise the façade for the name. He is excited that they are replacing Blockbuster with a national tenant.

R. Dupler stated the national retailer wishes to open an appliance showroom in the Wal-Mart Center retail space formerly occupied by Blockbuster. The use and hours and are appropriate for this location, and the parking demand is unaffected. In consideration of the national status of this tenant, the owner wishes to recognize them as an anchor tenant and afford architectural changes and an increased sign size. These allowances have been awarded in the past; the existing Office Max, Petco, and Dollar Tree are all designated anchor tenants. The proposed architectural change will raise the parapet four feet above the current parapet height. This increased height is intended to create a contrasting element in the façade and enlarge the background for the proposed oversized sign. The parapet change is consistent with other similar treatments in the shopping center. In the packet of submitted information is an elevation of the building frontage which illustrates the proposed modification in context with the nearest existing parapet extension. By declaring the Sears Appliance Showroom an anchor tenant they are afforded a larger sign. The proposed sign is 74.3 sf, while the allowable area based on the standard ordinance formula is 66.75 sf. This is an 11 percent overage. In addition, the proposed combined letter height is 60", 42" just for the S of Sears. Compared to the standard allowable two line text height of 40", this is a 50 percent increase. Other anchor tenants approved in the recent past, Petco and Dollar Tree exhibit similar allowances. The Petco sign height is 97", a 240 percent increase. Dollar Tree exhibits 36' letter height for a single line of text, a 20 percent increase. Another item of nonconformance with the sign program is the proposed blue color. The sign program recommends "red and white with other accent colors as appropriate". The sign overages may be allowed in consideration of the sign composition and the amount of blank space surrounding the Sears sign. However, the blue color as proposed is not an accent but rather a distinct variance intended to stand out from the uniformity existing in the shopping center. The blue may be eliminated.

E. McAleer stated it is important the Plan Commission stick with red and white color scheme. Blockbuster was approved with a blue canopy by error and he is uncomfortable allowing blue again. G. Hughes stated it will be white letters with a thin blue line. There was further discussion by the applicant about how important the blue color in their trademarked logo is. Plan Commission also had further discussion about how important it is to keep to the approved color scheme for that area.

K. ATTWELL MOVED TO APPROVE THE SIGN WITH THE COLORS RED AND WHITE, INCREASE THE FAÇADE, THE RED MONUMENT SIGN AND THE BUSINESS PLAN OF OPERATION. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. Preliminary

a. **DELC 0798.973 & 0798.972, Delafield.** Owner/Applicant: Joe McCormick, 101 N. Mill Street, Madison, WI. Applicant seeks approval of the following:

1. To redefine the boundary of the Planned Unit Development and request public hearing for the same.

J. McCormick stated he would like to give Jim Behrend 20 feet of land on the east side of the property and in turn Jim Behrend will give Joe McCormick 30 feet of land to the north of the McCormick land. The purpose of this is to create an access alley for the single family lots. Jim Behrend will have access to his land via easement over the alley.

R. Dupler stated the developer returns to the Plan Commission this month to request consideration on a number of items. The most significant of which is a request to schedule

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a public hearing in March to modify the boundary of the General Development Plan. The property owner to the east has negotiated a land exchange to trade property along the north boundary, where the proposed alley access for the single-family homes exists, in exchange for 20' of property along the common east property line. Consideration of this property exchange requires that two issues be addressed. First, the separation of the alleyway property will leave the neighboring property without direct access to a public right-of-way. As it exists, the property is a flag lot connecting to Bleeker Street with the stem as the connection to a public road. This configuration may be permitted with Plan Commission approval, per 18.59(5). Access to the neighbor's lot will be maintained with an access easement through the alley. The second issue is that of density attributable to Delafield Woods. In the General Development Plan approval the density was determined by a yield plan that created the single-family lots on the east side of Bleeker Street with extra deep rear yards. Density for the single-family lots was determined by the resulting lot geometry, not lot area. As such it is possible to remove 20' from the rear of these lots without affecting the required lot area. This 20' is unusable area encumbered by easements associated with the overhead electric wires.

K. ATTWELL MOVED TO SCHEDULE A PUBLIC HEARING ON MARCH 30, 2011 FOR THE REQUEST TO REDEFINE THE BOUNDARY OF THE PLANNED UNIT DEVELOPMENT FOR DELAFIELD WOODS. D. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

2. Consideration for concrete curb and gutter vs. an integrated asphalt curb and gutter in the public right-of-way.

R. Dupler stated there was error was made in the drafting of the Plan Commission report. The petitioner is asking for consideration from the Pan Commission to install asphalt curbs in place of concrete curb and gutter. This does not comply with the City's standard. Public Works has heard this request and rejected it. They strongly recommend concrete curb and gutter. Staff also supports concrete curb and gutter. J. McCormick stated he is trying to create small urbanism and keep the feel of Delafield by using asphalt instead of concrete. D. Jashinsky stated the Public Works Committee discussed this and all agreed that asphalt doesn't last as long as concrete. Since the City will be maintaining it, it should be concrete curb and gutter.

K. ATTWELL MOVED TO DENY THE REQUEST FOR ASPHALT CURB AND CUTTER IN THE PUBLIC RIGHT-OF-WAY. D. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. Request to reconsider tree mitigation requirements and direct the City Forester to review and make recommendation on the same.

Shantelle Schmidt, City Forester stated the Ash trees are in poor condition and the developer should not be made to replace them since they will be destroyed by the Emerald Ash Borer. Removing them would be a good preemptive move. R. Dupler stated the mitigation calculation can be reviewed during the public hearing.

M. KATZ MOVED TO DISCUSS THE TREE MITIGATION AS A PART OF THE SCHEDULED MARCH 30, 2011 PUBLIC HEARING. K. ATTWELL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

7. Zoning and Ordinance Revision.
 - a. Discussion and action on direction from the Common Council to review the changes and memo regarding Ordinance No. 653, An Ordinance Creating Section 17.367 of the Municipal Code of

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the City of Delafield, Waukesha County, Wisconsin, Related to Election Campaign Signage and recommendation to the Common Council of the same.

E. McAleer stated the City Attorney made a mistake when drafting the ordinance and based it on the City of Delafield being a 3rd class City, which the City of Delafield is NOT. We are a 4th class City. 3rd class cities have population 10,000-38,999; 4th class cities have population of 9,999 people or less. G. Gresch stated the restrictions on size, location and shape do not apply to Delafield (unless in the event it affects safety). Also, Alderman Krickhahn's suggestions of limiting banners and flags on signs were not discussed at the last meeting. K. Attwell stated he doesn't see the need for this ordinance.

K. ATTWELL MOVED TO NOT ADOPT ORDINANCE NO. 653, AN ORDINANCE CREATING SECTION 17.367 OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, RELATED TO ELECTION CAMPAIGN SIGNAGE AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. MOTION FAILED FOR A LACK OF A SECOND.

M. DEYOE MOVED TO ADOPT ORDINANCE NO. 653, AN ORDINANCE CREATING SECTION 17.367 OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, RELATED TO ELECTION CAMPAIGN SIGNAGE AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. MOTION FAILED FOR A LACK OF A SECOND.

Plan Commission members also stated they did not feel language regarding flags or banners needed to be included in the ordinance.

M. KATZ MOVED TO ADOPT ORDINANCE NO. 653, AN ORDINANCE CREATING SECTION 17.367 OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, RELATED TO ELECTION CAMPAIGN SIGNAGE AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH ONE NAY BY K. ATTWELL.

8. Reports of City Officials:

- a. Administrator
- b. Clerk-Treasurer / Interim Administrator
 - i. Public Hearing Dates – March 30, 2011 meeting – March 2, 2011 deadline
 - ii. Board of Zoning Appeals Minutes (if applicable)
 - iii. Correspondence
- c. Planner

R. Dupler stated the Plan Staff met this morning to discuss the Fish Hatchery west entrance expansion. The plans have been submitted to the state historical society. The plans will be on the next Park and Recreation Committee meeting agenda and then it will go to Plan Commission.

d. Building Inspector

There were 13 permits to date; zero occupancy and zero new construction permits.

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9. Adjournment.

K. ATTWELL MOVED TO ADJOURN THE FEBRUARY 23, 2011 PLAN COMMISSION MEETING AT 7:44 P.M. M. KATZ SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes Prepared By:

A handwritten signature in cursive script that reads "Gina C. Gresch".

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