

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 November 17, 2010 Plan Commission meeting:

Present
Ed McAleer, Mayor
Michele DeYoe, Ald.
Kent Attwell
Michael Frede
Dan Jashinsky
Matthew Katz
Roger Dupler, Planner
Tim Schuenke, Administrator
Gina Gresch, Clerk-Treasurer

Absent
Kevin Fitzgerald
Chris Smith

PUBLIC HEARING #1: ZONING CODE TEXT AMENDMENTS – VARIOUS SECTIONS IN CHAPTERS 17 AND 18 RELATING TO THE ZONING CODE AND SUBDIVISION CONTROL CODE

APPLICANT: City of Delafield

MATTER: Consideration of an ordinance amending various sections of Chapter 17 of the City of Delafield Municipal Code relating to the existing zoning code have been identified for potential changes to resolve ambiguities and solidify standards to be consistent with City policies currently practiced. Consideration of the same ordinance amending various sections of Chapter 18 of the City of Delafield Municipal Code relating to recent changes in the Wisconsin State Statute warrant updates in the City of Delafield Subdivision Control Ordinance. 2009 Wisconsin Acts 376 and 399 regarding land division will be in effect January 1, 2011. The City's Planner's full report with detail for each section and draft ordinance is on file in the Clerk's Office and can be requested for viewing.

E. McAleer called the public hearing to order. R. Dupler stated the multiple text amendments are necessary to conform to recent changes in the State Statutes regarding sequencing and time limits for the approval and recordation of land splits. In addition, several proposed changes are recommended to the City zoning ordinances that reflect policy changes implemented in the past year.

PUBLIC COMMENTS: None

K. ATTWELL MOVED TO CLOSE PUBLIC COMMENTS AND PUBLIC HEARING #1 AT 7:03 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

PUBLIC HEARING #2: CONDITIONAL USE AMENDMENT – SIGN PROGRAM MODIFICATION FOR VILLAGE SQUARE

OWNER: United Properties (Delafield Investment, LLC, Village Square), 3500 American Blvd, Minneapolis, MN.

APPLICANT: Bauer Sign Company, c/o Robert Hacker, W184 S8408 Challenger Drive, Muskego, WI

MATTER: Applicant seeks approval of a Conditional Use Amendment for modifications to existing sign program to reallocate sign area distribution for Village Square.

LEGAL DESCRIPTION DELC 0733.998.002
LOT 2 CERT SURV 10333 VOL 98/30 13.482 AC PT NE1/4 SEC 4 T7N R18E DOC# 3373535

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

E. McAleer called the public hearing to order. Applicants Keith Ulstad with United Properties and Robert Hacker with Bauer Sign Company were present. K. Ulstad stated they came before the Plan Commission in September with proposed modifications to the Village Square sign program. A common request among tenants is signage on the north side of the building, so they can be seen from Hwy 16.

PUBLIC COMMENTS: None.

K. ATTWELL MOVED TO CLOSE PUBLIC COMMENTS AND PUBLIC HEARING #2 AT 7:07 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

1. Approve Plan Commission meeting minutes of October 27, 2010 meeting.

M. DEYOE MOVED TO APPROVE THE OCTOBER 27, 2010 PLAN COMMISSION MEETING MINUTES AS PRESENTED. K. ATTWELL 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 7:08 P.M. K. ATTWELL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. Consent Agenda

4. Final Consideration, Approvals, Previous Approval.

- a. **DELIC 0871.990, 989, 0779.999, 0778.999.001 and 0784.999, Hwy 83, Hartland.** Owner/Applicant: John Geason and Joseph Geason. Applicant seeks approval to extend the term of the Foxwood Estates Conditional Use for a two year period and recommendation to Common Council of the same.

K. ATTWELL MOVED TO RECOMMEND TO THE COMMON COUNCIL APPROVAL OF THE FOXWOOD ESTATES CONDITIONAL USE EXTENSION FOR DELIC 0871.990, 989, 0779.999, 0778.999.001 AND 0784.999, HWY 83, HARTLAND. OWNER/APPLICANT: JOHN GEASON AND JOSEPH GEASON FOR A TWO YEAR PERIOD. D. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

5. Plans of Operation, Signage and Site Plan.

- a. **DELIC 0733.998.002, 3001-3161 Village Square Drive, Hartland.** Owner: United Properties. Applicant: Bauer Sign Company – Robert Hacker. Applicant seeks final approval of a Conditional Use Amendment for modifications to existing sign program to reallocate sign area distribution for Village Square and recommendation to the Common Council of the same.

R. Dupler stated United Properties appeared before the Plan Commission to request consideration on amending the existing sign program for the Village Square. Since the sign program is an integral part of the existing conditional use agreement the public hearing was conducted before any action is taken. The proposal will add tenant signage to the pylon sign north of the Pick 'n Save and increase desired exposure to Highway 16. The existing pylon sign is already 270 sf. The additional tenant sign area will add another 120 sf to the existing structure. Although this project is not in the defined expressway district, the Plan Commission may wish to compare it to the approved signs in the I-94-Highway 83 corridor. The typical pylon sign there is roughly 400 sf and also exhibits individual tenant panels. An additional request for building signage will accommodate individual tenant signs on the north façade of the northern-most multi-tenant building. This signage will reallocate sign area already attributed to the building in the existing sign program and may be approved without recalculation of the permitted sign area. Essentially, the tenant signage will reflect the allowable signage on the south side of the building. Several text amendments are proposed to the Lease Sign Criteria. Not all of them are consistent with the intent of the original agreement. The following identified items should be eliminated for the proposed text:

- C(1) Recommends signage on the south side of the south multi-tenant building. In the original approval such signage was disallowed because it is exposed to residential zoning in immediate proximity and cannot be viewed from Vettelson Road.
- C(1) End-caps on the north building should not be allowed to display signage on the east or west facades of the multi-tenant building. The original agreement allowed for sign display on the east

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

and west elevation to compensate for signs prohibited on the north side of the building. If the Plan Commission elects to allow signage on the north façade of the north building then the signs on the east and west facades are unnecessary.

- C(5) Corporate logos should be subject to the same approval process as the rest of the allowable signage.
- C(7) The Plan Commission has the right to restrict colors. The current colors allowed in the sign program are black, white, red, yellow, purple, and green.

There was discussion about the endcap business and which sign they should be allowed, endcap or facing Hwy 16. K. Ulstad stated he would still like to be able to offer the endcap businesses the option of endcap or Hwy 16 signage.

K. ATTWELL MOVED TO RECOMMEND TO THE COMMON COUNCIL APPROVAL OF A CONDITIONAL USE AMENDMENT FOR MODIFICATIONS TO EXISTING SIGN PROGRAM TO REALLOCATE SIGN AREA DISTRIBUTION FOR VILLAGE SQUARE, DELC 0733.998.002, 3001-3161 VILLAGE SQUARE DRIVE, HARTLAND. OWNER: UNITED PROPERTIES, APPLICANT: BAUER SIGN COMPANY – ROBERT HACKER, SUBJECT TO THE PLANNER’S CONDITIONS REGARDING AMENDING THE LEASE SIGN CRITERIA AND THAT THE WESTERNMOST BUSINESS IN THE NORTH BUILDING BE ALLOWED ENDCAP SIGNAGE. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. Preliminary

- a. **DELC 0794.008, 0794.009 and 0794.010, Lots 9, 10 and 11, Wenono Park, Delafield.** Owner/Applicant: Robert and Heike Baierl. Applicant seeks preliminary feedback for a Certified Survey Map **to consolidate three lots into one 1.62 acre parcel.**

R. Dupler stated the proposed CSM will consolidate three separate lots into one. The resulting configuration will not impact the zoning, land use or access.

K. ATTWELL MOVED TO RECOMMEND TO THE COMMON COUNCIL APPROVAL OF A CERTIFIED SURVEY MAP TO CONSOLIDATE THREE LOTS INTO ONE 1.62 ACRE PARCEL FOR DELC 0794.008, 0794.009 AND 0794.010, LOTS 9, 10 AND 11, WENONO PARK, DELAFIELD. OWNER/APPLICANT: ROBERT AND HEIKE BAIERL, SUBJECT TO RESOLUTION OF THE TECHNICAL ITEMS IDENTIFIED IN THE SURVEYOR’S REVIEW LETTER OF NOVEMBER 11, 2010.. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **DELC 0787.060, 761 Mill Street, Delafield.** Owner: Eugene Bonniwell. Applicant: Architectural Xpressions. Applicant seeks preliminary feedback for a Certified Survey Map to consolidate two lots into one.

R. Dupler stated the proposed CSM will consolidate two separate lots into one. The resulting configuration will accommodate a pending home addition. Currently the residential property consists of two parcels. The western parcel was conveyed via the quit claim process from the neighbor to the west. The resulting configuration maintains legal lots for both parcels.

K. ATTWELL MOVED TO RECOMMEND TO THE COMMON COUNCIL APPROVAL OF A CERTIFIED SURVEY MAP TO CONSOLIDATE TWO LOTS INTO ONE FOR DELC 0787.060, 761 MILL STREET, DELAFIELD. OWNER: EUGENE BONNIWELL. APPLICANT: ARCHITECTURAL XPRESSIONS, SUBJECT TO RESOLUTION OF THE TECHNICAL ITEMS IDENTIFIED IN THE SURVEYOR’S REVIEW LETTER OF NOVEMBER 11, 2010. D. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. **DELC 0742.995, W73 E. Wisconsin Avenue, Nashotah.** Owner: Summerset Holding, LLC. Applicant: Paul Schutl, Architect. Discussion and action on recommendation from Board of Zoning Appeals to approve the Final Certified Survey Map that combines two lots, architectural approval, and recommendation to the Common Council of the same.

R. Dupler stated this petition returns to the Plan Commission this month after being referred to the Zoning Board of Appeals. The issue at hand was the nonconforming nature of the existing building setbacks. The

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

CSM was submitted to the Plan Commission in September for approval of a two-lot consolidation. Unfortunately the CSM could not be approved with the existing conditions without a variance. The existing side yard and front yard setbacks are substandard. The Zoning Board of Appeals heard this petition at their October meeting and approved the request. The Plan Commission may now take action to approve the CSM. In addition to the lot consolidation the Plan Commission is asked to consider architectural changes to enclose the overhead structure and convert it to a showroom. This conversion, in combination with the service area addition, will bring the site FAR up to 0.206. The ratio is far below the allowable 0.50 FAR in this B-4 district. This modification will produce a series of windows on the south elevation exposed to Wisconsin Avenue in addition to an oversized overhead door for trailer vehicle access. Materials and colors are appropriate to match the existing building on the south elevation. The east showroom elevation, and on the additional service area to be constructed on the north side of the existing building, the siding material is proposed to be metal. This material is not consistent with the materials palette on the south side. Two motions are required; one for the Certified Survey Map, the other for the architecture.

P. Schutl stated the property owner, Larry Chapman, would like to enclose the canopy area and turn it into another showroom. The new building will have stucco on two sides with concrete block to match existing building. The other two sides will be metal panel to match the color of existing building. E. McAleer stated the City requires building to have four sided architecture, the stucco will have to go all the way around the building.

K. ATTWELL MOVED TO APPROVE THE RECOMMENDATION FROM THE BOARD OF ZONING APPEALS AND RECOMMEND TO THE COMMON COUNCIL APPROVAL OF A FINAL CERTIFIED SURVEY MAP THAT COMBINES TWO LOTS FOR DELC 0742.995, W73 E. WISCONSIN AVENUE, NASHOTAH. OWNER: SUMMERSET HOLDING, LLC. APPLICANT: PAUL SCHUTL, ARCHITECT. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

K. ATTWELL MOVED TO APPROVE THE ARCHITECTURE FOR DELC 0742.995, W73 E. WISCONSIN AVENUE, NASHOTAH. OWNER: SUMMERSET HOLDING, LLC. APPLICANT: PAUL SCHUTL, ARCHITECT, SUBJECT TO ADDING THE PROPOSED STUCCO FAÇADE TO THE EAST SIDE OF THE SHOWROOM ADDITION. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

7. Zoning and Ordinance Revision.

- a. Discussion and action and recommendation to the Common Council to adopt Ordinance 646, An Ordinance Repealing and Recreating Multiple Sections of Chapters 17 and 18 of the City of Delafield Municipal Code, Relating to the Zoning Code and Subdivision Control Code.

R. Dupler asked if the Plan Commission could give the Common Council direction on the discrepancy between Sections 17.46 and 17.75. In consideration of a Planned Development the Plan Commission must first determine if a proposed project is appropriate and in compliance with the existing zoning district. There is a discrepancy in the zoning code that gives conflicting direction. R. Dupler stated he prefers that Planned Developments be allowed in all districts. E. McAleer asked if this includes RL (lake properties). R. Dupler stated there is already language in the zoning code for RL properties regarding Planned Developments.

K. ATTWELL MOVED TO RECOMMEND TO THE COMMON COUNCIL TO ADOPT ORDINANCE 646, AN ORDINANCE REPEALING AND RECREATING MULTIPLE SECTIONS OF CHAPTERS 17 AND 18 OF THE CITY OF DELAFIELD MUNICIPAL CODE, RELATING TO THE ZONING CODE AND SUBDIVISION CONTROL CODE, AND THAT THE DISCREPANCY BETWEEN SECTION 17.46 AND 17.75 BE CORRECTED TO ALLOW PLANNED DEVELOPMENTS IN ALL ZONING DISTRICTS EXCEPT RL. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. Discussion of proposed zoning code text amendment related to the keeping of chickens.

R. Dupler stated in preparation of the Plan Commission deliberation on the keeping of chickens in the City the following proposed language may be considered. In review of other similar ordinances I suggest that there are five issues that the pending ordinance should address:

1. Lot size
2. Number of chickens

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

- 3. No roosters
- 4. Confinement
- 5. Coop standards

The existing ordinance regulates the keeping of livestock. In order to accommodate hobby enthusiasts, specific modifications need to be made to allow chickens in residential settings. Ordinance 17.38 is the appropriate location for the code reference. The location of any chicken coop will be governed by other sections of the code. In the event that noise or odor become a nuisance, the City is afforded right of enforcement through other sections of the code as well. Sanitation is enforceable by the County Health Department. The following text change will set the standards for keeping chickens in the City as a permitted use.

17.38 Permitted Accessory Uses In All Residential Districts

(10) This section is intended to address the matter of buildings larger than utility buildings and accessory to the use of lots for residential purposes, for storage of noncommercial personal property or for housing livestock. Such structures are permitted only if the use thereof is customarily incidental to the permitted use of the premises.

(a) Stables, barns, coops or sheds meeting the above requirements shall be permitted in residential districts, subject to the following limitations and requirements.

- 1. Site plan approval is required pursuant to §§ 17.25 through 17.32.
- 2. The size of buildings falling within this section shall be limited as follows:

Under 3 acres	800 sq. ft.
3 to 5 acres	1,500 sq. ft.
5 to 10 acres	2,000 sq. ft.
10 acres or more	No limit

(b) No stable, barn, or shed falling within the requirements of this section and on a lot of less than 3 acres in size shall be used for housing livestock other than chickens as described herein.

(11) The keeping of chickens is permitted in all single-family residential districts provided that the lot area exceeds one acre.

- (a) Up to five adult chickens may be kept for non-commercial use.
- (b) All chickens must be provided adequate shelter with appropriate ventilation.
- (c) Chickens must be allowed to roam in a confined pen outside of the shelter.
- (d) All feed must be stored in sealed containers to prevent attracting vermin.
- (e) Only female hens may be kept.
- (f) Male roosters, or any chickens that crow, are not permitted.

There was discussion about whether or not the chickens should be fenced in or not. There were questions on the redundant verbiage "female hens." R. Dupler stated in some of the breeds, the dominant female will act like a rooster.

K. ATTWELL MOVED TO SCHEDULE A PUBLIC HEARING FOR THE PROPOSED ZONING CODE TEXT AMENDMENT RELATED TO THE KEEPING OF CHICKENS FOR WEDNESDAY, DECEMBER 15, 2010. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- 8. Reports of City Officials:
 - a. Administrator
 - b. Clerk
 - i. Public Hearing Dates – December 15, 2010: Keeping of Chickens and Election Signs.
 - ii. Board of Zoning Appeals Minutes (if applicable)
 - iii. Correspondence

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

c. Planner.

Plan Staff met with the Wolcott property owners and they are considering selling 80-85 acres to Waukesha County Parks and Land Use for Waukesha County to expand their Greenway Plan, which conforms nicely to the City's plans. E. McAleer stated the Wolcotts may be reducing their opportunity to have Planned Unit Developments on the remaining property and they are aware of that.

d. Building Inspector

9. Adjournment.

**K. ATTWELL MOVED TO ADJOURN THE NOVEMBER 17, 2010 PLAN COMMISSION MEETING AT 7:50 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