

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 December 15, 2010 Plan Commission meeting:

Present

Absent

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

PUBLIC HEARING #1: ZONING CODE TEXT AMENDMENTS – KEEPING OF CHICKENS IN RESIDENTIAL DISTRICTS.

APPLICANT: City of Delafield

MATTER: An Ordinance Repealing and Recreating Section 17.38(10)(a), 17.38(10)(b) and Creating Section 17.38(11) of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin Related to the Keeping of Chickens in Residential Districts.

E. McAleer called the public hearing to order and G. Gresch read the public hearing notice.

PUBLIC COMMENTS:

Dave Rahmlow, 2415 Oakwood Road, Hartland, stated he is excited about getting the proposed chicken ordinance passed. He asked if there is any consideration to allowing more than four chickens per acre or allowing more on larger lots.

K. ATTWELL MOVED TO CLOSE PUBLIC COMMENTS AND CLOSE THE PUBLIC HEARING AT 7:03 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 November 17, 2010 meeting.

K. Fitzgerald questioned the motion regarding Ordinance 646. The ordinance language regarding PUD's in any district doesn't match the motion that was made. Which is incorrect? He also stated there is a conflict in two of the sections and there is a typo. Plan Commission members agreed that the recording needs to be checked before the minutes can be approved.

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M. DEYOE MOVED TO POSTPONE THE NOVEMBER 17, 2010 PLAN COMMISSION MEETING MINUTES UNTIL THE ITEMS REGARDING ORDINANCE 646 ARE CLARIFIED. 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.

None.

M. DEYOE MOVED TO CLOSE CITIZEN'S COMMENTS PERTAINING TO SUBJECTS ON THE AGENDA AT 7:06 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 0797.100.001, 1400 Wilderness Trail, Delafield.** Owner/Applicant: Christine Arnson. Owner/Applicant seeks approval of Business Plan of Operation for an academic coaching and tutoring business, Arnson Educational Services, LLC. Hours of Operation are Weekdays 10:00 a.m. to 7:00 p.m. and Saturday 8:00 a.m. to 1:00 p.m., both days by appointment only, with the applicant as the only employee.
- b. **DELC 0742.999, W11 E. Wisconsin Avenue, Nashotah.** Owner: Richard Gardner. Applicant: Melody Buda. Applicant seeks approval of a Business Plan of Operation for a carpet cleaning business, Lake Country Carpet Cleaning. Hours of Operation are Weekdays 7:00 a.m. to 7:00 p.m. with 2 full-time employees.
- c. **DELC 0798.021, 622 Main Street, Delafield.** Owner/Applicant: Robbie Geboy. Owner/Applicant seeks approval of Business Plan of Operation amendment to relocate the floral and gift store, Avant Garden Florist. Hours of Operation are Weekdays 9:00 a.m. to 5:00 p.m. and Saturdays, 9:00 a.m. to 3:00 p.m. with 3 full-time and 2 part-time employees.
- d. **DELC 0797.081, 615-B Milwaukee Street, Delafield.** Owner: Tom Kelley. Applicant: Chad Waldron. Applicant seeks approval of Business Plan of Operation for a computer resale/repair shop, Computer Medic Milwaukee. Hours of Operation are Weekdays, 11:00 a.m. to 6:00 p.m. and Saturdays, 12:00 p.m. to 3:00 p.m. with 1 part-time employee.

G. Gresch read the items on the Consent Agenda.

K. ATTWELL MOVED TO APPROVE THE ITEMS ON THE CONSENT AGENDA IN ACCORDANCE WITH THE STAFF REPORT. M. DEYOE 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. **DELC0803.003, 2410 Milwaukee. St. Delafield.** Owner: John T. Shuder. Applicant: Shuder Development LLC. Applicant seeks approval of an accessory building for storage.

R. Dupler stated Mr. Schuder returns to the Plan Commission this month with a revised application that responds to the direction of the Plan Commission. The new plan demonstrates that the proposed building footprint respects the mandatory setbacks and does not encroach into the parking lot drive lane. This garage will be utilized by his business as well as the other businesses in the multi-tenant building. Placement of the garage will displace five existing parking stalls north of the business building. The required parking ratio is maintained despite the net loss of one parking space in the conversion from five parking lot spaces to four garage spaces is allowable. Existing pavement east of the building is identified for landscape screening which will buffer the building exposure to the east from the neighboring businesses. The garage

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is designed to replicate the colors and finishes of the principle structure. However the petition still illustrates vinyl siding. The petitioner has been notified that the conversion to Hardi-Plank would be an acceptable substitution. There was discussion among the Plan Commission about the location of the garage and that there is no way to see traffic while cars are backing out of the garage. There was discussion about the building's siding and if it should be vinyl or Hardi-Plank. E. McAleer stated the Plan Commission stated at their last meeting that vinyl is not allowed. Hardi-Plank is more durable and is virtually identical to cedar. There was discussion about only limiting the usage of the garage to the building's tenants. K. Attwell stated he still has concerns about site issues.

C. SMITH MOVED TO APPROVE THE ACCESSORY BUILDING FOR STORAGE FOR DELC0803.003, 2410 MILWAUKEE. ST. DELAFIELD. OWNER: JOHN T. SHUDER. APPLICANT: SHUDER DEVELOPMENT LLC, CONTINGENT UPON SUBSTITUTING THE VINYL SIDING WITH HARDI-PLANK OR OTHER MATERIAL APPROVE BY STAFF, AND THREE 6' ARBORVITAE IN THE GREEN SPACE EAST OF THE GARAGE BE INSTALLED. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH ONE NAY BY K. ATTWELL.

6. Preliminary

7. Zoning and Ordinance Revision.

- a. Discussion and action and recommendation to the Common Council to adopt Ordinance No. 648, An Ordinance Repealing and Recreating Section 17.38(10)(a), 17.38(10)(b) and Creating Section 17.38(11) of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin Related to the Keeping of Chickens in Residential Districts.

There was discussion about how a new ordinance would be enforced in subdivisions with homeowners associations. T. Maney stated the subdivision restrictions are more restrictive than the City's ordinance. There was discussion about how many chickens would be acceptable on one acre and if they would be allowed on lots less than one acre. Plan Commission members stated they should be not be allowed on less than one acre.

K. ATTWELL MOVED TO RECOMMEND TO THE COMMON COUNCIL ADOPTION OF ORDINANCE NO. 648, AN ORDINANCE REPEALING AND RECREATING SECTION 17.38(10)(A), 17.38(10)(B) AND CREATING SECTION 17.38(11) OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN RELATED TO THE KEEPING OF CHICKENS IN RESIDENTIAL DISTRICTS. D. JASHINSKY SECONDED THE MOTION. M. DEYOE ASKED IF THE AMOUNT OF CHICKENS PER ACRE COULD BE INCREASED FROM FOUR TO FIVE. NO VOTE WAS TAKEN ON THE MOTION.

David Busley, 1729 Hillcrest Drive, Delafield, stated five chickens make the same amount of waste as one medium dog; therefore three dogs are the same as 15 chickens. Chicken manure can be composted and it's very good for gardening. He agreed that five chickens per acre is a good number of chickens for egg producing and for them to huddle to keep warm. He informed the Plan Commission that chickens don't lay eggs constantly. Fifteen chickens will lay about a dozen eggs a day. M. Katz asked for D. Busley's opinion if chickens should be confined or not. D. Busley stated he feels they should be confined, however he uses a movable cage so they are free to move around the yard.

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M. DEYOE MOVED TO AMEND THE MOTION TO RECOMMEND TO THE COMMON COUNCIL ADOPTION OF ORDINANCE NO. 648, AN ORDINANCE REPEALING AND RECREATING SECTION 17.38(10)(A), 17.38(10)(B) AND CREATING SECTION 17.38(11) OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN RELATED TO THE KEEPING OF CHICKENS IN RESIDENTIAL DISTRICTS, TO ALLOW A MAXIMUM OF FIVE CHICKENS PER ACRE AND A MAXIMUM AMOUNT OF 20 CHICKENS ON THE ALLOWABLE ACREAGE. K. ATTWELL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH NAYS BY C. SMITH AND M. FREDE.

- b. Discussion of proposed zoning code text amendment, Ordinance No. 652, An Ordinance Amending Chapter 17 of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin, Related to Election Campaign Signage and set public hearing date for the same.

K. Fitzgerald stated he has some edits to the ordinance. There is a typo in paragraph 1a. It should read "as those terms are defined." He also stated that the ordinance should either keep the reference to State Statute 12.04 or keep it in and remove section 17.24 Definitions. There was discussion about what the maximum size of a sign should be. K. Attwell stated the draft ordinance states 12 square feet is the maximum size. M. Katz and C. Smith questioned why the Plan Commission is even looking at this. E. McAleer stated the request came from the Common Council. M. Katz and C. Smith stated they disagree with this ordinance. M. DeYoe stated there were complaints about the signs in the last election. Some had flags on them and people were offended. She also stated that as technology moves forward we will be seeing more electronic election signs; we don't want to see lit signage. M. Katz stated until the City starts seeing that, there isn't a need for this ordinance. M. DeYoe stated the best thing to do is decide how restrictive we want the sizes to be and send it to the public hearing.

E. McAleer stated Attorney Hammes tried to write the ordinance as least restrictive as possible. There was more discussion on size limitation. Plan Commission member also asked if these signs will need a permit. R. Dupler stated they could be approved by the Temporary Sign permit process. G. Gresch stated if these signs need permits, it will make her job a nightmare. There are signs all over the city that that need permitting and that's a discussion for another day. She stated, as with this last election, the amount of signs is to be expected when you have a gubernatorial race where you know you are going to have a new governor, which we haven't had in eight years. Election signs in this size and quantity are something we will only see every two, four or eight years. She asked the Plan Commission to consider the burden regulating these signs will put on the Clerk. There was more discussion about changing the maximum signage square footage now or after the public hearing.

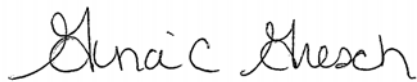
K. FITZGERALD MOVED TO SET A PUBLIC HEARING DATE OF JANUARY 26, 2011 FOR ORDINANCE NO. 652, AN ORDINANCE AMENDING CHAPTER 17 OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, RELATED TO ELECTION CAMPAIGN SIGNAGE, AND TO MAKE THE FOLLOWING CHANGES PRIOR TO THE PUBLIC HEARING: REMOVE REFERENCE TO SECTION 17.24 AND CHANGE THE SIGN SQUARE FOOTAGE AMOUNT FROM 12 SQUARE FEET TO NOT TO EXCEED 32 SQUARE FEET. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH NAYS BY K. ATTWELL AND M. KATZ.

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8. Reports of City Officials:
 - a. Administrator
 - b. Clerk
 - i. Public Hearing Dates
 - a. January 26, 2011 – December 29, 2010 Deadline
 - ii. Board of Zoning Appeals Minutes (if applicable)
 - iii. Correspondence
 - c. Planner
 - d. Building Inspector
9. Adjournment.

M. DEYOE MOVED TO ADJOURN THE DECEMBER 15, 2010 PLAN COMMISSION MEETING AT 7:46 P.M. K. ATTWELL SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes Prepared By:



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