

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

Present

Mayor Ed McAleer
Kent Attwell
Larry Chapman (arrived 7:02 p.m.)
Michele DeYoe
Michael Frede
Chris Smith
Roger Dupler, Planner
Gina Gresch, Clerk-Treasurer
Tom Maney, Building Inspector
Tim Schuenke, City Administrator

Absent

Dirilee Curtis Costa
Kevin Fitzgerald

1. APPROVE PLAN COMMISSION MEETING MINUTES OF MARCH 25, 2009

K. ATTWELL MOTIONED TO APPROVE THE MARCH 25, 2009 PLAN COMMISSION MEETING MINUTES. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. SIX WERE IN FAVOR. M. DEYOE ABSTAINED DUE TO ABSENCE AT THAT MEETING. MOTION CARRIED.

2. DELAFIELD CITIZEN'S COMMENTS PERTAINING TO SUBJECTS ON THIS AGENDA

John Plotz, 703 Milwaukee Street, stated he was present regarding Item 3B. He had been before the Commission to speak in the past when the White Oak Grill restaurant was present regarding similar issues. He was concerned about the outdoor seating and the amount of space allowable for pedestrians, and he was concerned about the noise level when bands were playing on site. He had no objections to the hours of operation as long as they were similar in approval to the request made in the past for the restaurants occupying the same space as Anderson's Pub and Grill. With regard to the request for a one time event with the use of an outdoor band for the Grand Opening, he would have no objection if the music played during the normal daytime hours of operation, such as 11 a.m.-7:00 p.m. but he requested the noise ordinance be enforced during business hours as noise carried heavily in that area. He also requested the Commission be sensitive in its decision making on this matter as there were several nearby residential properties. In addition, he stated he was glad to see

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the restaurant open again and he wished the new owners continued success for many years.

K. ATTWELL MOTIONED TO CLOSE CITIZEN'S COMMENTS AT 7:05 P.M. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. CONSENT AGENDA

G. Gresch read the items on the Consent Agenda, noting the applicant in Item F had supplied a site plan as requested. Mayor McAleer stated Item B should be removed for further discussion and consideration. K. Attwell also requested Item D be removed for clarification.

K. ATTWELL MOTIONED TO APPROVE ITEMS A, C, E AND F ON THE CONSENT AGENDA AS PRESENTED. L. CHAPMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- a. EXTRATERRITORIAL CERTIFIED SURVEY MAP FOR JACK AND LINDA SCHWERMAN IN THE TOWN OF DELAFIELD.

Approved. See above.

- b. **DELC 0787.079, 621 MILWAUKEE STREET. OWNER/APPLICANT: MELISSA ANDERSON. OWNER/APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION AMENDMENT FOR ANDERSON'S PUB AND GRILL TO CHANGE HOURS OF OPERATION TO TUESDAY THROUGH SATURDAY, 11 A.M. TO MIDNIGHT, ALLOW OUTDOOR DINING TUESDAY THROUGH SATURDAY, 11 A.M. TO 9 P.M. AND ALLOW A SPECIAL GRAND OPENING EVENT WITH LIVE OUTDOOR MUSIC.**

Mayor McAleer stated he heard two issues of concern regarding keeping the sidewalk open to pedestrians and the music for the Grand Opening event.

Melissa Anderson of Anderson's Pub and Grill explained the request for outdoor music was for a five piece rock and roll band from 4:00 p.m. to 7:00 p.m. only. No date had been chosen for the event as she wanted to ensure approval from the City prior to scheduling the event. In response to a question, M. Anderson explained the hours of operation being requested included a request to remain open until midnight so that once the music was over inside at 10:30 p.m., patrons did not feel as though they were being rushed to leave at 11:00 p.m. She stated she had heard the neighbor's comments regarding the music and she apologized for the noise levels. She stated from now on the windows would remain closed

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with the air conditioning on so this would not be an issue for the area residents. She further explained, with regard to the sidewalk seating issue, that only two person tables would be allowed outdoors so she did not anticipate overcrowding of the sidewalk to be an issue.

K. ATTWELL MOTIONED TO APPROVE A REQUEST FOR A BUSINESS PLAN OF OPERATION AMENDMENT FOR ANDERSON'S PUB AND GRILL TO CHANGE HOURS OF OPERATION TO TUESDAY THROUGH SATURDAY, 11 A.M. TO MIDNIGHT, ALLOW OUTDOOR DINING TUESDAY THROUGH SATURDAY, 11 A.M. TO 9 P.M. AND ALLOW A SPECIAL GRAND OPENING EVENT WITH LIVE OUTDOOR MUSIC FOR DELC 0787.079, 621 MILWAUKEE STREET. OWNER/APPLICANT: MELISSA ANDERSON. M. FREDE SECONDED THE MOTION. C. SMITH REQUESTED AN AMENDMENT TO THE MOTION BE CONSIDERED THAT APPROVAL BE GRANTED WITH A ONE YEAR REVIEW OF THE SITUATION TO ENSURE THE CITY ORDINANCES WERE BEING FOLLOWED REGARDING THE OUTDOOR SEATING AND MUSIC ISSUES. WITHOUT OBJECTION FROM THE SECONDER, K. ATTWELL AMENDED THE MOTION REQUEST FOR A BUSINESS PLAN OF OPERATION AMENDMENT FOR ANDERSON'S PUB AND GRILL TO CHANGE HOURS OF OPERATION TO TUESDAY THROUGH SATURDAY, 11 A.M. TO MIDNIGHT, ALLOW OUTDOOR DINING TUESDAY THROUGH SATURDAY, 11 A.M. TO 9 P.M. AND ALLOW A SPECIAL GRAND OPENING EVENT WITH LIVE OUTDOOR MUSIC FOR DELC 0787.079, 621 MILWAUKEE STREET. OWNER/APPLICANT: MELISSA ANDERSON WITH A REVIEW AT ONE YEAR TO DETERMINE WHETHER ORDINANCES WERE BEING FOLLOWED RELATING TO THE OUTDOOR SEATING AND NOISE LEVELS. M. FREDE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

M. Anderson stated she would notify G. Gresch of the date for the Grand Opening and would contact the City regarding serving alcohol outdoors for the event.

- c. **DELC 0804.994.017, 2820 HERITAGE DRIVE, DELAFIELD. OWNER: KENSINGTON DEVELOPMENT CORPORATION C/O HEIL, HEIL, SMART & GOLEE, 1515 CHICAGO AVENUE, EVANSTON, IL 60201. APPLICANT: STEINHAFELS MATTRESS. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR A RETAIL MATTRESS SALES STORE, STEINHAFELS MATTRESS. HOURS OF OPERATION ARE WEEKDAYS 10 A.M. TO 9 P.M.; SATURDAY 9 A.M. TO 9 P.M. AND SUNDAY 10 A.M. TO 6 P.M. WITH 3 PART-TIME EMPLOYEES AND 2 FULL-TIME EMPLOYEES.**

Approved. See above.

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- d. **DELC 0807.978.008, 350 AUSTIN CIRCLE, DELAFIELD.** OWNER: RICHARD JINKINS, 1120 S. BARCLAY STREET, MILWAUKEE. APPLICANT: NAI/MLG STEPHEN PROVANCHER. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR A BUSINESS HEADQUARTERS TO INCLUDE SERVICE, INSTALLATION, SALE AND DISTRIBUTION OF FIRE AND SAFETY EQUIPMENT OF EMERGENCY VEHICLES, 5 ALARM FIRE. HOURS OF OPERATION ARE WEEKDAYS 6 A.M. TO 6 P.M., SATURDAYS 6 A.M. TO 6 P.M., WITH 45 FULL-TIME EMPLOYEES. **NOTE: APPLICANT OWES THE CITY OF DELAFIELD \$3,462 IN PLAN COMMISSION FEES FOR ANOTHER DEVELOPMENT.**

K. Attwell questioned the payment history associated with this request.

Richard Jinkins, 1120 S. Barclay Street, Milwaukee, explained he had been involved in a development project for this same building in the past with a partner. He was involved in a legal suit that was not set for trial until the end of the month. Currently, MLG had a tenant for the building and R. Jinkins desired moving forward. He further stated he wanted to get the building occupied and would clean up, paint and bring the interior up to date as needed. There would be no structural or exterior design changes with the exception of making the overhead doors operational.

R. Jinkins provided payment to G. Gresch in full for the outstanding balance.

K. ATTWELL MOTIONED TO APPROVE THE REQUEST FOR A BUSINESS PLAN OF OPERATION FOR A BUSINESS HEADQUARTERS TO INCLUDE SERVICE, INSTALLATION, SALE AND DISTRIBUTION OF FIRE AND SAFETY EQUIPMENT OF EMERGENCY VEHICLES, 5 ALARM FIRE. HOURS OF OPERATION ARE WEEKDAYS 6 A.M. TO 6 P.M., SATURDAYS 6 A.M. TO 6 P.M., WITH 45 FULL-TIME EMPLOYEES FOR DELC 0807.978.008, 350 AUSTIN CIRCLE, DELAFIELD. OWNER: RICHARD JINKINS, 1120 S. BARCLAY STREET, MILWAUKEE. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- e. **DELC 0803.993.001, 2553 SUN VALLEY DRIVE, DELAFIELD.** OWNER/APPLICANT: TARGET CORPORATION. OWNER/APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION AMENDMENT TO ALLOW THE SALE OF ALCOHOL. IF APPROVED, THE COMMON COUNCIL WILL TAKE ACTION ON THE CLASS "A" BEER AND "CLASS A" LIQUOR LICENSE, SUBJECT TO THE PETITIONER SUBMITTED A PROPER SITE PLAN INDICATING THE AREA WHERE ALCOHOL WILL BE STORED AND SOLD.

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Approved. See above.

- f. **DEL C 0804.987, 3400 HILLSIDE DRIVE, DELAFIELD.**
OWNER/APPLICANT: HOME DEPOT. OWNER/APPLICANT SEEKS APPROVAL OF A TEMPORARY BUSINESS PLAN OF OPERATION TO ALLOW A PARKING LOT GARDEN CENTER. THE PARKING LOT GARDEN CENTER WILL RUN FROM APRIL 30, 2009 TO JULY 20, 2009. HOURS OF OPERATION ARE THE STORE'S CURRENT HOURS.

Approved. See above.

4. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVAL

- a. **DEL C 0794.022.001, 157 ENTERPRISE ROAD, DELAFIELD.**
OWNER/APPLICANT: JAMES E YARESH AND JOHN TRZESNIEWSKI.
OWNER/APPLICANT SEEKS APPROVAL OF A CERTIFIED SURVEY MAP.

R. Dupler explained this item had been heard before the Commission at a previous meeting with the intent of the applicant having a parking lot placed on neighboring property. At that time, the recommendation was to consolidate the two lots and the owners had done so. The current applicants desired the lots to be subdivided back to the original configuration of two lots. He then noted a letter from the surveyor, David Bosshard of Yaggy Colby Associates for this property dated April 23, 2009, noting three minor outstanding details related to the certified survey map.

K. ATTWELL MOTIONED TO APPROVE A REQUEST FOR A CERTIFIED SURVEY MAP FOR DEL C 0794.022.001, 157 ENTERPRISE ROAD, DELAFIELD. OWNER/APPLICANT: JAMES E YARESH AND JOHN TRZESNIEWSKI, CONTINGENT UPON RESOLUTION OF THE ITEMS SPECIFIED IN THE LETTER FROM YAGGY COLBY ASSOCIATES DATED APRIL 23, 2009 AND RECOMMEND TO COMMON COUNCIL OF THE SAME. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **DEL C 0624.001.001, VALLEY ROAD, DELAFIELD.**
OWNER/APPLICANT: THREE SIBLINGS, LLC., W240N1221 PEWAUKEE ROAD, WAUKESHA. OWNER/APPLICANT SEEKS A MINOR CHANGE TO THE CONDITIONAL USE FOR A SUBDIVISION ENTRANCE WALL.

R. Dupler explained the Commission needed to determine if the wall constituted a minor change to the existing use. It was Staff's recommendation that this was the case. He also noted Jim Siepmann was the applicant for the project and his company had provided well constructed, thought-out plans as was proposed in this case. R. Dupler

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recommended the use of a less invasive plant alternative in place of the barberry suggested in the plans provided.

C. SMITH MOTIONED TO APPROVE THE REQUEST FOR A MINOR CHANGE TO THE CONDITIONAL USE FOR A SUBDIVISION ENTRANCE WALL FOR DELC 0624.001.001, VALLEY ROAD, DELAFIELD. OWNER/APPLICANT: THREE SIBLINGS, LLC., W240N1221 PEWAUKEE ROAD, WAUKESHA, SUBJECT TO SUBSTITUTION OF A LESS INVASIVE PLANT FOR THE BARBERRY AND RECOMMEND TO THE COMMON COUNCIL OF THE SAME. L. CHAPMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

5. PLANS OF OPERATION, SIGNAGE AND SITE PLAN

- a. **DELC 0804.994.017, 2742 HERITAGE DRIVE, DELAFIELD, WI 53018.** OWNER: KENSINGTON DEVELOPMENT. APPLICANT: DOLLAR TREE STORES, INC. DOLLAR TREE AND OWNER: KENSINGTON DEVELOPMENT CORPORATION C/O HEIL, HEIL, SMART & GOLEE, 1515 CHICAGO AVENUE, EVANSTON, IL 60201. APPLICANT REQUESTS CONSIDERATION TO RECOGNIZE DOLLAR TREE AS AN ANCHOR TENANT, AND THEREFORE ALLOW SIGNAGE LETTER HEIGHT OF 36 INCHES.

R. Dupler explained this tenant was part of the Wal-Mart Center and as such, signage was dictated by a multi-tenant sign program for the site. This program specifically identified letter height and exceptions allowed for anchor tenants. Office Max and Petco were considered anchor tenants on the site and were allowed larger letters in the past. The applicants had been before the Commission previously with this request and had returned with a signage plan that requested the use of the color white instead of green and lettering 36 inches in height as an anchor tenant. The landlord for the property supported the request for additional height as an anchor tenant in this case. R. Dupler explained there were no set numbers of anchor tenants allowed; however, anchor tenants were allowed additional flexibility in signage.

Greg Hughes and Bob Dewey of Heil, Heil, Smart & Golee, 1515 Chicago Avenue, Evanston, IL 60201, were present as well as Joe Funderberg from Dollar Tree.

G. Hughes explained the square footage of the merged four areas that would comprise the store space were similar in square footage to Petco. Also the difference in lettering height requested from what was allowed by the sign program was approximately six inches. B. Dewey noted the blue canopy on the current store front would be removed and the area

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would look cleaner overall. In addition, the current banner depicted letters 42 inches in height.

K. ATTWELL MOTIONED TO APPROVE A REQUEST TO RECOGNIZE DOLLAR TREE AS AN ANCHOR TENANT, AND THEREFORE ALLOW SIGNAGE LETTER HEIGHT OF 36 INCHES FOR DELC 0804.994.017, 2742 HERITAGE DRIVE, DELAFIELD, WI 53018. OWNER: KENSINGTON DEVELOPMENT. APPLICANT: DOLLAR TREE STORES, INC. DOLLAR TREE AND OWNER: KENSINGTON DEVELOPMENT CORPORATION C/O HEIL, HEIL, SMART & GOLEE, 1515 CHICAGO AVENUE, EVANSTON, IL 60201. M. DE YOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **DELC 0804.994.017, 2820 HERITAGE DRIVE, DELAFIELD.** OWNER: KENSINGTON DEVELOPMENT CORPORATION C/O HEIL, HEIL, SMART & GOLEE, 1515 CHICAGO AVENUE, EVANSTON, IL 60201. APPLICANT: STEINHAFELS MATTRESS. APPLICANT SEEKS PLAN COMMISSION CONSIDERATION TO OVERTURN THE RECOMMENDATION OF STAFF REGARDING DENIAL OF SIGN PETITION.

R. Dupler explained the request from the petitioner included approval of oversize lettering for a sign at the Wal-Mart Center. Staff had recommended denial in this case and the applicant had prepared a written statement and graphic explanation of the proposal that was submitted to the Commission in the epacket for this meeting. The signage proposed included a request for additional space for signage rather than a change in lettering height.

Dirk Stallman, and Juliette Wagner, representatives of Steinhafel's were present. D. Stallman stated challenges existed regarding trying to squeeze all the necessary letters in the signage into the space allotted by landlord and ordinance. The landlord did approve moving the sign up. However, the biggest challenge for the signage was related to the location of the store in the development as there were setbacks on the site due to neighboring anchor stores. Thus, he stated the request was looking to maximize the signage to the extent possible as visibility was critical to this business in the center. In response to a question, he explained it was very hard to see the store location from Highway 83.

R. Dupler explained, in response to a question from a Commissioner, that there was an advantage to this location as the entrance drive allowed a motorist to view the store straight on. Also, this store was also allowed window signage and the store was not encumbered by trees as some of the other tenants in the center were at this time.

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M. Frede stated he thought it was important to have larger signage in effort to attract others to the store in this location.

Mayor McAleer stated standards had been set for this shopping center a long time ago. M. Frede requested clarification on this matter and the previous sign request from Dollar Tree. R. Dupler stated the applicant could work with the landlord to strike a deal as the signage was lucrative for the center as it pertained to an overall sign program.

C. Smith stated he was not seeing a major difference in what was being allowed and what was being requested in this case.

C. SMITH MOTIONED TO DENY THE REQUEST FOR THE PLAN COMMISSION TO OVERTURN THE RECOMMENDATION OF STAFF REGARDING DENIAL OF SIGN PETITION FOR DELC 0804.994.017, 2820 HERITAGE DRIVE, DELAFIELD. OWNER: KENSINGTON DEVELOPMENT CORPORATION C/O HEIL, HEIL, SMART & GOLEE, 1515 CHICAGO AVENUE, EVANSTON, IL 60201. APPLICANT: STEINHAFELS MATTRESS. K. ATTWELL SECONDED THE MOTION. L. CHAPMAN STATED IT WAS DIFFICULT TO TELL THE DIFFERENCE IN SIGNAGE BETWEEN THE 39 SQUARE FEET AND 43 SQUARE FEET IN THE SIGNAGE REQUESTED, THUS IT DID NOT SEEM TO MAKE SENSE TO ENGAGE THE LANDLORD IN THIS CASE TO MAKE THE SIGNAGE DIFFERENTIATIONS. M. FREDE QUESTIONED WHETHER THE LANDLORD SHOULD BE CONTACTED TO DETERMINE IF SOMETHING DIFFERENT COULD BE DONE. MAYOR MC ALEER STATED THE APPLICANT COULD ALWAYS WORK WITH THE LANDLORD AND REAPPLY WITH ANOTHER REQUEST FOR THE SIGNAGE AT A LATER DATE. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. **DELC 0799.973, INDIAN SPRING DRIVE AND I-94, DELAFIELD. OWNER/APPLICANT: ROBERT LANG. OWNER/APPLICANT SEEKS APPROVAL TO ALLOW A 160 SQUARE FOOT SIGN FOR ONE YEAR AT THE CENTER OF PROPERTY FACING THE FRONTAGE ROAD ALONG I-94.**

R. Dupler explained the signage requested would be located on the south side of Interstate 94 on a B-5 parcel of property for the sale of the land it would sit upon. This sign was the same size as was requested in the past for the site, however, the maximum size allowed for temporary signage was 32 square feet and this request was for 160 square feet. Signage for this site was limited to 90 days and the applicant had requested the signage be allowed on site for one year.

C. SMITH MOTIONED TO APPROVE THE REQUEST FOR TO ALLOW A 160 SQUARE FOOT SIGN FOR ONE YEAR AT THE CENTER OF

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PROPERTY FACING THE FRONTAGE ROAD ALONG I-94 FOR DELC 0799.973, INDIAN SPRING DRIVE AND I-94, DELAFIELD.

OWNER/APPLICANT: ROBERT LANG, SUBJECT TO HAVING THE APPLICANT RETURN FOR REAPPROVAL OF THE SIGNAGE BY STAFF EVERY 90 DAYS. K. ATTWELL SECONDED THE MOTION. C. SMITH NOTED IF COMPLAINTS WERE RECEIVED BY STAFF THIS ITEM COULD RETURN TO THE PLAN COMMISSION FOR ADDITIONAL REVIEW IF DENIED BY STAFF. M. FREDE QUESTIONED THE DIFFERENCE IN SIGN REQUESTS FROM THE PREVIOUS REQUEST FROM STEINHAFEL'S MATTRESS. R. DUPLER EXPLAINED THIS WAS A TEMPORARY REALTOR SIGN AND WAS NOT PART OF A SIGN PROGRAM. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. PRELIMINARY

There were no preliminary items for consideration this evening.

7. ZONING AND ORDINANCE REVISION

None.

8. HEARING DATES

G. Gresch noted no new hearing dates were scheduled at this time.

9. ADMINISTRATOR'S REPORT

a. BOATHOUSE APPLICATION NOTIFICATION TO ADJACENT PROPERTY OWNERS

G. Gresch explained the history of notification issues associated with boathouse applications in recent history. She noted when notification was required in certain areas of the City, the 300 foot notification area extended to many residences that would not be visually impacted in any way by the boathouse. As a result, she was concerned the 300 feet would be excessive and noted the notification area for the Board of Zoning Appeals remained at 100 feet.

T. Maney noted this notification area was three times the amount of that required by the Board of Zoning Appeals and calls had been received as to why the notification had been received by various property owners in the City that were not near the boathouse property.

K. Attwell noted this same distance could be drawn around other residential boathouses on the lake and barely touch surrounding

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properties. He stated the idea was to try to get notification sent to two to three houses on each side of the requested boathouse property.

Mayor McAleer suggested the notification area be allowed to remain for a year with a log kept regarding notifications for future discussions after one year's time. The Commission indicated consensus.

10. BUILDING INSPECTOR'S REPORT

T. Maney stated the total number of permits to date were 16, plus two occupancy permits. The only two permits for this month were the new City Hall/Library building and the new Public Safety Campus.

11. BOARD OF ZONING APPEALS

G. Gresch noted there were no hearings scheduled for the Board of Zoning Appeals.

12. CORRESPONDENCE

A. LETTER FROM ATTORNEY HAMMES REGARDING BINKOWSKI
PROPERTY ACCESS TO CTH P

13. ADJOURNMENT

**M. DE YOE MOTIONED TO ADJOURN THE APRIL 29, 2009, PLAN
COMMISSION MEETING AT 7:43 P.M. L. CHAPMAN SECONDED THE
MOTION. ALL WERE IN FAVOR. MOTION CARRIED.**

Minutes prepared by:

Accurate Business Communications, Inc.