

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
Dirilee Curtis Costa
Michele DeYoe
Kevin Fitzgerald
Chris Smith
Roger Dupler, Planner
Gina Gresch, Clerk-Treasurer
Tim Schuenke, City Administrator

Absent

Kent Attwell
Michael Frede
Larry Chapman

PUBLIC HEARING #1: REPEAL & RECREATE ORDINANCE 194 TO CORRECT A CONDITIONAL USE BOUNDARY UNIQUE TO THE SOUTH SHORE CONDOMINIUM DEVELOPMENT. APPLICANT: CITY OF DELAFIELD. CONSIDERATION TO REPEAL AND RECREATE ORDINANCE 194 TO CORRECT A CONDITIONAL USE BOUNDARY UNIQUE TO THE SOUTH SHORE CONDOMINIUM DEVELOPMENT. THE CONDITIONAL USE CONTAINED AN INCORRECT LEGAL DESCRIPTION.

Mayer McAleer opened the Public Hearing at 7:00 P.M.

R. Dupler explained the original legal description for an adjacent property to the South Shore Condominium development had been incorrectly included in a Conditional Use boundary as part of an approval of several properties requiring boundary work in 1991. This incorrect legal description was recently discovered and required correction at this time. The adjacent property owner had requested clarification through the title company for his property and had also requested this item be placed on a future agenda for additional discussion.

Hans Huber, 1510 Second Street, questioned the intentions of the City to change the boundary as well as who owned the properties included in the incorrect legal description. R. Dupler provided clarification and confirmed the correction to the legal description would not change the map, uses of the property, or ability to build upon it.

Todd Sidowski, 1538 South Street, stated his land abutted a portion of the area in question and was concerned about what was going to happen to the property once corrected in legal description. R. Dupler explained the use of the property would not change as a result of any approval. The correct zoning designation would now be applied to City maps that depicted the area, changing it from the currently shown R-3

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to the correct R-6 to match the surrounding condo development as it should have been shown since 1991.

Randy Krzinski, P.O. Box 71, Hartland, and agent of Mr. Westie, the property owner adjacent to the South Shore Condominium development, questioned the use of the property and the issue of who controlled this property. R. Dupler explained ownership of the property would not change but control will be under direction of the South Shore Condo Association with the described boundary and had been since 1991. Control by the Condominium Association included stipulation through the conditional use of the property and specific allowed uses for the property including multifamily housing and other issues such as the amount of green space allowed.

D. CURTIS COSTA MOVED TO CLOSE THE PUBLIC HEARING AT 7:12 P.M. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

PUBLIC HEARING #2: REPEAL & RECREATE ORDINANCE 293 TO CORRECT A CONDITIONAL USE BOUNDARY UNIQUE TO THE SHOPPES AT NAGAWAUKEE. APPLICANT: CITY OF DELAFIELD. CONSIDERATION TO REPEAL AND RECREATE ORDINANCE 293 TO CORRECT A CONDITIONAL USE BOUNDARY UNIQUE TO THE SHOPPES AT NAGAWAUKEE. THE CONDITIONAL USE LEGAL DESCRIPTION INADVERTENTLY OMITTED PARCELS INTENDED TO BE INCLUDED IN THE DEVELOPMENT BOUNDARY.

Mayor McAleer opened the public hearing at 7:13 P.M.

R. Dupler explained at the same time the City had adopted the ordinance in 1991 approving the previous items boundary, this item was also inadvertently omitted as part of the legal description for the conditional use boundary for the Shoppes at Nagawaukee. This recreated ordinance was necessary to correctly modify the boundary and rezone the property from B-3 to its correct zoning of B-6.

Hans Huber, 1510 Second Street, requested clarification on the location of the parcels in question. R. Dupler noted the land on a map for H. Huber.

C. SMITH MOVED TO CLOSE THE PUBLIC HEARING AT 7:14 P.M. D. CURTIS COSTA SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

PUBLIC HEARING #3: ZONING MAP AMENDMENT. APPLICANT: CITY OF DELAFIELD. CONSIDERATION OF A ZONING MAP AMENDMENT AMENDING THE FOLLOWING PARCELS ON HILLSIDE DRIVE AND HERITAGE DRIVE: 0804.995, 0804.994.001, 0804.994.002, 0804.994.005, 0804.994.006, 0804.994.008 AND 0804.994.017. THIS ACTION WILL REMAP THE DESCRIBED PARCELS FROM B-3 LOCAL AND HIGHWAY BUSINESS TO B-6 COMMERCIAL HOLDING.

Mayor McAleer opened the public hearing at 7:15 P.M.

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R. Dupler noted the location of the parcels on a map near the Wal-Mart Center located near Highway 83. The proposed action would correct the zoning map by creating B-6 zoning in portions of the Leuzinger/Marcus Planned Development that had been inaccurately mapped as B-3 since 1991.

There was no one from the audience wishing to speak to this item.

M. DEYOE MOVED TO CLOSE THE PUBLIC HEARING AT 7:16 P.M. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

1. APPROVE PLAN COMMISSION MEETING MINUTES OF MAY 27, 2009

K. FITZGERALD MOVED TO APPROVE THE MAY 27, 2009 PLAN COMMISSION MEETING MINUTES AS PRESENTED. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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

There was no one present wishing to speak at this time.

M. DEYOE MOVED TO CLOSE CITIZEN'S COMMENTS AT 7:16 P.M. D. CURTIS COSTA 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 Common Council had granted approval for the closure in Canal Street as part of Item 3B. K. Fitzgerald stated Item 3B should be removed for further discussion and consideration. D. Curtis Costa also requested Item 3D be removed for clarification.

C. SMITH MOTIONED TO APPROVE ITEMS A AND C ON THE CONSENT AGENDA AS PRESENTED. D. CURTIS COSTA SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- a. **DELC 0787.079, 621 MILWAUKEE STREET, DELAFIELD.**
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 FOR OUTDOOR SEATING TUESDAY THROUGH SATURDAY, 11 A.M. TO 10 P.M.

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Approved. See above.

- b. **DELC 0787.079, 621 MILWAUKEE STREET, DELAFIELD.** OWNER/APPLICANT: MELISSA ANDERSON. OWNER/APPLICANT SEEKS APPROVAL OF A TEMPORARY BUSINESS PLAN OF OPERATION AMENDMENT FOR ANDERSON'S PUB AND GRILL TO ALLOW A GRAND OPENING PARTY ON SATURDAY, JULY 11, 2009. HOURS OF GRAND OPENING PARTY ARE 3:00 P.M. TO 10:00 P.M. IN ADDITION, THEY ARE REQUESTING TO CLOSE CANAL STREET FOR THE DURATION OF THE PARTY. CLOSING OF CANAL STREET REQUIRES COMMON COUNCIL APPROVAL. Did receive last week and minutes on table.

K. Fitzgerald confirmed that the Common Council had already approved the action of closing Canal Street as part of this request.

BASED ON THE ACTION OF THE COMMON COUNCIL THAT HAD ALREADY APPROVED THE CLOSURE OF CANAL STREET AS PART OF THIS REQUEST, K. FITZGERALD MOVED TO APPROVE A TEMPORARY BUSINESS PLAN OF OPERATION AMENDMENT FOR ANDERSON'S PUB AND GRILL TO ALLOW A GRAND OPENING PARTY ON SATURDAY, JULY 11, 2009. HOURS OF GRAND OPENING PARTY ARE 3:00 P.M. TO 10:00 P.M. FOR DELC 0787.079, 621 MILWAUKEE STREET, DELAFIELD. OWNER/APPLICANT: MELISSA ANDERSON, AND TO APPROVE CLOSURE OF CANAL STREET FOR THE DURATION OF THE PARTY AS REQUESTED. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. **DELC 0740.998, 1621-1657 KETTLE COVE COURT, HARTLAND.** OWNER/APPLICANT: RANDY SCHOBOR. OWNER/APPLICANT SEEKS APPROVAL OF A MONUMENT SIGN.

Approved. See above.

- d. **DELC 0807.987.005, 3558 HILLSIDE DRIVE, DELAFIELD.** OWNER: BILL ISLER. APPLICANT: GRACE CHURCH C/O MICHAEL D. FRANS, 732 LOCHTYN RIDGE, WALES, WI 53183. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR A CHURCH TO HOLD WORSHIP SERVICES, CLASSES, HOSPITALITY, GATHERINGS, OCCASIONAL OUTREACH AND EVENTS, GRACE CHURCH. HOURS OF OPERATION ARE WEEKDAYS 8:00 A.M. TO 10:00 P.M.; SATURDAY 8:00 A.M. TO 10:00 P.M. AND SUNDAY 7:00 A.M. TO 10:00 P.M. WITH 2 FULL-TIME EMPLOYEES.

D. Curtis Costa clarified the location of the request.

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D. CURTIS COSTA MOVED TO APPROVE A REQUEST FOR A BUSINESS PLAN OF OPERATION FOR A CHURCH TO HOLD WORSHIP SERVICES, CLASSES, HOSPITALITY, GATHERINGS, OCCASIONAL OUTREACH AND EVENTS, GRACE CHURCH. HOURS OF OPERATION ARE WEEKDAYS 8:00 A.M. TO 10:00 P.M.; SATURDAY 8:00 A.M. TO 10:00 P.M. AND SUNDAY 7:00 A.M. TO 10:00 P.M. WITH 2 FULL-TIME EMPLOYEES FOR DELC 0807.987.005, 3558 HILLSIDE DRIVE, DELAFIELD. OWNER: BILL ISLER. APPLICANT: GRACE CHURCH C/O MICHAEL D. FRANS, 732 LOCHTYN RIDGE, WALES, WI 53183. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR.

4. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVAL

None.

5. PLANS OF OPERATION, SIGNAGE AND SITE PLAN

a. **DELC 0798.965.003, GENESEE STREET, DELAFIELD.**

OWNER/APPLICANT: DELAFIELD LAKES; AGENT: JOE MCCORMICK.
OWNER/APPLICANT SEEKS APPROVAL OF A MINOR CHANGE TO THE CONDITIONAL USE TO ALLOW LAND BANK PARKING AND MONUMENT SIGN LOCATION.

In response to a question, R. Dupler explained land bank parking allowed petitioners the opportunity not to install all the parking spaces discussed as part of the mandatory site plan requirements for a development as many of the residential spaces would not be realistically be utilized. The additional land not being utilized as parking was typically converted to green space for the site. He also suggested in any case where land bank parking was utilized, a “trigger mechanism” should be agreed to by the petitioner in the event that a complaint was raised regarding inadequate parking. In this way, there would be an option to provide additional parking in the future if needed.

Joe McCormick, owner of Delafield Lakes, explained the existing site plan as well as the proposed site plan depicting the parking spaces as green space.

C. Smith stated he liked the proposed plan as it seemed a safer entrance to the site. J. McCormick agreed, and he thought it also provided the development with a “village-like” entrance with gently sloping green space to the detention pond. He also proposed signage near the entrance from the street outside the vision triangle and at the inner driveway entrance to the site. He then shared a computer generated image of the

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proposed signage, noting the gold lettering on the sign and matching building colors.

R. Dupler explained there was no problem with the signage; however, it would be prudent to require a letter of approval from T. Aul regarding signage placement. He also thought the request constituted a minor change and consideration should be given to the "trigger mechanism" to be utilized in this case.

D. CURTIS COSTA MOVED TO APPROVE A MINOR CHANGE TO THE CONDITIONAL USE TO ALLOW LAND BANK PARKING OF 16 PARKING SPACES AND TO APPROVE MONUMENT SIGNAGE CONTINGENT UPON A LETTER OF APPROVAL OF THE SIGNAGE LOCATION FROM T. AUL AND SHOULD THE CITY RECEIVE A COMPLAINT REGARDING INADEQUATE PARKING, THEN THE PLAN COMMISSION WOULD REVIEW THE PARKING AND MAY DIRECT STAFF TO SEND A LETTER TO THE OWNER TO INSTALL ADDITIONAL PARKING SPACES AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. PRELIMINARY

- a. **DELCO 0807.992, 3402 KETTLE COURT EAST, DELAFIELD.** OWNER: WALTER NICKEL TRUST. APPLICANT: DAVE NOSEK. APPLICANT SEEKS APPROVAL OF A DRIVING RANGE AND MINI-GOLF COURSE.

R. Dupler introduced Dave Nosek, applicant for the project. D. Nosek explained the proposed location near Home Depot of the driving range and mini-golf course. The location was located immediately to the south of Home Depot and was comprised of approximately 40 acres that was owned by the Walter Nickel Trust and had previously operated as a landfill. Access to the property would be located between Home Depot and a tire dealer. The property was currently owned by the Nickel family and consultants were working with the family to deal with the existing liens on the property and remediation requirements from the Department of Natural Resources (DNR).

Various questions and concerns were presented including the responsibility of the new cover material and whether the City would be indemnified in the legal responsibility for the proposed project. Questions also arose regarding whether there would be any buildings constructed on site and whether those structures constituted a safety hazard for anyone using them. R. Dupler explained the treatment of the foundation for the building and liner would be of utmost importance to

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all, and he suggested any earth altering actions be required to be completed to DNR standards.

D. Nosek stated a portion of the waste in the northwest corner could potentially be removed in the future and a new liner was required for the entire top of the landfill. He went on to explain, in response to a question, that a liner would be comprised of clay and other materials. Certain areas of the property currently had a cover, but it was not even and should be leveled.

Mayor McAleer requested the City Attorney to be involved in the development process of this request in the future as ramifications were uncertain at this time.

D. Curtis Costa questioned whether methane was existent on the site. K. Fitzgerald clarified the rezoning required for the parcels. C. Smith questioned whether a strip of land near the property shown on the map was owned by the City.

Tom Wendtland, DNR representative and site manager for the landfill, explained historically a road went behind Home Depot to the landfill; however, once the store was constructed the roadway was rerouted in front of the building. As a result, there were gaps in the survey information that he had been provided as well as inconsistencies in the legal description for the property.

R. Dupler stated he would investigate these inconsistencies further and provide additional information at a later time.

Regarding the methane gas on site, T. Wendtland explained there were 30 gas extraction wells with a flare station on the property. There was a vacuum that sucked the gas out of the landfill and directed it to a flare that burned the gas. He had visited the site immediately prior to this meeting and noted the flare station was running intermittently; however, the gas was constantly in existence. He noted the location of the flare station. Further, he suggested that if the golf tees and greens were being planned at this time, it would be wise to move the golf area away from this portion of the site. He stated he had met with D. Nosek approximately one year ago to discuss this matter, but had heard nothing since then and had not received any additional information.

D. Nosek explained plans had been made at that time to seek City approval prior to moving forward with any formal plans and that had been ongoing since that meeting.

T. Wendtland explained the State required an exemption from State Statutes from the DNR prior to being able to place anything atop the

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landfill. He also explained that in newer landfills, a liner is a plastic sheet placed on the bottom of a landfill before the refuse is put into it. Clay is then placed on top of the liner with refuse on top of that. In this method, cells of refuse were constructed in sequence until the landfill is full. Once full, clay is placed on top of the landfill with additional top soil and graded. He noted this landfill was originally a gravel pit and was not constructed with this method. As a result, it required some leach aid collection, with wells and covered materials. Spot patching of the landfill surface had been done in 1995. With dead vegetation and leaching at that time, a partial cap was placed on the landfill; however, it continued to require a full cap. Previous discussions included support of a coordinated effort to deal with the current situation. He went on to explain the property held a \$1.8 million lien and approximately \$500,000 for the gas well construction. He had been working at the site since 1992 and he thought the proposal for the landfill could potentially include a sticky legal situation for a buyer as the owner held the land with a lien on the property and the DNR had been operating the landfill since 1985. Costs were also expected regarding the annual leach aid collection and hauling for treatment. He noted any future owners would need to understand the landfill does require a plan for leach aid collection and he was concerned with who would manage this practice in the future. In addition, state regulations for landfills typically required a closure plan that would identify the efforts to close the landfill. Discussions had recently been had with representatives of the Del-Hart Commission regarding working to determine a cost savings in disposal efforts.

In response to a question, T. Wendtland explained the landfill had been receiving waste since 1950 and the liner and cap regulations were not in place at that time. He also noted the owner would technically be responsible for capping the landfill in an appropriate manner.

A discussion of lien responsibility for any potential owner ensued.

D. Curtis Costa questioned D. Nosek as to his intentions with the ownership of the property. He stated, based on certain aspects of the opportunity, he thought he would be interested in ownership, but he would not be able to assume the pending liens. He stated he was currently working with Mike Frede, a consultant that specialized in cleaning up landfills, regarding this endeavor. His purpose this evening was simply to find out if the City would allow the golf course use on the site and then he could begin to look for cost effective measures in assuming the ownership of the landfill.

Mayor McAleer stated he had always been in favor of using the landfill in a recreational manner; however all outstanding issues must be resolved prior to approval.

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C. Smith stated, as a representative of the Park and Recreation Committee, that he thought it was a great addition to the City as a recreational facility. Furthermore, he suggested it would be prudent to work with the neighbors of the landfill in the planning process for the site to mitigate noise, lighting, and any other concerns. D. Nosek stated all the activity on the potential golf course site would be directed away from the housing to the southeast so he did not anticipate lighting to be an issue.

D. Curtis Costa questioned whether there were any health concerns for people using the land. T. Wendtland stated he did not think so, as the waste was there but covered. Once covered, the gas generation was contained in piping so there was no danger to the public. A risk did exist in attempting to collect or move the earth to support a building structure. He also noted it was not uncommon to have a golf course on a landfill.

M. DeYoe stated it was a responsible potential use of the land.

T. Wendtland offered to take any interested Commissioners on a tour of the landfill site upon request.

7. ZONING AND ORDINANCE REVISION

- a. DISCUSSION AND ACTION TO ADOPT ORDINANCE 613, AN ORDINANCE TO REPEAL AND RECREATE A PORTION OF ORDINANCE 194 OF THE MUNICIPAL CODE AND TO AMEND THE BOUNDARY OF THE R-6 MULTIPLE FAMILY RESIDENTIAL DISTRICT AS SHOWN ON THE ZONING DISTRICT MAP, CITY OF DELAFIELD, WISCONSIN (SOUTH SHORE HARBOR CONDOMINIUMS) AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME.

Mayor McAleer stated he thought this item should be postponed to a future agenda in order to allow the impacted property owner to fully research issues of concern.

This item would be placed on a future agenda of the Commission.

- b. DISCUSSION AND ACTION TO ADOPT ORDINANCE 615, AN ORDINANCE TO REZONE A PORTION OF THE LEUZINGER/MARCUS PLANNED DEVELOPMENT TO B-6 COMMERCIAL HOLDING ZONE AS SHOWN ON THE ZONING DISTRICT MAP, CITY OF DELAFIELD, WISCONSIN (WALMART CENTER AND NEIGHBORING PARCELS), AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME.

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R. Dupler identified the location of the parcels impacted by the proposed ordinance on a map, noting this was more of a “housekeeping” item that required correction from an ordinance dating to 1991.

M. DEYOE MOVED TO ADOPT ORDINANCE 615, AN ORDINANCE TO REZONE A PORTION OF THE LEUZINGER/MARCUS PLANNED DEVELOPMENT TO B-6 COMMERCIAL HOLDING ZONE AS SHOWN ON THE ZONING DISTRICT MAP, CITY OF DELAFIELD, WISCONSIN (WALMART CENTER AND NEIGHBORING PARCELS), AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. THREE WERE IN FAVOR. K. FITZGERALD ABSTAINED. MOTION CARRIED.

- c. DISCUSSION AND ACTION TO ADOPT ORDINANCE 614, AN ORDINANCE TO REPEAL AND RECREATE A PORTION OF ORDINANCE 293 OF THE MUNICIPAL CODE AND TO AMEND THE BOUNDARY OF THE, B-6 COMMERCIAL HOLDING ZONE AS SHOWN ON THE ZONING DISTRICT MAP, CITY OF DELAFIELD, WISCONSIN (NAGAWAUKEE SHOPPING CENTER AND THE SHOPPES AT NAGAWAUKEE), RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME.

R. Dupler shared the boundaries of the properties discussed in the proposed ordinance as well as the various business locations within the parcels. He noted this item was also the result of improper legal descriptions from a 1991 action. All tenants were operating under B-6 zoning regulations and this would continue with this ordinance.

C. SMITH MOVED TO ADOPT ORDINANCE 614, AN ORDINANCE TO REPEAL AND RECREATE A PORTION OF ORDINANCE 293 OF THE MUNICIPAL CODE AND TO AMEND THE BOUNDARY OF THE, B-6 COMMERCIAL HOLDING ZONE AS SHOWN ON THE ZONING DISTRICT MAP, CITY OF DELAFIELD, WISCONSIN (NAGAWAUKEE SHOPPING CENTER AND THE SHOPPES AT NAGAWAUKEE), RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- d. DISCUSSION AND OF REVISED LANGUAGE FOR PRIMARY ENVIRONMENTAL CORRIDOR CONSISTENT WITH THE DIRECTION FROM THE PLAN COMMISSION.

R. Dupler explained that the information presented included revised language for primary environmental corridors from past Commission reviews. This information would effectively create a zoning overlay district unique to the environmentally sensitive areas of the City as identified in the newly adopted Comprehensive Plan. The key element of

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this amendment was the establishment of a density limitation for residential development in the upland areas.

D. Curtis Costa requested additional time to review the language proposed.

R. Dupler stated this item will be placed on the next Plan Commission agenda for additional review and discussion.

e. DISCUSSION OF PROPOSED LANGUAGE FOR THE CORRECTION OF B-6 TO AMEND PERMITTED USES DESCRIPTION.

R. Dupler stated he had included the American Planners' Association (APA) memorandum in the epacket to Commissioners as it outlined the need for revision of the current language in the City's zoning Code regarding B-6 permitted uses descriptions.

K. Fitzgerald posed several scenarios for consideration regarding permitted uses and possible conditional uses related to planned unit developments.

Mayor McAleer stated he thought it important to consider the use of a General Development Plan (GDP) with certain activities allowed and he would like the City to require green space requirements for the entire parcel in the B-6 zoning even if B-2 and B-3 businesses were allowed.

R. Dupler stated he would modify the language to convey the green space requirement.

Discussion ensued regarding various options landowners could utilize for properties that were being developed with a conditional use.

D. Curtis Costa thought it important to incorporate permitted uses within B-6 zoning with clarity. C. Smith agreed, as he thought the Commission should review whether all current permitted uses should be in the B-6 zoning district.

Discussion ensued regarding whether B-6 zoning goals could be accomplished through conditional use or planned unit development.

R. Dupler stated he would revise the current language and provide another opportunity for discussion at a future Commission meeting.

f. DISCUSSION OF PROPOSED LANGUAGE FOR THE CORRECTION OF R-5 TO AMEND PERMITTED USES DESCRIPTION.

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R. Dupler provided proposed language to the Commissioners for the correction of the R-5 zoning district to amend the permitted uses description in the epacket for this meeting.

K. Fitzgerald questioned what would not be a permitted use in this district. R. Dupler provided examples and also explained R-5 zoning required the entire development to act as a planned development with conditional use. Further, he would suggest language to include a one acre minimum for this district.

R. Dupler stated he would provide additional information and language for this item and would place this item on a future agenda for the Commission.

g. DISCUSSION AND OF PROPOSED LANGUAGE FOR THE CORRECTION OF CBD-3 TO AMEND PERMITTED USES DESCRIPTION.

R. Dupler explained proposed language had been provided for correction of the CBD-3 zoning district to amend a permitted uses description within that portion of the zoning code.

Discussion ensued regarding what permitted uses should be allowed in the CBD-3 zoning district as well as which zoning district yielded tighter control for the City. Several possibilities of how to formulate the list were discussed. R. Dupler suggested if an individual parcel was being considered then it should be held to CBD-2 standards and if it were a campus as a total project, then the conditional use governed it all. In essence, he noted this would include CBD-1 uses with CBD-2 geometric standards.

R. Dupler stated the City Attorney would review each of the proposed language changes prior to formal consideration by the Commission.

A timeline for public hearing and approval of the proposed zoning changes was discussed.

8. HEARING DATES

None.

9. ADMINISTRATOR'S REPORT

T. Schuenke stated there was nothing to report at this time.

10. PLANNERS REPORT

R. Dupler stated there was nothing to report at this time.

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11. BUILDING INSPECTOR'S REPORT

T. Maney stated the total number of permits to date was 27, plus three occupancy permits with 1 new single family home and 1 new 28 unit apartment permit issued this month.

11. BOARD OF ZONING APPEALS

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

12. CORRESPONDENCE

None.

13. ADJOURNMENT

M. DEYOE MOTIONED TO ADJOURN THE JUNE 27, 2009, PLAN COMMISSION MEETING AT 8:48 P.M. C. SMITH SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes prepared by:

Accurate Business Communications, Inc.