

CITY OF DELAFIELD PLAN COMMISSION MINUTES

PUBLIC HEARING – CONSIDERATION OF A CONDITIONAL USE PERMIT FOR LAKE COUNTRY FAMILY CHURCH TO ALLOW FOR THE OPERATION OF A CHURCH AT 206 ENTERPRISE ROAD, SUITE 400, DELAFIELD, WI

Mayor Schuman asked three times if anyone wished to speak. No citizens wished to speak.

R. MISKELLEY MOTIONED TO CLOSE THE PUBLIC HEARING. K. STREGE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

PUBLIC HEARING – CONSIDERATION TO MODIFY THE BOUNDARY OF THE EXISTING NASHOTAH HOUSE CONDITIONAL USE PERMIT.

Sylvia Lichtfeldt, 34334 Valley Road, Upper Nashotah Lake – Inquired as to what this entailed. Mayor Schuman asked for evidence of ownership on the property in question. Ms. Lichtfeldt did not have this information available at this time, but stated that she owned Lot 6. R. Dupler stated that Lot 6 was outside of the City boundaries and was in the Town of Summit. He also clarified that her lot was not one of the lots in question.

R. Dupler stated that the purpose of the public hearing was to modify the site plan boundaries associated with the conditional use for the operation of the Nashotah Seminary. The intent was to transfer property out of their institutional ownership to private ownership. Four lots will be created for single family residential use on the south side of the property. Mayor Schuman clarified that they are not taking anyone's property; it is their own property that they are subdividing.

Charlotte Kinny, Executive Director of Cedar Ridge Foundation – Stated that she was supported and agreed with what was being proposed.

Mayor Schuman asked if there were any other citizens who wished to speak. There were none.

K. STREGE MOTIONED TO CLOSE THE PUBLIC HEARING. L. CHAPMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

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ROLL CALL

Present

Absent

Mayor Phil Schuman
Larry Chapman
Michael Frede
Dan Jashinsky
Ron Miskelley
Chrys Mursky (entered 7:30 p.m.)
Keith Strege
Roger Dupler
Tom Maney
Ellen O'Brien, Deputy Clerk-Treasurer

Matt Carlson

1. APPROVE PLAN COMMISSION MEETING MINUTES OF MARCH 28, 2007 MEETING

R. MISKELLEY MOTIONED TO APPROVE THE MINUTES FROM THE MARCH 28, 2007 MEETING. M. FREDE 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

Mayor Schuman asked if there were any citizen's who wished to speak. There were none.

D. JASHINSKY MOTIONED TO CLOSE THE CITIZEN'S COMMENTS. L. CHAPMAN 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)

Mayor Schuman removed Item 3a.

R. MISKELLEY MOTIONED TO APPROVE ITEMS 3B AND 3C. M. FREDE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- a. **TAX KEY 742.984, 742.994, W63 EAST WISCONSIN AND W73 EAST WISCONSIN, DELAFIELD.** OWNER: LARRY CHAPMAN. APPLICANT: BAUER SIGN CO. APPLICANT SEEKS APPROVAL OF REVISED SIGNAGE FOR SUMMERSET MARINE, A BOAT SALES AND SERVICE SHOWROOM, MINOR AMENDMENT TO CONDITIONAL USE PERMIT

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Larry Chapman abstained from discussion of this item. R. Dupler stated that this is under conditional use. He recommended that it be considered a minor change. The proposal calls for slight signage modifications. The same fonts, colors, and generally the same graphics are as previously approved, but the size has increased to 178.6 feet (an increase of approximately 13 sf over what was previously approved). The allowable square footage for this property is 259.8 feet.

R. MISKELLEY MOTIONED RECOMMENDATION TO CITY COUNCIL TO CONSIDER THIS A MINOR CHANGE AND APPROVAL AS SUCH. K. STREGE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FIVE WERE IN FAVOR. L. CHAPMAN ABSTAINED. MOTION CARRIED.

- b. **TAX KEY 807.982.001, 3586 HILLSIDE ROAD, DELAFIELD.** APPLICANT: MICHAEL LANDRY. APPLICANT SEEKS A TEMPORARY BUSINESS PLAN OF OPERATION FOR AREA RENTAL & SALES FOR AN OUTDOOR TENT DISPLAY FROM APRIL 27 – MAY 18, 2007.

Approved. See above.

- c. **TAX KEY 794.015 AND 794.016, LOT 3 & 4, CUSHING PARK BUSINESS CENTER, ENTERPRISE ROAD, DELAFIELD.** APPLICANT: OLIVER CONSTRUCTION. APPLICANT SEEKS APPROVAL OF A FINAL CSM FOR P.J's STORAGE.

Approved. See above.

4. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVAL

- a. **TAX KEY 737.995.001, 1800 VETTELSON ROAD, HARTLAND,** LAKE COUNTRY SCHOOL. APPLICANT: MATTHEW KIRK. APPLICANT SEEKS APPROVAL OF A MINOR AMENDMENT TO A CONDITIONAL USE PERMIT FOR A NATURE TRAIL AND ENVIRONMENTAL TEACHING STATION ON THE PROPERTY OF LAKE COUNTRY SCHOOL FOR HIS EAGLE SCOUT PROJECT.

M. Kirk was present at the meeting. R. Dupler explained that the property is under conditional use and zoned as a school in P-1. He recommended that this be considered a minor change. The proposal calls for the building of an outdoor classroom facility as an accessory use for educational amenities on the school campus. M. Kirk made a presentation at the meeting explaining how the project would be used, where it would be located, and how the funds for the project would be raised. Once the project is complete, it will be donated to the school.

K. STREGE MOTIONED TO RECOMMEND TO COUNCIL FOR APPROVAL AS A MINOR CHANGE TO THE CONDITIONAL USE

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PERMIT. M. FREDE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **TAX KEY 733.998 AD 733.990.003, VILLAGE SQUARE OF DELAFIELD.** APPLICANTS: ISB COMMUNITY BANK AND TORKE WIRTH PUJARA, LTD. APPLICANTS SEEK SIP APPROVAL.

R. Dupler stated that the architects for the project have been working with staff on revising the plans according to the Plan Commission's direction. No stormwater management is required for this property. The site plan is designed accordingly and will accommodate 20 parking spaces (14 were required). A retaining wall along the facing slope is being proposed. The drive through has changed slightly since the last presentation. The building has not changed. The lighting has been reduced according to the Plan Commission's direction. The design engineer has stated that the site lighting photometrics are not able to meet all of the City's ordinance requirements with the fixture being used. R. Dupler recommended consideration for approval of the lighting plan in its current state. In regards to the sign requirements, the colors were originally submitted at a previously meeting as blue, but approvable colors are white, red, and green. A revised monument was asked to be brought in for presentation at this meeting.

Steve Peterman and Krista Paul were present at the meeting. The changes made since the last meeting were described. This included the site plan, the monument sign, and landscaping. R. Dupler stated that the changes in regards to the signage and site plan were acceptable. All three of the options for the signage were compliant with the requirements. The client has indicated that their preference was the backlit sign with green letters. With this option, the letters on the building would also be green. R. Dupler has not had a chance to review the landscaping, but felt that it was close enough to being complete and could be approved contingent upon staff review of the final details. In regards to the retaining wall, he asked for identification of materials and installation of that. He recommended that all of the elements be considered for approval.

R. MISKELLEY MOTIONED TO APPROVE THE LAYOUT AS PRESENTED, THE SIGNAGE AS PRESENTED (ALL THREE OPTIONS ARE ACCEPTABLE) AND THAT THE OWNERS OF THE BANK SHOULD CHOOSE THE SIGNAGE THAT THEY PREFER, THAT THE PLANTS BE REVIEWED BY R. DUPLER TO MAKE SURE THEY ARE WITHIN THE GUIDELINES OF THE CITY, THAT IDENTIFICATION OF THE MATERIALS WITHIN THE RETAINING WALL BE PROVIDED. M. FREDE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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- c. **TAX KEY 794.017.002, 206 ENTERPRISE ROAD, DELAFIELD.**
APPLICANT: LARRY KASSENS. OWNER: CANNES GROUP. APPLICANT SEEKS APPROVAL OF A CONDITIONAL USE PERMIT FOR A SITE PLAN, SIGNAGE AND A BUSINESS PLAN OF OPERATION FOR LAKE COUNTRY FAMILY CHURCH. HOURS OF OPERATION ARE WEEKDAYS AND SATURDAY, 8:00 A.M. – 9:00 P.M.; SUNDAY, 7:00 A.M. – 8:00 P.M. WITH 2 FULL-TIME AND 3 PART-TIME EMPLOYEES

M. Frede abstained from discussion on this item.

R. Dupler stated that this was for consideration to allow conditional use for them to take occupancy in the building. It was clarified that a church is allowed in any district by conditional use. They would occupy 10,045 sf in a multi-tenant building. Forty-one parking spaces would be required by the church and 30 would be required by the remaining tenants for a total of 71 parking spaces. The site plan accommodates 82 spaces. The church has produced a letter from the landlord agreeing to a shared parking arrangement with the other tenants. The south side signage has been removed as well as the children's playground from the site plan. He recommended consideration for approval of the conditional use permit contingent upon review of the conditional use documents by the City Attorney and to recommend to Council. The pastor of the church discussed the church's hours.

Jim Johnson, Viking Electric, 1109 N. Edison, Milwaukee, WI – Viking Electric are neighbors to the church and are unaware of any shared parking agreement at this time. They thought that the parking spots located directly in front of their property were theirs. He questioned the number of parking spaces that were allocated to the church. R. Dupler stated that the number of parking spaces is considered in the aggregate for the site tenants. The site plan proposed provides that ample parking is available to satisfy the requirements. Restripping would take place.

R. MISKELLEY MOTIONED TO APPROVE THE SITE PLAN AND CONDITIONAL USE PERMIT AS PRESENTED SUBJECT TO AGREEMENT BY THE CITY ATTORNEY AND RECOMMEND APPROVAL TO THE CITY COUNCIL. K. STREGE AMENDED THE MOTION ADDING THAT A MORE ACCURATE STRIPPING LAYOUT BE DONE FOR THE PARKING TO ENSURE THAT ALL OF THE SPACES COULD BE OBTAINED. R. MISKELLEY ACCEPTED THE AMENDMENT. L. CHAPMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FIVE WERE IN FAVOR. M. FREDE ABSTAINED. MOTION CARRIED.

5. PLANS OF OPERATION, SIGNAGE AND SITE PLAN

- a. **TAX KEY 794.017.002, 206 ENTERPRISE ROAD, DELAFIELD.**
APPLICANT: LEMBERG ELECTRIC. APPLICANT SEEKS APPROVAL OF

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SIGNAGE FOR VIKING ELECTRIC SUPPLY, A WHOLESALE DISTRIBUTOR.

Representatives from Lemberg Electric and Viking Electric were present at the meeting. R. Dupler reported that the signage as proposed in regards to size and presentation was appropriate. There was a concern that all of the other signage on the building is green and it was suggested that this signage also be green in order to be consistent. R. Dupler recommended consideration for approval contingent on changing the sign to green.

The Petitioner has spent considerable time branding their red sign and requested that the red be allowed. All other requests for signage on the back and front have been withdrawn. They requested that the Plan Commission take the branding of the colors into consideration when rendering their decision. This would be the center sign on the building and thus the colors would be balanced.

R. Dupler stated that the Petitioner has the opportunity to put signage on the windows and door where the red logo could be used. Discussion took place as to the color of the sign, whether or not to wait for a Sign Committee to be formed, past Plan Commission decisions, and possible precedent setting.

M. FREDE MOTIONED TO APPROVE THE SIGNAGE WITH THE COLOR BEING RED. L. CHAPMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. THREE WERE IN FAVOR. THREE WERE OPPOSED. MAYOR SCHUMAN BROKE THE TIE BY OPPOSING THE VOTE. MOTION FAILED.

R. MISKELLEY MOTIONED THAT THE SIGNAGE BE APPROVED AS PRESENTED EXCEPT THAT THE COLOR BE GREEN AS PRESENTED BY THE CITY PLANNER. D. JASHINSKY SECONDED THE MOTION. FOUR WERE IN FAVOR. TWO WERE OPPOSED. MOTION CARRIED.

- b. **TAX KEY 786.998, 1600 GENESEE STREET, DELAFIELD.**
APPLICANT: TOM KREKLOW. APPLICANT SEEKS APPROVAL OF SIGNAGE AND CONSIDERATION OF A MINOR CHANGE TO THE CONDITIONAL USE PERMIT FOR CHRIST THE KING LUTHERAN CHURCH.

Tom Kreklow was present at the meeting representing the Church. A representative was also present to answer any questions regarding the proposed replacement sign. The current sign is 17 years old and is beginning to show wear. The proposed signage would be internally lit with LED message capabilities. The LED message would be used to inform the public regarding various activities. The new sign would be located where the present sign is and would be approximately 80 sf.

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Pictures were distributed of the area. It was clarified that the LED would not be flashing or scrolling – the message might change daily or weekly. The sign would turn off at midnight. The sign brightness is adjustable depending upon the time of day and would comply with the required foot candle. A demonstration on LED signs took place. General discussion took place.

R. Dupler stated that this property is governed by conditional use and it needed to be determined whether this is a major or a minor change to the conditional use. The reconstruction of the sign will be a permanent structure and should respect the setbacks (50'). Because the underlying zoning is residential there are no specific standards in regards to residential that would accommodate this. He discussed the size of the sign, foot candles, and the emitting of light towards residential areas.

Discussion took place on having a public hearing, other entities that may want to have this type of signage, having this go before the Sign Committee, temporary signage, and putting a demonstration sign up.

R. MISKELLEY MOTIONED TO RECOMMEND TO THE CITY COUNCIL THAT THIS BE A MAJOR CHANGE AND THAT A PUBLIC HEARING BE SCHEDULED. K. STREGE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. **TAX KEY 793.014.001, 637 GENESEE STREET, DELAFIELD.**
APPLICANT: NICK GAGLIANO. OWNER: LANG INVESTMENTS.
APPLICANT SEEKS APPROVAL ADDITIONAL SIGNAGE AND
CONSIDERATION OF A MINOR CHANGE TO THE CONDITIONAL USE
PERMIT FOR GAGLIANO'S MARKET.

R. Dupler stated that this property is under conditional use and is governed under a multi-tenant building sign program. The new proposed sign has 80.5 additional sf broken up into two or three sandwich board signs, each of which are 9 sf, and five banners, each of which are 12.5 sf. This would be in addition to the two lighted box signs that the Market has had approved already. R. Dupler felt that it was done very appropriately and that the colors and fonts conform to those previously approved. The banners alone may negate the necessity of the box signs. Included in the Commissioner's packets was the guide sheet for consideration of conditional uses. Consideration should be given as to whether this signage, which is unique to Gagliano's and should not be transferred to any of the other tenants, would have an impact on the downtown or other property owners and business operators in the downtown area. He recommended approval of the banner signs, contingent upon removal of the lighted box sign on the east sign and to disallow the sandwich boards.

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A representative from Gaglianos was present. He stated that the banners were put up to help with building identity. They have been so effective that they would like to have the banners up permanently and are seeking approval to do so. In addition, they would like to keep the lighted box signs, but would be willing to take the one on the north side down. R. Dupler stated that there were no issues with the box signs, but that they were redundant. It was clarified that there are no lights on the banners. The Commissioners did not like the sandwich board signage but the box signs and banners were okay. Mayor Schuman suggested possibly approving the banners for a one year period, keep the box signs, and to disallow the sandwich board signs.

R. MISKELLEY MOTIONED THAT THE BANNERS BE APPROVED FOR A ONE YEAR TRIAL PERIOD, THAT THE LIGHTED BOX SIGNS BE APPROVED ON A PERMANENT BASIS, AND THAT THE SANDWICH BOARD SIGNS BE REMOVED. M. FREDE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. PRELIMINARY

- a. **TAX KEY 624.001, 624.002, 624.003, 624.004, LOTS 1 - 4 BRECKS, AND TAX KEY 622.999, NASHOTAH HOUSE CAMPUS.** APPLICANT SEEKS CONSIDERATION OF AN AMENDMENT TO MODIFY THE BOUNDARY OF THE EXISTING NASHOTAH HOUSE CONDITIONAL USE PERMIT, APPROVAL OF PRELIMINARY CSM.

R. Dupler stated that the Master Plan envisioned that the Nashotah Seminary would transfer property to private ownership. This requires the Plan Commission to consider the change to the conditional use boundary and to change the Master Plan in order to change the identified land use from Institutional 2 to Lake Residential. The primary action is to evaluate and approve the preliminary CSM for the property. The lot that looks like a flag lot conforms to all of the City ordinance standards. Consideration is being asked for an access easement to service Lots 2 and 3.

J. Siepmann was present at the meeting and pointed out that Sylvia Lichtfeldt's lot was Lot 6 of Brecks Subdivision. The Petitioner's proposal does not call for any plans that would impact S. Lichtfeldt's property. The proposed changes were reviewed. He stated that Nashotah House would provide documentation to the City for lake patrol and emergency access to the lake. Nashotah House has had informal discussions with the lake residents about how to control the lake access as a private access. Presently, there is an unincorporated lake association for the lake.

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Mayor Schuman discussed the deeds, covenants and restrictions. T. Maney stated that the lots are very large compared to what was required. Boathouses were discussed. The Petitioner stated that they would change the deed restrictions to reflect that they should truly be boathouses.

K. STREGE MOTIONED TO APPROVE THE PRELIMINARY CSM CONDITIONED UPON THE CHANGE IN THE MASTER LAND USE PLAN AND TO CHANGE THE EXISTING CONDITIONAL USE TO MODIFY THE BOUNDRY. D. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

7. ZONING AND ORDINANCE REVISION

- a. PC-2007-02 – RESOLUTION TO AMEND THE MASTER LAND USE PLAN FOR PORTIONS OF THE NASHOTAH HOUSE SEMINARY GROUNDS.

R. Dupler explained that this is a Plan Commission recommendation. The Master Land Use Plan is a tool for the Plan Commission and does not have to go to the Common Council for approval.

R. MISKELLEY MOTIONED TO AMMEND THE MASTER LAND USE PLAN FOR NASHOTAH HOUSE AS DESCRIBED. L. CHAPMAN SECONDED THE MOTION. A ROLL CALL VOTE TOOK PLACE: R. MISKELLEY, AYE; K. STREGE, AYE; M. FREDE, AYE; D. JASHINSKY, AYE; C. MURSKY, AYE; L. CHAPMAN, AYE; MAYOR SCHUMAN, AYE. ALL WERE IN FAVOR. MOTION CARRIED.

8. HEARING DATES

There are no public hearings scheduled.

9. ADMINISTRATOR'S REPORT

Without objection, this item was taken after Item 4c. The formation of a sign review committee was addressed. A memo was distributed to the Commissioners. R. Dupler stated that opinions had been voiced that perhaps staff had not been able to provide consistent direction in regards to sign petitions. The memo suggested that the committee should include representatives from the business community, downtown business, member of the Plan Commission, president of a homeowner's association, major land owner in the community, the City's Assistant Planner (Sarah Binkowski), legal support from the City Attorney, and the Administrative Intern (Mike Gavin). This committee would make recommendations to the Plan Commission. The creation of a sign review committee will be put on the Common Council's agenda.

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10. BUILDING INSPECTOR'S REPORT

The total number of permits to date are 34, plus two occupancy permits. New permits include one new single family home.

11. BOARD OF ZONING APPEALS

- a. Board of Zoning Variances granted March 2007.
- b. Board Of Zoning Variances denied April 12, 2007

12. CORRESPONDENCE

- a. LETTER FROM WAUKESHA COUNTY DEPARTMENT OF PARKS & LAND USE DATED APRIL 3, 2007 GRANTING A NO OBJECTION TO FINAL PLAT FOR VALLEY ROAD FARMS ADDITION 2.
- B. LETTER FROM WISCONSIN DEPARTMENT OF ADMINISTRATION DATED FEBRUARY 28, 2007 REGARDING AN AMENDMENT TO THE COOPERATIVE BOUNDARY AGREEMENT BETWEEN THE CITY OF OCONOMOWOC AND THE TOWN OF SUMMIT.
- c. LETTER FROM UNIVERSITY OF WISCONSIN – RIVER FALLS DATED FEB. 19, 2007 REGARDING RESULTS OF A PUBLIC OPINION SURVEY THAT WAS CONDUCTED IN FALL 2006.

Mayor Schuman explained that the City had a survey done as part of the Smart Growth Plan. This will be put on a future Plan Commission agenda. Some of the options that the City has include getting a breakout of the results from the City of Delafield and Waukesha County. This detailed information should be received by the next Plan Commission meeting.

13. ADJOURNMENT

R. MISKELLEY MOTIONED TO ADJOURN FROM THE MEETING. M. FREDE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 9:12 P.M.

Minutes Prepared By:

Accurate Business Communications, Inc.