

CITY OF DELAFIELD PLAN COMMISSION MINUTES

PUBLIC HEARING – CONSIDERATION OF AN ORDINANCE TO AMEND SECTIONS 17.22 AND 17.24 OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD RELATING TO BOATHOUSES.

Steve Bergum, 2016 Bay Point Lane – He was not sure of what the changes were to the boathouse code.

Don Tills, 2700 Peninsula Avenue, Member of the Lake Welfare Committee – He reviewed the boathouse code changes and asked the citizens (to imagine) what the shoreline would look like in 25, 50, or 100 years. The changes recommended by the Lake Welfare Commission represent a compromise. Handouts were given to the Commissioners including one entitled “Lake Welfare Committee Recommended Changes to the City of Delafield’s Boathouse Municipal Code 17.22 and 17.24” which outlined the changes. A questionnaire was conducted in 2005 and a survey in 2006 (copy and results were also given to the Commissioners). These documents were reviewed in order to give a better understanding of what is proposed.

Steve Bergum, 2016 Bay Point Lane – Addressed the obstruction of neighbor’s view. He stated that because of setbacks, the view would be obscured no matter what and one neighbor would be pitted against another. He did not think that the City should create a property right for “views”; it is vague and uncertain. Other issues that were unclear were why there should not be decks on top of a boathouse and why the homeowner needed to naturalize 75% of his property if he decides to build a boathouse. He thought that boathouses should be built to coordinate with the housing.

Bonnie Fieber, 1814 West Shore Drive – She is a member of the Lake Welfare Committee (LWC) and has lived on Lake Nagawicka for over 10 years. It was explained that the 75% of naturalization would be 15’ from the shore and would be going across the homeowner’s lot – it would not be 75% of the whole property. Proposed boathouses should come before the LWC so they could make recommendations. She thought that boathouses built all over the shoreline would ruin the quaintness of Lake Nagawicka. She termed boathouses as “party houses”. Most of the boathouses that are built cannot even house boats because of the way they have been built. The ordinance says that a boathouse should be for boats and water related equipment. She asked why the Plan Commission was approving party houses, many of which have bathrooms. If the landscape is dotted with party houses, she questioned what this would do to the beauty of Lake Nagawicka. Her preference would be to ban boathouses altogether, but if this was not an option, she asked the Plan Commission to adopt the changes recommended by the LWC. Additionally, she thought that bathrooms should not be allowed in a boathouse.

Beth Leonard, 2313 Nagawicka Road – She was present as a property owner and was concerned about the reason for changing the ordinance. It should be examined further and a more thorough examination of the impacts should be done through the use of digital photography. Additional concerns were the ordinance’s lack of depth regarding some of the requirements (vagueness), i.e., specifically obscuring neighbor’s

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view of the lake from the main living floor – this could be interpreted several ways. If someone lives on a narrow inlet across from properties with boathouses they would also be impacted; neighbors across the inlet should be notified when boathouses are being considered. Topographical mapping could determine areas that are suitable for boathouses. Specific performance zoning standards should be used. She questioned how stringent the City should be in regards to the requirement of housing boats. She felt that the proposed changes were too vague and too much was left open for interpretation. Because of these concerns, she asked that this go back for additional analysis and that simulation take place as to what it would look like.

Amy Meier, 1221 Mariner Drive – She explained that she would like to build a partially shaded area on top of her boathouse. She understood the issue of not wanting “party houses”, etc., but she there was a difference in the structures. She explained what they would like to do on their boathouse – they are not looking for walls, they want to improve what is already there.

Kent Attwell, 2816 Ridley Road – Is a member of the LWC. He stated that this is one topic that the LWC had not voted unanimously on; it was a 6-4 vote. The four votes opposed were due to property rights issues. Before the Plan Commission recommends this to the Common Council, he recommended that they investigate the issues – look at the regulations that other municipalities (lakes) have and compare it to what the City has to make sure that the City is staying within the norm.

Lee Kamptich, 900 Hawks Hollow – Many lake residents just want to store lake equipment. Party houses and bathrooms could be objectionable. It is important that the Plan Commission look at all aspects of what will be included in the ordinance. He asked that consideration be made before taking away property rights.

Norb Drifka, 2717 Ridley Drive – He thought that this had to do with aesthetics and party houses and questioned what would happen if there were not boathouses – many boat lifts would be present. He thought that boathouses covered up the unsightly boat lifts. These proposed changes affect property rights. He asked if the LWC had considered restricting the number of boat lifts per lot. If the real problem is parties, this aspect should be focused on, not all boathouses.

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

R. MISKELLEY MOTIONED TO CLOSE THE PUBLIC HEARING. K. STREGE 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
Keith Strege
Roger Dupler
Tom Maney
Matt Carlson

Chrys Mursky

1. APPROVE PLAN COMMISSION MEETING MINUTES OF MAY 30, 2007 MEETING

R. MISKELLEY MOTIONED TO APPROVE THE MINUTES FROM THE MAY 30, 2007 MEETING. D. JASHINSKY 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

Gary Gorski – He was in favor of the grill outs.

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

K. STREGE MOTIONED TO CLOSE CITIZENS 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)

R. MISKELLEY MOTIONED TO APPROVE THE CONSENT AGENDA. M. FREDE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- a. **TAX KEY 784.006, 1322 PARRY LANE, HARTLAND.** APPLICANT: MIKE LEROY. APPLICANT SEEKS APPROVAL OF A RETAINING WALL FOR HIS RESIDENCE.

Approved. See above.

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- b. **TAX KEY 804.994.019, 2740 HILLSIDE DRIVE, DELAFIELD.**
APPLICANT: APPLETON SIGN CO. APPLICANT SEEKS APPROVAL OF SIGNAGE FOR GAMESTOP, A RETAIL STORE.
- Approved. See above.
- c. **TAX KEY 798.00, 624 MILWAUKEE STREET, DELAFIELD.**
APPLICANT: DAVID CURTIS. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR LAKE COUNTRY ELECTRONICS, LLC, A RETAIL ELECTRONICS, SERVICE AND REPAIR. HOURS OF OPERATION ARE WEEKDAYS AND SATURDAY, 7:00 A.M. – 10:00 P.M.; SUNDAY, 10:00 A.M. – 3:00 P.M. WITH 1 FULL-TIME AND 2 PART-TIME EMPLOYEES.
- Approved. See above.
- d. **TAX KEY 803.006, 20 CROSSROADS COURT, UNIT C, DELAFIELD.**
APPLICANT: DAWN PENNALA. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR SALON COMFORT, LLC, A HAIR SALON. HOURS OF OPERATION ARE WEEKDAYS, 8:00 A.M. – 10:00 P.M.; SATURDAY AND SUNDAY, 9:00 A.M. – 3:00 P.M. WITH 6 FULL-TIME EMPLOYEES.
- Approved. See above.
- e. **TAX KEY 793.021.001, 705 GENESEE STREET, DELAFIELD.**
OWNER: DELAFIELD CONVENIENCE. APPLICANT: JERRY NUERNBERGER. APPLICANT SEEKS APPROVAL OF A TEMPORARY BUSINESS PLAN OF OPERATION FOR DELAFIELD DAYS FOR THE AMERICAN LEGION CORN STAND. HOURS OF OPERATION ARE FRIDAY, JULY 6 AND JULY 7, 2007 FROM 4:00 P.M. – 12:00 A.M., WITH 10 PART-TIME EMPLOYEES.
- Approved. See above.
- f. **TAX KEY 803.002, 2420 MILWAUKEE STREET, DELAFIELD.**
APPLICANT: SHAWN MACDONALD. OWNER: DAN LEAVITT. APPLICANT SEEKS APPROVAL OF THE BUSINESS OF OPERATION FOR SKYE FINANCIAL SERVICES, INC., A FINANCIAL PLANNING AND INVESTMENT OFFICE. HOURS OF OPERATION ARE WEEKDAYS, 8:00 A.M. – 6:00 P.M.; SATURDAY, 8:00 A.M. – 2:00 P.M. WITH 3 PART-TIME AND 2 FULL-TIME EMPLOYEES.
- Approved. See above.
- g. **TAX KEY 798.030.001, 706 MAIN STREET, DELAFIELD.** APPLICANT: WISCONSIN BUILDING INSPECTIONS, AKA, MANEY-MILLER INSPECTORS. OWNER: STEVE REICH. APPLICANT SEEKS APPROVAL

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OF A BUSINESS PLAN OF OPERATION FOR A BUILDING INSPECTION OFFICE. HOURS OF OPERATION ARE WEEKDAYS, 8:00 A.M. – 5:00 P.M.; SATURDAY, 8:00- 10:00 A.M., WITH 11 FULL-TIME EMPLOYEES

Approved. See above.

4. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVAL

- a. **TAX KEY 798.018, 622 GENESEE STREET, DELAFIELD.** APPLICANT: DAYBREAK MOBIL. OWNER: HAROLD OMARRAH. APPLICANT SEEKS APPROVAL OF A MINOR CHANGE TO THE CONDITIONAL USE PERMIT FOR SEASONAL OUTDOOR GRILLING

R. Dupler explained that gas stations in downtown Delafield operate under a conditional use permits. The action tonight determines whether it is a major change or a minor change. R. Dupler stated that both Petitioners in Items “a” and “b” were supplied with information from the Fire Department. Both have complied with Staff’s recommendation and submitted a site plan. A copy of the email from M. DeYoe was provided to the Commissioners.

A representative from Daybreak Mobil was present. The grill outs take place 60’ away from the pumps (in compliance) and are 20’ from the propane tanks. He plans to move shrubs in order to grill even further away than required. R. Miskelley asked if there were any County or State regulations that needed to be complied with. The representative stated that the propane tanks needed to be in cages.

R. Miskelley thought that care needed to be taken not to be too restrictive. M. Frede agreed.

R. MISKELLEY MOTIONED TO APPROVE THE SEASONAL OUTDOOR GRILLING AS A MINOR CHANGE TO THE CONDITIONAL USE PERMIT. M. FREDE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **TAX KEY 793.021.001, 705 GENESEE STREET, DELAFIELD.** APPLICANT: DELAFIELD CONVENIENCE. OWNER: GARY NUERNBERGER. OWNER SEEKS APPROVAL OF A MINOR CHANGE TO THE CONDITIONAL USE PERMIT FOR SEASONAL OUTDOOR GRILLING.

R. MISKELLEY MOTIONED TO APPROVE THE SEASONAL OUTDOOR GRILLING AS A MINOR CHANGE TO THE CONDITIONAL USE PERMIT. M. FREDE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. **TAX KEY 787.076, 601 MILWAUKEE STREET, DELAFIELD.** OWNER: TOM AUL. APPLICANT: JESSICA KRUESEL. APPLICANT SEEKS A

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BUSINESS PLAN OF OPERATION FOR LITTLE HAVANA, AN OUTDOOR SEASONAL BAR AND GRILL. HOURS OF OPERATION ARE WEEKDAYS AND SATURDAY, 11:00 A.M. – 12:00 A.M.

R. Dupler stated that this is a recurrence of a visit from one year ago. Within the one year trial period there have been no complaints. He recommended a permanent approval of the business plan of operation.

J. Kruesel was present and stated that the business would be run the same as in past years.

R. MISKELLEY MOTIONED TO APPROVE THE CHANGE IN THE BUSINESS PLAN OF OPERATION TO A PERMANENT BASIS. M. FREDE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- d. **TAX KEY 840.993.006. 3150 GOLF ROAD, DELAFIELD**, OWNER: GREGORY KOST. TOLD DEVELOPMENT. APPLICANT: MSI GENERAL CORP. APPLICANT SEEKS APPROVAL OF A SIP FOR A RETAIL STORE AT THE SHOPPES AT NAGAWAUKEE PHASE III.

R. Dupler reviewed. This is a Specific Implementation Plan and is in conformance with the General Development Plan. There have been slight changes to the buildings since it was submitted to Staff and documents outlining the changes were distributed to the Commissioners. The difference between the plans showed a modification to the building. Items in the staff review letter were identified. The sign program was provided and reviewed, but not in time to be included on the agenda. What is being proposed is in substantial conformance.

Representatives were present at the meeting and reviewed drawings of the plan. The building is substantially the same size. The same theme is used on the architecture of the building, landscaping, and lighting plans as on other buildings in the shopping center. R. Dupler stated that the photometrics have been provided but need to be coordinated with the lighting engineer. He recommended approval contingent upon staff review of the lighting. R. Miskelley stated that he would like to see more detail on the signs, how the wall is going to be constructed, and the approved light plan. The representative stated that they would like to get approval for the building tonight, but not necessarily the sign. He reviewed the project in more detail. If the building were approved, the sign could come back to the Plan Commission. The issues are signage, lighting, and the use of full length windows.

D. JASHINSKY MOTIONED TO APPROVE THE PLAN, CONTINGENT ON THE PETITIONER SATISFYING THE COMMENTS IN THE YAGGY COLBY LETTER, AND THAT THE SITE LIGHTING AND SIGNAGE COME BACK AT THE NEXT PLAN COMMISSION MEETING MONTH.

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L. CHAPMAN SECONDED THE MOTION. THE SIP WILL BE ON THE COMMON COUNCIL AGENDA FOR APPROVAL. ALL WERE IN FAVOR. MOTION CARRIED.

5. PLANS OF OPERATION, SIGNAGE AND SITE PLAN

- a. **TAX KEY 807.978.009, 3700 HILLSIDE DRIVE, DELAFIELD.**
APPLICANTS: TECHTERIORS, LLC AND BADGER LIGHTING & SIGNS.
APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION AND SIGNAGE FOR TECHTERIORS, LLC, A HOME AUTOMATION TECHNOLOGY AND BUSINESS TECHNOLOGY. HOURS OF OPERATION ARE WEEKDAYS, 10:00 A.M. – 6:00 P.M.; WEEKENDS, 10:00 A.M. – 4:00 P.M., WITH 4 FULL-TIME.

R. Dupler stated that this was consideration of a Business Plan of Operation. There was an issue with signage, however the Petitioner would like to modify their petition and propose the signage to be blue in order to be consistent with the other tenants.

A representative was present at the meeting. A change will be made to change the sign to be blue in color in order to be consistent to the other tenants. R. Dupler recommended approval contingent upon changing the sign color to be blue.

K. STREGE MOTIONED TO APPROVE. M. FREED SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. PRELIMINARY

None.

7. ZONING AND ORDINANCE REVISION.

- a. AN ORDINANCE TO AMEND SECTIONS 17.22 AND 17.24 OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD RELATING TO BOATHOUSES.

R. Dupler stated that Staff has reviewed the changes and found it to be acceptable. R. Miskelley stated that the Ordinance is trying to have boathouses be boathouses. He observed that the LWC is becoming more involved in the process of approval than in the past and he did not have any objections to this. The Ordinance stated that the application would be referred to the LWC for their comments before final consideration. Plan Commission would be the final approval.

Mayor Schuman addressed the proposed height restriction and asked if boats would be able to access the boathouse. L. Chapman stated that

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boats are getting bigger and by reducing the height, it would be difficult to put a boat inside. He explained clearance issues. He felt that a minimum of a 10' door was needed. Mayor Schuman stated that in order to accommodate boats, the height needed to be maintained. T. Maney stated that if the roof height of pitched rooflines were reduced, it would basically force the boathouse roof to be flat. Mayor Schuman stated that the height would need to remain the same at 12' for a flat roof and 18' for pitched roof. Additionally, the requirement for 75% of the shoreline (15' from the shoreline) not covered by the boathouse being naturalized could be difficult. D. Tills stated that in many cases the lawns are bluegrass down to the shoreline. He felt that native Wisconsin plants should be planted in order to reduce the runoff into the lake. Because the boathouse has a lot of hard surfaces, a buffer should be formed. M. Frede asked why the City was trying to externally govern people. L. Chapman asked if the proposed changes were a result of public outcry. Mayor Schuman stated that some LWC members were upset that some of the boathouse designs obscured the visibility of the neighbors. The building inspector has not had any complaints on boathouses, but does get calls with questions. M. Frede suggested that people should come to the City on an individual basis, but that trying to put rules into effect that address every possible issue is not correct. This should be something with a spirit behind it. Mayor Schuman stated that run-off and naturalization of the shoreline were concerns of the LWC. He suggested eliminating the requirement not to have a deck or outdoor living spaces and the item addressing the obscuring the view of the neighbor. R. Miskelley stated that a good solid code is an example and precursor of predictability. You need to know what you can and cannot do with your property. Mayor Schuman felt that neighbors should be notified with what was happening, but should not have the right to veto something. Discussion took place as how to proceed. L. Chapman stated that the process works well now, and he was not sure if there was a need to change it. M. Frede suggested that the LWC reconsider the issues in order to par down external control.

The Commissioners were in consensus to refer this back to the LWC with the above comments as noted.

b. DISCUSSION REGARDING PROPOSED LANGUAGE FOR M-1 DISTRICT

R. Dupler reviewed the area and its history. If the zoning code were modified to broaden the uses in the M-1 district, it would add the business district uses to the M-1 District. M. Carlson will draft an ordinance to reflect this change. A public hearing will be held.

8. HEARING DATES

None scheduled.

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9. ADMINISTRATOR'S REPORT

In regards to a newspaper article referencing the development of property of Highway C & I94, specifically the Lang-Lauth project, M. Carlson stated that there are no active discussions taking place. From the City's perspective, nothing has changed and the requests for information remain the same.

10. BUILDING INSPECTOR'S REPORT

Total number of permits to date are 39, four occupancy, and no new construction permits.

11. BOARD OF ZONING APPEALS

- a. Board of Zoning variance denied April 26, 2007
- b. Board of Zoning variance granted May 24, 2007
- c. Board of Zoning variance granted June 14, 2007

12. CORRESPONDENCE

- a. Waukesha County Department of Parks and Land Use certification of no objection to final plat for Mission Prairie Subdivision, **Tax Key 746.999.002.**

13. ADJOURNMENT

K. STREGE MOTIONED TO ADJOURN. D. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 8:57 P.M.

Minutes Prepared By:

Accurate Business Communications, Inc.