

CITY OF DELAFIELD PLAN COMMISSION MINUTES

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

Absent

Mayor Phil Schuman  
Ron Miskelley  
Thomas Aul  
Christopher Smith  
Dick Kuchler  
Chrys Mursky  
Keith Strege  
Mike Court  
Tom Maney  
Matt Carlson  
Ellen O'Brien

1. APPROVE PLAN COMMISSION MEETING MINUTES OF AUGUST 30, 2006 MEETING

**T. AUL MOTIONED TO APPROVE THE MINUTES OF THE AUGUST 30, 2006 MEETING. C. SMITH 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

Gerry Holton, 485 Lillian Court – Commented on the height restrictions on downtown buildings and asked that T. Aul recuse himself from discussion on agenda Item 7a.

Linda Holton, 485 Lillian Court – Has recently read the Master Plan, the Zoning Code, the Zoning Map, the Downtown Plan, the newly approved Northwest Quadrant Plan, the Northeast Quadrant Plan, and the Regional Aquifer Stimulation & Analysis for Southeastern Wisconsin. She stated that a lot of hard work has gone into these documents. The sole purpose of these efforts was for balanced intelligent sustainable growth. In regards to Agenda Item 7a, she stated it was a major zoning change. She thought that by approving this it could permanently negate years of work, study, and money spent with negative outcomes for the City. Changing the height restriction is a major change for Delafield and it should be brought to the citizens before a decision is made.

Justin Winslow, 619 Milwaukee Street – He is the manager of the 416 Building LLC. It was his financial analysis and decision to apply for an increase in the

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height of the building. The building directly to their south will remain as is. As a citizen, he supports the change in the zoning code. He asked that it be done on a foot basis rather than a story basis.

Mari Wiley, 493 Lillian Court – The thoughts that she expressed were her husband's as he was not able to attend the meeting. She is a member of CARE. She discussed the height restriction on the buildings in Delafield and how this would affect various upcoming projects, fire safety, and increased spending. She was not in favor of removing the height restrictions.

Kim Kebbelick, 2626 Zastrow Road – Spoke regarding Item 5e on behalf of Faith Wenger, 623 Zastrow Road. She asked about the retaining wall and was concerned about where the water would go.

Barbara Reed, 2607 Nagawicka Road – She was concerned about the retention wall in Item 5e, particularly where the water would go. She did not want the water to go into her yard.

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

**R. MISKELLEY MOTIONED TO CLOSE CITIZENS COMMENTS. D. KUCHLER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

3. CONSENT AGENDA: APPROVALS PER STAFF RECOMMENDATIONS

D. Kuchler asked to remove Items 3a and 3b.

- a. **TAX KEY 804.987, 3400 HILLSIDE DRIVE, DELAFIELD.** OWNER: THE HOME DEPOT. APPLICANT: U.S. MARKETING & PROMOTIONS AGENCY. APPLICANT SEEKS APPROVAL OF A CONTRACTOR TRADE SHOW EVENT TO BE HELD IN THE PARKING LOT ON OCTOBER 5, 2006 FROM 9:00 AM – 2:00 PM.

Discussion took place on the location of the tent. The Petitioner stated that the only problem with the City's requested placement of the tent is that it would block off of the handicapped accessible parking as well as getting into the fire lane. M. Court stated that this placement was requested to keep it off of the street and out of the line of sight. The Petitioner stated that their location was chosen to be near the contractor-end of the building and the presenters recommended that location due to the fire lane, etc. The tent would only be erect for one day.

**D. KUCHLER MOTIONED TO APPROVE AS THE PETITIONER REQUESTED. K. STREGE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

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- b. **TAX KEY 787.075, 810 GENESEE STREET, DELAFIELD.** OWNER: MARTINA VERRE. APPLICANT: JENNY ALLEN. APPLICANT SEEKS APPROVAL OF SIGNAGE FOR BARK RIVER KIDS.

**D. KUCHLER MOTIONED TO APPROVE ITEM 3B. K. STREGE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- c. **TAX KEY 787.076, 808 GENESEE STREET, DELAFIELD.** OWNER: TOM AUL. APPLICANTS: KAREN RANDOW AND JULIE PASSINEAU. APPLICANTS SEEK APPROVAL OF A BUSINESS PLAN OF OPERATION AND SIGNAGE FOR CANDY BOUQUET, A RETAIL STORE. HOURS OF OPERATION ARE WEEKDAYS, SATURDAY AND SUNDAY, 7:00 AM – 11:00 PM. TWO PART-TIME AND 2 FULL-TIME EMPLOYEES.

T. Aul recused himself from discussion on this item.

The verbiage of the sign was discussed. J. Passineau was present at the meeting.

**D. KUCHLER MOTIONED TO APPROVE WITH THE UNDERSTANDING THAT “DELICIOUS ALTERNATIVE TO FLOWERS” IS REMOVED FROM THE SIGN AND THAT THEY WORK WITH STAFF ON THE FONT AND COLOR. K. STREGE SECONDED THE MOTION. R. MISKELLEY ASKED IF THE PETITIONER WAS ALLOWED TO MAKE A CHANGE TO THE FRANCHISE LOGO WITHOUT GOING THROUGH THE CORPORATION. HE SUGGESTED THAT THE PETITION BE WITHDRAWN TO REVIEW WITH THE FRANCHISE AND BRING IT BACK AT THE NEXT MEETING. PETITIONER STATED THAT THEY HAVE THE ACTUAL LOGO IN THE CORNER OF THEIR WINDOW. D. KUCHLER AMENDED THE MOTION TO REFLECT THAT IT BE LEFT UP TO THE PETITIONERS AND TO DETERMINE THROUGH THEIR FRANCHISE AGREEMENT IF THE “DELICIOUS ALTERNATIVE TO FLOWERS” IS PART OF THE LOGO AND NEEDS TO REMAIN PART AND IF SO, THE PLAN COMMISSION WOULD ALLOW IT AS LONG AS THE SIGN COMPLIED TO THE 12 SF AND TO WORK WITH STAFF TO MAKE SURE THAT THE FONT AND COLORS WOULD BE ACCEPTABLE. DISCUSSION TOOK PLACE ON WITHDRAWING THE REQUEST. K. STREGE AGREED WITH THE AMENDMENT. THERE WAS NO FURTHER DISCUSSION. SIX WERE IN FAVOR. T. AUL ABSTAINED. MOTION CARRIED.**

4. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVALS

- a. **TAX KEY 794.015 AND 794.016, LOT 3 & 4, CUSHING PARK BUSINESS CENTER.** OWNER: PATRICK JOHNSON. APPLICANT: OLIVER CONSTRUCTION. APPLICANT SEEKS APPROVAL OF A

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BUSINESS PLAN OF OPERATION AND CERTIFIED SURVEY MAP FOR PJ'S STORAGE. HOURS OF OPERATION ARE WEEKDAYS, 7:00 AM – 7:00 PM; SATURDAY AND SUNDAY, 7:00 AM – 3:00 PM.

M. Court stated that this is a proposed storage business located in Cushing Business Park. The business plan of operation submitted is appropriate for the site and use. The staff has reviewed the CSM. Staff recommended approval contingent upon that it go to Public Works for review of the site plan, coordination with the City Police Department and Fire Departments to ensure accessibility with the security gate, submittal of the final architecture and landscaping plans for review and approval by staff.

The hours that the building would be accessible for patrons was discussed. Concern was expressed regarding access to the units in the very early morning or very late night hours. R. Miskelley suggested giving a contingency approval for six months of operation after construction of the building and judge from reactions of the neighbors at that time as to the access hours. The hours of operation listed on the business plan of operation will be the hours when someone (staff) would be on site. Patrons of the units would be able to access their units 24 hours per day. M. Carlson stated that there are other 24 hour operations in the City of Delafield. P. Johnson asked for an opinion of having staff present 24 hours per day. R. Miskelley stated that this be put back on the agenda for review six months after occupancy.

**R. MISKELLEY MOTIONED TO GIVE THE PETITIONER THE RIGHT TO OPEN THE BUSINESS AS THEY DESCRIBED, WITH LIMITED HOURS OF OPERATION WHERE THEY WILL BE THERE, BUT 24 ACCESS, TO REVIEW IN SIX MONTHS TO DETERMINE THE IMPACT ON THE NEIGHBORHOOD, TO WORK WITH PUBLIC WORKS FOR REVIEW OF THE SITE PLAN (STORMWATER CALCULATIONS), TO COORDINATE WITH THE POLICE AND FIRE DEPARTMENTS TO ENSURE EMERGENCY ACCESS, AND TO SUBMIT FINAL ARCHITECTURE AND LANDSCAPING TO STAFF FOR THEIR APPROVAL. K. STREGE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FIVE WERE IN FAVOR. C. SMITH AND C. MURSKY OPPOSED. MOTION CARRIED.**

5. PLANS OF OPERATION, SIGNAGE AND SITE PLAN

- a. **TAX KEY 793.014.001, 603 GENESEE STREET, DELAFIELD.**  
OWNER: LANG INVESTMENTS. APPLICANT: GORDON SLOAN.  
APPLICANT SEEKS APPROVAL OF SIGNAGE FOR THE LOAF & JUG RESTAURANT.

This is for signage only. The size is appropriate. There is concern with the building facade color being different from what was originally

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approved. The colors look good, but it is a change to the conditional use to the building architecture. They recommend approval as a minor change and it would have to go to Common Council.

It was stated if these colors had originally been proposed it would probably not have created any issues.

**R. MISKELLEY MOTIONED TO APPROVE. C. SMITH SECONDED THE MOTION. IT WAS CLARIFIED THAT THIS IS A CONDITIONAL USE BUILDING, IT DOES NEED A DETERMINATION FROM THE PLAN COMMISSION AND THE COMMON COUNCIL AS TO WHETHER IT IS A MAJOR OR MINOR CHANGE. R. MISKELLEY WITHDREW HIS MOTION.**

**C. SMITH MOTIONED TO APPROVE THE COLOR AND RECOMMEND TO THE COMMON COUNCIL AS A MINOR CHANGE. D. KUCHLER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

**R. MISKELLEY MOTIONED TO APPROVE. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. **TAX KEY 787.053, 826 GENESEE STREET, DELAFIELD. OWNER: TOM AUL. APPLICANT: PAUL BORMACHER. APPLICANT SEEKS APPROVAL OF SIGNAGE FOR GRANITEWERKS, INC.**

T. Aul recused himself from discussion on this item.

P. Bormacher was present. He is applying for a new sign on the front of his business.

M. Court reported that staff has reviewed this. A detailed sign report was included in the Commissioner's packet. If the sign size is to be changed, the western post location must not change. The recommendation was approval contingent that the sign size is the same as the original on the condition that the sign is outside of the right-of-way and that the information on the sign is limited to the business name.

P. Bormacher thought that he had a zero setback because it was a street without a sidewalk. He stated that he would try to only go within two feet of that, moving it another 39" in the western direction and moving the other sign post slightly back to accommodate 66". M. Court stated that staff thought that the sign was right at the right-of-way line and that they were at the zero set back now. There was not an issue on the sign size. P. Bormacher would like a sign with 14.6 SF (a result of his business branding) to have 6" lettering so that it can be seen. He would like to move the post towards his building and respect the setback limits

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in order to accomplish having a larger sign. R. Miskelley would like this referred to staff. C. Smith thought it was appropriate to put what the company does on a sign. He would prefer not to have phone numbers and website information on a sign. D. Kuchler and R. Miskelley agreed.

**D. KUCHLER MOTIONED TO APPROVE CONTINGENT UPON STAFF REVIEW AND APPROVAL. C. SMITH SECONDED THE MOTION. IT WAS CLARIFIED THAT THE SIGN WAS APPROVED, BUT P. BORMACHER WOULD NEED TO MEET WITH STAFF WITH A MORE DETAILED SITE PLAN SHOWING WHERE THE RIGHT OF WAY WAS AND SHOW THE EXACT SIGN. SIX WERE IN FAVOR. T. AUL ABSTAINED. MOTION CARRIED.**

- c. **TAX KEY 749.019, 3317 LAKE DRIVE, HARTLAND.** APPLICANTS: MARK AND MARLENE NELSON. APPLICANTS SEEK APPROVAL OF A SITE PLAN FOR A RETAINING WALL.

R. Miskelley recused himself from this item.

M. Court stated that the retaining wall was a result of City Ordinance Chapter 17.14. The retaining wall falls within the interior side yard setback and exceeds the three foot height. Staff has reviewed the plans. They have requested the site plan and cross section of the retaining wall. Photographs of where the wall would be were provided. Staff encouraged the Petitioners to contact their neighbors, although it is not required. All of the required information has been submitted and it has been reviewed by Staff. There are no issues as far as drainage. Staff recommended approval.

Mark and Marlene Nelson were present at the meeting. They have contacted their neighbors and a letter was included in the Commissioner's packets. T. Maney stated that the retaining walls are coming to the Plan Commission as a result of people rebuilding homes with an exposed lower level on lots that are smaller. The ordinance requires that no additional water run-off be directed toward the neighboring property. He stated that in a lot of cases, retaining walls stop additional water from going onto neighboring property.

**C. SMITH MOTIONED TO APPROVE. D. KUCHLER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. SIX WERE IN FAVOR. R. MISKELLEY ABSTAINED. MOTION CARRIED.**

- d. **TAX KEY 749.016, 3329 LAKE DRIVE, HARTLAND.** APPLICANTS: MICHAEL AND COURTNEY ROEHL. APPLICANTS SEEK APPROVAL OF A SITE PLAN FOR A RETAINING WALL.

M. Court reported that this was grade related and much of it was decorative landscaping. Their review requested additional information to

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verify drainage; this was provided by the Petitioner. There are no issues regarding drainage. He recommended approval.

**D. KUCHLER MOTIONED TO APPROVE. C. SMITH SECONDED THE MOTION. THE PETITIONER STATED THAT THE PLANS HAVE BEEN SHARED WITH THE NEIGHBORS AND THERE WERE NO OBJECTIONS. ALL WERE IN FAVOR. MOTION CARRIED.**

- e. **TAX KEY 755.967, 2617 NAGAWICKA ROAD, HARTLAND.**  
APPLICANTS: TERRY AND JODY LUNDELL. APPLICANTS SEEK APPROVAL OF A RETAINING WALL.

M. Court distributed additional information to the Commissioners. This wall was due to a lower level exposure to the lake, the wall would be on both sides of the exposure. There is no issue with the drainage. He recommended approval.

J. Lundell was present at the meeting. She stated that this retaining wall would not be required if the building were to be put where it was approved to be placed, 75 feet forward on the lot. Because of the request of neighbors, they moved the house to the back of the lot and now require the retaining wall.

**T. AUL MOTIONED TO APPROVE. D. KUCHLER SECONDED THE MOTION. A RAILING OR NATURAL PLANTING BARRIER WAS RECOMMENDED FOR THE TOP OF THE WALL TO PROTECT PEOPLE FROM FALLING OVER THE WALL. T. AUL AMENDED HIS MOTION TO INCLUDE THE CITY ENGINEER'S RECOMMENDATION OF A BARRIER OF SOME TYPE AT THE TOP OF THE WALL. D. KUCHLER AGREED. IT WAS CLARIFIED THAT ANY WALL THAT IS 3' OR LESS DID NOT NEED A BARRIER. M. COURT STATED THAT IT NEEDS TO BE CONSTRUCTED AS SHOWN. T. MANEY WILL MAKE SURE THAT THIS IS DONE. THERE WILL NOT BE ANY WATER ISSUES RESULTING FROM THIS. ALL WERE IN FAVOR. MOTION CARRIED.**

6. PRELIMINARY

- a. **TAX KEY 807.978.008, 350 AUSTIN CIRCLE, DELAFIELD.** OWNER: TOM SMITH. APPLICANTS: KRIS FRANKENBERG/TODD MILLER. APPLICANTS SEEK APPROVAL OF A CONDITIONAL USE PERMIT AND SITE PLAN FOR BARKS 2U, INC, A DOGGY DAY CARE.

M. Court stated that the proposed business would operate as a dog day care with overnight boarding and limited retail in one-half of the Austin Plumbing Heating building. This is located in a M1 zoning district. The overnight boarding aspect would invoke the application for a commercial kennel designation. Per Chapter 17.46(2), commercial kennels are allowed as conditional uses and only in agricultural districts. If the

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overnight aspect of the business was eliminated, they could still pursue the conditional use in the M1 district. There is an issue with the City's Master Land Use. Recently, this area has been changed to planned mix use. Staff felt that this type of business may not be best for the existing and future use.

K. Frankenberg and T. Miller were present at the meeting. They are proposing a doggy day care. He explained that with kennels, the dogs are unsupervised. In a doggy day care, the dogs are enrolled, are familiar with the surroundings, come on a regular basis, and play for eight hours in supervised play groups. The dogs would be brought inside at 6:30 p.m. Most of the dogs sleep until the next morning. The dogs are screened before being admitted into the day care. Kennels take all dogs, they are left outside, they are not stimulated, and it is a different type of service. The day care is designed to socialize the dogs. He gave a history of the doggy day care. A small retail area and grooming services will be offered. Overnight services are not allowed for people to just drop off a dog. The overnight services would only be for dogs that are part of the daycare and are enrolled. They are familiar with the surroundings and staff. Hours of operation are 6:30 a.m. – 6:30 p.m. (staff would stay on the premises until 7 p.m.). Weekend staff would care for the dogs that are spending the weekend. Staff would be present from 6:30 a.m. – 9 a.m. and return in the evening for 2.5 hours. Occasionally the facility would operate on the weekend for a charitable event, birthday party, and possible training classes. Other services, the benefits to the City of Delafield, the location, the architecture, and concerns from other municipalities were reviewed.

M. Court stated that staff recommended denial based on the land use. M. Carlson reviewed the process – the Petitioner was asking for feedback and input. The Petitioner then would need to submit an application to schedule a public hearing. A public hearing would then be scheduled. The benefit of a preliminary presentation is for the Petitioner to listen to what the Plan Commission has to say and to make a judgment as to whether they want to spend additional time and resources going through a process. The Plan Commission was asked for feedback at this stage.

Other locations were discussed. R. Miskelley stated that he did not feel this location was the correction location for the business, but that there were other locations that would be compatible. D. Kuchler stated that the overnight stays were not as much of a problem as the location. C. Smith did not object to the location and thought it was a good idea. However, he thought it would be very difficult to change the zoning to make it happen. Looking for another location would be advantageous. Staff would be willing to talk with the Petitioner regarding various options.

7. ZONING AND ORDINANCE REVISION

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- a. RECOMMENDATION TO CHANGE ZONING TEXT AMENDMENT 17.39(18)(K)C AND 17.39(19)K3 TO ELIMINATE HEIGHT LIMITATIONS OF THREE STORIES.

M. Court stated that there was a request to look at the ordinance with regard to the height of the buildings in the CBD1 and CBD2 districts; specifically, to look at the reference to the number of floors. A proposed text amendment was provided in the Commissioner's packets that would eliminate the reference that "no building may exceed the three floors above grade." M. Carlson stated that in order to make a change like this in the zoning code it requires a text amendment to the zoning code. When the zoning code is modified, it requires a public hearing before the Plan Commission. The Plan Commission would make a recommendation and the City Council would have the final decision on the approval of those changes. He discussed have a scaled model (or computer model) of downtown Delafield created. T. Maney stated that the original height restriction was based on fire protection. T. Aul stated that a photograph simulation of a building proposed to be four stories was done and it showed that the building would be several feet shorter than the Town Bank building. The building that was proposed has been withdrawn from consideration because of the zoning code. It came up for discussion last month after this was withdrawn. He stated that there are presently three other buildings in the City that are over 50' tall. No one has stated that these buildings are ugly and don't fit into downtown Delafield because of their height. The property that he owns is now for sale. He stated that he does not have a property before the Plan Commission. As a Plan Commissioner, he felt that he had a right to speak to the issue as to what fits in downtown Delafield even though he may own a property in downtown Delafield. He discussed some of his activities in the City of Delafield in regards to misunderstandings that have taken place.

Mayor Schuman stated that he reviewed the City Attorney's memos. He stated that he lives on the lake, has a road in front of his house, and as a council member has voted to have his road repaved. As a person who lives on the lake, he voted for things that have benefited that. It is not self-interest because it benefits more people than just himself.

M. Court stated that if this was approved, it would give more flexibility, but still have a maximum height that is a controlling factor. The height itself has not been changed. T. Aul stated that the better standard should be how the proposed building would fit in with its neighbors. By keeping the height restriction and floor restriction it would be limited and people would be dissuaded or demote the idea of having people come in with projects that could be wonderful and beautify the community. Buildings should be determined on how they fit in the neighborhood. He recommended that not only the floors, but also the height restriction be removed and let the people come in. K. Strege thought that the height

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restriction is important. The height should have to be approved by the Fire Department. T. Maney stated that there is a height exception included now. General discussion took place. Mayor Schuman stated that one thing that is looked at with the zoning in CBD1 and CBD2 is that there can be zoning, but if the zoning discourages redevelopment, there will be many old buildings that no one can do anything with. He asked if this was the image that was wanted for the downtown area. It was reiterated that the original reason for the height restriction was because of fire protection. M. Carlson stated that although he did not have input from the Fire Department, with the requirements for sprinkler systems, the height requirement was less important. C. Smith would like a balance between allowing additional height/space but to give the developers some guidance as to what is expected. C. Mursky thought it was about vision and what the Plan Commission wanted the community to look like. She stated that when thinking of this, what exists now should not be thought about, but about redevelopment. Thinking should be bigger. However, how would this affect parking, water and sewer. She asked if there is the infrastructure, and is more always better. M. Court stated that he thought there was the capacity in the sewers and this area was sewered. Discussion took place on the Del-Hart facility. T. Aul stated that if the City allowed development/redevelopment, the path has somewhat been cut that rules out redevelopment that would be high-rise in nature because of the investments into the City. The course has been set for this part of the City. It still must be on a basis of what fits into the neighborhood – this will always be the standard. The City must be tuned into the evolving vision for portions of the City and how they may change as a result of things happening in surrounding areas. M. Carlson stated if all wanted a vibrant downtown, then the City should be willing to take the steps necessary to allow the downtown environment to be competitive. The community must create a competitive environment. C. Mursky asked staff to get recommendations/information/studies together to define what conditions would create a vibrant downtown and what is necessary for critical mass. M. Carlson will get information from the Main Street USA program.

**K. STREGE MOTIONED TO DEFER THIS ITEM UNTIL MORE INFORMATION IS RECEIVED FROM STAFF. R. MISKELLEY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

8. HEARING DATES

There were no hearing dates to report.

9. ADMINISTRATOR'S REPORT

No report.

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10. BUILDING INSPECTOR'S REPORT

Total number of permits to date, 31; plus one occupancy permit. New permits include one new single family home; one new community clubhouse at Parquelyn Village; and 15 detached garages at Parquelyn Village.

11. BOARD OF ZONING APPEALS

No report.

12. CORRESPONDENCE

None.

13. ADJOURNMENT

**R. MISKELLEY MOTIONED TO ADJOURN FROM THE MEETING. D. KUCHLER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 9:40 P.M.**

Respectfully submitted:

Minutes Prepared By:

Ellen O'Brien  
Deputy Clerk

Accurate Business Communications LLC