

CITY OF DELAFIELD PLAN COMMISSION MINUTES

CALL MEETING TO ORDER

Mayor Craig called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

Mayor Paul Craig
Phil Schuman
Mike Court
Beth Leonard
Roger Dupler
Tom Maney
Matt Carlson
Marilyn Czubkowski

Absent

Chrys Mursky
Dick Kuchler

1. APPROVE PLAN COMMISSION MEETING MINUTES OF MAY 26, 2004 AND JUNE 30, 2004

P. SCHUMAN MOTIONED TO APPROVE THE PLAN COMMISSION MEETING MINUTES OF MAY 26, 2004. M. COURT SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

P. SCHUMAN MOTIONED TO APPROVE THE PLAN COMMISSION MEETING MINUTES OF JUNE 30, 2004. M. COURT 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.

Mark Lein, 3591 Kettle Court East – Discussed landscaping by the Tanis Building. He inquired as to what would happen to the old building in terms of landscaping, clean-up, etc.

Jim Stoufer, 637 Main Street – Spoke regarding Item 7 – Historic District – Was opposed to the expansion of the district because he has not read anything that describes what triggers the event and how the glass square footage is measured. He thought that it was a way to build the value of properties around the district, but would decrease the value of properties in the district. It was

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his opinion that this was an unfair tax on the Historic District. There is no reason that his building has to look like Williamsburg. They do not need to be told which colors to use, how big the windows should be, the type of siding to use, etc. There needs to be some latitude. He has a conforming use now. He commented that he does like the reconstruction that has taken place downtown. M. Carlson clarified that the ordinance would not require cedar siding – a copy of the ordinance will be given to Mr. Stoufer.

Lynn Reich, 484 Garrison (home) 706 Main Street (business) – She was upset about the historic district ordinance. To change the boundaries of the district would change everything – it would include auto body, banks, etc. The rules do not fit the extended boundary. She stated that the whole back of their building would need to be changed. The parking, green space, and screening were addressed. She asked how many of the commissioners had property downtown. She has improved her property and did not see why they would need to comply. She considered this harassment. Downtown is mostly made up of small businesses. She would not accept this and stated that it was not right.

Mayor Craig asked three times if there were any further comments. There were none.

B. LEONARD MOTIONED TO CLOSE CITIZENS COMMENTS. P. SCHUMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. CONSENT AGENDA

- a. **Tax Key 807.982.001, 3586 Hillside Road, Delafield.** Applicant: Mike Landry. Applicant seeks approval of site plan for tent display from September 15 – October 6, 2004 at Area Rental.
- b. Approval of minor change to the storefront glass from clear glass to grey tinted for sun glare at **Best Buy, Tax Key 804.999.008** at The Shoppes at Nagawaukee, 3200 Golf Road, Delafield, WI

P. SCHUMAN MOTIONED TO APPROVE. M. COURT SECONDED THE MOTION. M. CZUBKOWSKI READ ITEMS 3A & 3B. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

4. PLANS OF OPERATION, SIGNAGE AND SITE PLAN

- a. **TAX KEY 754.989.004, WATERLEAF SUBDIVISION.** APPLICANT: TOM TAUGHER. APPLICANT SEEKS APPROVAL OF A FENCE FOR THE SPORTS COURT IN THE SUBDIVISION.

T. Taugher was present. He was seeking approval of a century fence to encompass part of the sports court. They were trying to utilize as little fence as possible, yet enough to be safe. Landscaping is taking place. R.

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Dupler stated that this sports court was in both the preliminary plat and final plat documents. He recommended approval.

P. SCHUMAN MOTIONED TO SEND TO THE COMMON COUNCIL FOR APPROVAL AS A MINOR CHANGE. M. COURT SECONDED THE MOTION. Mayor Craig stated that this was indicated as a sports out lot in the original approval process. B. Leonard stated that there is a similar situation in Bostrum Park. **B. LEONARD MADE A FRIENDLY AMENDMENT TO THE MOTION TO GIVE PERMISSION TO FENCE ALL THE WAY AROUND THE ENTIRE COURT. P. SCHUMAN AND M. COURT ACCEPTED THE FRIENDLY AMENDMENT. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. **TAX KEY 792.056, 803 GENESEE STREET, DELAFIELD.** APPLICANT: JAMIE WILKE. OWNER: LANG INVESTMENTS. APPLICANT SEEKS APPROVAL OF SIGN PERMIT, LANDSCAPING PLAN, AWNING PLAN AND AMENDED BUSINESS PLAN OF OPERATION FOR JAMIE WILKE INTERIORS, LTD., A RETAIL FURNITURE AND INTERIOR DESIGN STORE. HOURS OF OPERATION ARE WEEKDAYS AND SATURDAYS, 10:00 A.M. – 5:00 P.M.; SUNDAYS FROM LABOR DAY TO MEMORIAL DAY (WINTER HOURS), 11:00 A.M – 4:00 P.M.

J. Wilke was present. R. Dupler stated that the business plan of operation was approved at the last meeting. The revision of hours is acceptable and should be considered. Signage improvements to the buildings (awnings) are appropriate. The awnings are not lit. He requested assurance from J. Wilke that there would be a 10' clearance under the awnings on the southern elevation. J. Wilke agreed. R. Dupler was concerned about the font and suggested block type font rather than script or in combination with standard block. J. Wilke will take this under consideration. R. Dupler stated that the grass area is shared by a number of tenants in this courtyard and the proposed monument sign is something that should be considered as a premise sign to serve all of the tenants within that building. Consideration should be given to obtaining approval of the other tenants in this shopping area that will be displayed on the premise sign with the understanding that they would have to sacrifice their ground mounted signs currently displayed within the courtyard. R. Dupler would prefer that the signage be in compliance with the architectural style of the building, a federal style with a bit of masonry rather than post mounted. The size of the sign was discussed: the width was okay, but the height may be too high and should be downscaled. In regards to landscaping R. Dupler asked that the planting beds be set back from sidewalks to allow for a 3' grass strip or to incorporate evergreen materials so there is a year around vegetation. He recommended approval of the awnings in the current condition, but in regards to the premise sign the petitioner should be asked to resubmit a design more architectural to the building and the multi-tenants that it is supposed to be representing, and to take

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into consideration the landscape request. J. Wilke discussed the sign and stated it would be a carved wood sign. He stated that he would be willing to remove the other tenants from his sign and reduce its height. R. Dupler asked that the sign then be moved back towards his building. P. Schuman suggested referring the sign back to staff and Bob Lang.

P. SCHUMAN MOVED FOR APPROVAL OF THE BUSINESS PLAN, AWNINGS, LANDSCAPING PLAN WITH THE ABOVE SUGGESTIONS, AND THAT THE PREMISE SIGN BE REFERRED TO STAFF LEVEL FOR APPROVAL. HE AMENDED HIS MOTION CONTINGENT ON MAKING THE LANDSCAPING CONFORM TO THE SIGNAGE LOCATION. M. COURT SECONDED THE MOTION. THE MOTION WAS AMENDED TO STATE THAT THE AWNINGS HAVE A 10' CLEARANCE ON THE SOUTHERN SIDE OF THE BUILDING. M. Carlson stated that the long term maintenance of the awnings must be maintained; that J. Wilke agree to maintain them in a manner acceptable to City, and that Mr. Lang needs to address the location of the clock and the plaque in the courtyard – an easement is needed to secure long term placement of those facilities. Regarding the potential vacation of the property, if J. Wilke Interiors should leave the premises, the awning with the name on it should be removed within 30 days. **ALL WERE IN FAVOR. MOTION CARRIED.**

- c. **TAX KEY 804.999.008, FAMOUS FOOTWEAR.** APPLICANT: POBLOCKI SIGN. APPLICANT SEEKS APPROVAL OF THE MONUMENT SIGN PANELS FOR FAMOUS FOOTWEAR AT THE SHOPPES AT NAGAWAUKEE.

G. Kost was present. The signage is being kept very consistent. R. Dupler recommended approval. The oak tree is being protected and a fence has been erected around it.

P. SCHUMAN MOTIONED TO APPROVE. B. LEONARD SECONDED THE MOTION. It was stated that the homes near the tree will be torn down at some point in time. **THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- d. **TAX KEY 804.999.008, QDOBA MEXICAN GRILL.** APPLICANT: SIGN EFFECTZ. APPLICANT SEEKS APPROVAL OF MONUMENT SIGN PANELS FOR QDOBA MEXICAN GRILL AT THE SHOPPES AT NAGAWAUKEE.

G. Kost was present. The signage is consistent. R. Dupler recommended approval.

P. SCHUMAN MOTIONED TO APPROVE. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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- e. **TAX KEY 804.999.004, UPS STORE, 3215-11 GOLF ROAD, DELAFIELD.** APPLICANT: BONNIE DIXON. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR UPS STORE, A SHIPPING AND PACKAGING STORE. HOURS OF OPERATION ARE WEEKDAYS, 10:00 A.M. – 8:00 P.M.; SATURDAYS, 10:00 A.M. – 4:00 P.M. TWO FULL-TIME AND 3 PART-TIME EMPLOYEES.

B. Dixon was present. R. Dupler stated that the business plan of operation was appropriate and that no signage was proposed at this time. B. Dixon asked to add Sunday hours from 10 a.m. – 4 p.m.

B. LEONARD MOVED TO APPROVE WITH THE ADDITION OF SUNDAY HOURS FROM 10 A.M. – 4 P.M. P. SCHUMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- f. **TAX KEY 788.015, 1331 MILWAUKEE STREET, DELAFIELD, WI.** APPLICANT: DALE KOLBECK, ANDERS, INC. APPLICANT SEEKS APPROVAL OF BOATHOUSE FOR OWNERS KEVIN AND CATHY HART.

Jim from the construction company was present. They would like to remove the existing siding from the boathouse and add horizontal siding to match the house. The structure is sound, but they would like to beautify it in addition to adding a new service and garage door. R. Dupler confirmed that the structure is sound. Jim stated that this would just be the building, no shoreline work would be involved. P. Schuman stated that he would like this to go before the Lake Welfare Committee (LWC). M. Carlson stated that this is an existing boathouse; there is no expansion, just new “skin” on the outside of the boathouse. It is a conforming structure. P. Schuman waived review by the LWC due to it being a minor change.

P. SCHUMAN MOTIONED TO APPROVE. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- g. **TAX KEY 802.981.001, 1856 MILWAUKEE STREET, DELAFIELD, WI.** APPLICANTS: DENNIS AND PATRICIA SCHLEI. APPLICANTS SEEK APPROVAL OF A LANDSCAPE PLAN.

Dennis & Patricia Schlei were present at the meeting and asked for approval of a revised site plan. They would like to have a patio, parking area, and the addition of an arbor off of the house. They distributed photographs.

R. Dupler stated that this property is a conditional use and is a planned development in combination with the property immediately to the east.

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Another house pad has yet to be developed. He reviewed the area. They have a shared driveway and auto court with the lot to the east, the entire lot, and associated open space. An actual landscape plan was not originally submitted for their building or for the neighbor's building. There is nothing in the record other than the identification of a small area to be screened with the intent that it would be winter storage which is the area in the north side of the property behind the pond. With the proposed plan: arbors – these would be structures on foundations; they are also proposing to increase impervious surface (pave the area in front of the garage for additional parking space). He asked if this was a minor or major change to the PUD. He would consider these items to be major changes to the PUD. He suggested that the Schlei's come back with their neighbors as a co-petitioner and encouraged them both to come with one cohesive plan. The engineer will need to look at the impervious area. This should be evaluated as one petitioner. The Schlei's presented the Larson's landscape plan. Mr. Schlei stated that the Larson's have approved of their plan. T. Maney commented. M. Carlson stated that the intention was that both units were to be very similar in architecture and landscaping. The complicating factor is that there is a signed condominium document that specifies certain elements of the plan. Some of the things that Mr. & Mrs. Schlei want to do conflict with the covenants. M. Carlson did not think the Plan Commission could do anything tonight. A public hearing would be needed to change the covenants. Discussion took place. Mayor Craig stated that the PUD documents needed to be obtained and impervious surface studies needed to be done. T. Maney stated that if this was deemed to be a major change and a public hearing was needed, that it should be done at one time and the Larsons should be included. R. Dupler stated that this would be a public hearing next month. A letter needs to be written to the Larsons requesting their presence at next month's meeting or to accept the conditions decided upon at that meeting. A plan identifying all site plan modifications needs to be given to the Plan Commission in order to evaluate those elements critical to the conditional use. M. Court requested a grading plan to show drainage issues. M. Czubkowski stated that improvements may not be made in the City's right-of-way. Mayor Craig stated that the Schlei's will work with the Larson's to get the building, landscaping plans. R. Dupler and M. Court will do the calculations of impervious surfaces and will work with the Schleis to make sure that they fit within the area. A public hearing will be scheduled for the next meeting (August 25, 2004).

5. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVALS

a. FINAL PLAT FOR MISSION WOODS SUBDIVISION.

A letter was received asking that this be tabled until next month.

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- b. **TAX KEY 807.985.014, 3660 KETTLE COURT EAST, DELAFIELD, WI.** APPLICANT: MICHAEL BYRNE, BRIOHN BUILDING CORP. SEEKS FINAL APPROVAL OF THE SITE PLAN, ARCHITECTURE AND CSM FOR THE TANIS CORP.

M. Byrne of Briohn Building Corp. was present at the meeting representing Tanis Corporation. Mayor Craig asked about the landscaping of the old building, particularly cutting of the grass. M. Byrne stated that the grass would be cut and the pile of dirt would be taken care of.

R. Dupler reviewed. A site plan has been reviewed by staff and issues with engineering in the detention have been identified. A CSM with revisions has been completed and the outstanding issues are minor technical issues that have been addressed. The proposed monument sign does not meet the current setback requirement of 50'. The sign identifies the building, tenants, and is used for trucking. No building signage is being proposed. In the proposed location, this sign is appropriate. Recommended consideration and approval.

P. SCHUMAN MOVED FOR APPROVAL WITH THE SIGN IN THE PROPOSED LOCATION AND RESOLUTION OF THE ENGINEERING ISSUES. B. LEONARD SECONDED THE MOTION. GENERAL DISCUSSION TOOK PLACE. ALL WERE IN FAVOR. MOTION CARRIED.

- c. **TAX KEY 798.075, 805 WELLS STREET, DELAFIELD, WI.** THE CARPENTER'S SHOP. APPLICANT: LANG INVESTMENTS. APPLICANT SEEKS FINAL APPROVAL OF THE SITE PLAN AND CSM.

The CSM has not yet been submitted yet. This was tabled until next month.

- d. CUSHING PARK RESTROOM – FINAL APPROVAL

No revisions have been made since the June Plan Commission meeting. Drawings were included in the commissioner's packets. The bidding process has been started. It will go before the Park & Recreation Committee tomorrow night for informational purposes. Recommended approval.

M. COURT MOVED TO APPROVE. P. SCHUMAN SECONDED THE MOTION. M. Carlson stated that the bids are due on August 13, 2004. Discussion took place as to when the Park & Recreation Committee would be able to review the bids. **ALL WERE IN FAVOR. MOTION CARRIED.**

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6. PRELIMINARY CONSIDERATION

- a. **TAX KEY 797.988, 797.989, 797990, 1390 MAIN ST., 1327 MAIN STREET, DELAFIELD.** APPLICANTS: MICHAEL AND CYNTHIA KIEREN. APPLICANTS SEEK PRELIMINARY CONSIDERATION OF CSM.

Michael Kieren was present. Their intention is to take the plotted lot between the two properties and split it in half, giving approximately one-half to each property on either side. R. Dupler stated that they wanted to consolidate three parcels into two. The plan is reasonably compliant. Recommended consideration and approval contingent upon surveyor's comments.

P. SCHUMAN MOTIONED TO APPROVE. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **TAX KEY 786.073, 1823 W. SHORE DRIVE, DELAFIELD.** APPLICANTS: RONALD AND KATHERINE ALDRIDGE. APPLICANTS SEEKS APPROVAL OF CSM FOR RE-DIVISION OF LOTS 18 AND 19 OF NAGAWICKA LAKE HEIGHTS.

Ronald Aldridge was present. The reason for the CSM is so they can put an addition onto the house. R. Dupler stated that the two parcels would be consolidated into one. Recommended approval contingent upon surveyor's comments.

P. SCHUMAN MOTIONED TO APPROVE. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

7. ZONING AND ORDINANCE REVISION

- a. HISTORIC DISTRICT

A memo dated July 22, 2004 from R. Dupler was included in the commissioner's packets. The highlighted items are being proposed for consideration and modification. The 40% window coverage has always been in the ordinance and the proposed language indicates that this would be for buildings designed for retail use. Item 1 (c) dealing with new structures was reviewed. The only other modification was in subsection (d) dealing with floors above the ground floor.

Mayor Craig stated that this ordinance would not be applicable to single and two family homes. Residences were not included unless they so chose to do so. The houses in the area would not be affected by the ordinance or change. The parking requirements were discussed. R.

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Dupler stated that when reviewing plans this body could make exceptions – it would be on a case by case basis. If a property were to come in for redevelopment of structure – if the structure is changing, or the creation of a new structure would trigger this. Landscaping would not trigger this. Discussion took place on public institutions (schools). There is confusion on the wording in subsection (c) that needs to be worked on to make it clear as to what triggers the compliance of buildings to occur. M. Carlson reviewed the signage that has been approved in the area in regards to ground mounted signs. The Chamber of Commerce has discussed this ordinance. M. Czubkowski stated that the word “historic” caused more confusion than anything. It could be changed to “Downtown Delafield District”. The language will be reworked and brought back at the next meeting.

8. HEARING DATES

Public hearing for Schleis – August
Public hearing for Summer Fun Marine – September

9. ADMINISTRATOR’S REPORT

a. CONSIDER REVOCATION OF SUMMER FUN MARINE CONDITIONAL USE PERMIT.

The City Attorney’s opinion was that if the Plan Commission and Common Council are intending to revoke the conditional use, it should go through the prescribed process which would require a public hearing. The Attorney’s opinion will be distributed to commissioners. Mr. Gatzow indicated that he has installed some of the landscaping discussed at the last Plan Commission meeting and has worked with the neighbors to determine plans that they would prefer. However, now is not the ultimate time to dig the plants. He indicated that progress is being made on the landscaping and appropriate plans are being made to install others. M. Czubkowski stated that the fee had been paid and that the signing of the conditional use took place. Mr. Gatzow would be unable to attend a public hearing next month.

It was the Plan Commission’s consensus to schedule a public hearing at the Plan Commission meeting in September.

10. BUILDING INSPECTOR’S REPORT

Total number of permits to date 58, plus 2 occupancy, 5 new single family homes.

11. BOARD OF ZONING APPEALS

No report.

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12. CORRESPONDENCE

- a. Letter from State of Wisconsin Department of Natural Resources dated June 18, 2004 regarding implications of two recent Wisconsin Supreme Court Cases on shore land and floodplain variances.
- b. Blockbuster sign interpretation.

R. Dupler stated that investigation of the documents and records at the City Hall indicate that the Blockbuster sign was approved in December 1994. The minutes of that meeting specifically identified that the sign should be incorporated in the overall signage redevelopment program for that shopping center. In January 1995, the Plan Commission acted to approve the redevelopment plan of the shopping center. There was no indication in the minutes that any consideration was given to the Blockbuster sign at that time, however, there was specific identification that signs should be predominately red, a minor color white, and accent colors could be approved up to 20% of the signage. Therefore, he thought it was reasonable to assume that it was an approved sign, that someone modified the language in their signage package to ensure that it could be incorporated, at least legally, into their already developed plan package. As such, he would consider the Blockbuster's awning part of their signage, an allowable approved sign, and a reduction of that therefore would not trigger the analysis or consideration of its grandfathered status. In his opinion, it is an approved legal sign.

13. ADJOURNMENT

P. SCHUMAN MOTIONED TO ADJOURN FROM THE MEETING. M. COURT SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED. THE MEETING ADJOURNED AT 9:18 P.M.

Respectfully submitted:

Minutes Prepared By:

Marilyn Czubkowski, CMC
City Clerk/Treasurer

Accurate Business Communications LLC