

**CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES**

Call to Order

Mayor DeYoe called the Wednesday, November 18, 2015 Plan Commission meeting to order at 7:00PM.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call for the Wednesday, November 18, 2015 Plan Commission meeting:

Present

Michele DeYoe, Mayor

Tim Aicher, Ald.

Wayne Dehn

Dave Greenway

Dan Jashinsky

Jim Reiher

Mike Court, City Engineer

Roger Dupler, City Planner (arrived 7:40 P.M)

Scott Hussinger, Building Inspector

Absent

Meghan Johnson

David Simon

**PUBLIC HEARING #1:            Ordinance Text Amendments – Chapter 17.734 Sandwich Board or A-Frame Style Signs**

**APPLICANT:**                    **City of Delafield, WI.**

**MATTER:**                        The City seeks approval of amended language in Chapter 17.734 relating to sandwich board or A-frame style signs.

DeYoe opened the Public Hearing at 7:01 PM.

**Peter Wilson, owner- The Hidden Staircase, 525 Milwaukee Street**, explained he had been part owner of the business since 2000. The current ordinance was effective. As a business owner he understood how sandwich board signage drew people to a business. He noted an incident in 2012, captured with a photograph of a business that relocated to 524 Milwaukee Street while under construction. The sandwich board advertising the new location had been left outside around the clock. He then distributed the photograph to Commission members. DeYoe noted the photograph depicted the location of City Hall during the time of reconstruction. Wilson noted the City thought it helpful to let people know of their location in the same way that business owners in the downtown area did. As long as businesses abided by the sandwich board regulations when open and removed signage when closed, it was important to leave the signage ordinance as it was currently written. *(Clerk's note: The photograph is attached at the end of these minutes.)*

**Chris Potroykus, Delafield Dental**, explained he used a ~~sandwich board~~ (digital message board) that essentially scrolled across a screen. This use had been challenged recently. One written complaint had been received that seemed to be a DOT issue. He had also received hundreds of compliments on the signage. The signage had been a great source to call the office and patients said they liked the messages presented. He cautioned the Commission against establishing any new regulations that would impact free speech for citizens and also suggested a process should be established to review and resolve any issues going forward with regulations in place.

DeYoe closed the Public Hearing at 7:06 PM.

1. Approve Plan Commission meeting minutes of October 28, 2015 meeting.

Hearing no corrections, the October 28, 2015 Plan Commission meeting minutes were approved.

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2. City of Delafield Citizen's Comments pertaining to subjects on this agenda.

There were no objections; therefore, M. DeYoe stated Citizen's Comments were closed.

3. Consent Agenda

- a. **DELIC 0798.001, 600 Milwaukee Street, Delafield. Owner/Applicant: Matt Kowalski.** Applicant seeks approval of a site plan and accessory building architecture for Kowalski Kitchen and Bath.
- b. **DELIC 0804.994.019, 2742 Hillside Drive, Delafield. Owner: Hillside Shopping Center, LLC. Applicant: William Wait.** Applicant seeks approval of a Business Plan of Operation for Red Wing Shoes, a footwear retailer. Hours of Operation; Monday through Friday 9:00 AM to 9:00 PM, Saturday 9:00 AM to 8:00 PM, and Sunday 9:00 AM to 6:00 PM. One full-time employee and 2 part-time employees.
- c. **DELIC 0742.986, W73 East Wisconsin Avenue, Delafield. Owner: Summerset Holding LLC. Applicant: The Boat House of Lake Country LLC.** Applicant seeks approval of an amended Business Plan of Operation for The Boat House of Lake Country a marine sales and service provider. Hours of Operation and number of employees are unchanged.

Aicher requested Item 3c be removed from the Consent Agenda for clarification. Hearing no objections, Consent Agenda Items 3a and 3b were approved as presented.

Aicher questioned whether the past policy of enforcement regarding improper parking and storage on the frontage road had been conveyed to the current owner of The Boat House of Lake Country. Approximately three years ago, a hazardous situation had been created in which boats, trailers and equipment had been stored on the frontage road that made it difficult for others to traverse the area safely. Since that time, the situation had been managed very well. Richard Heckel, representative of The Boat House of Lake Country, was present. Heckel explained he was aware of the situation and the staff was disciplined in moving the boating equipment around the back of the store.

**AICHER MOVED TO APPROVE AN AMENDED BUSINESS PLAN OF OPERATION FOR THE BOAT HOUSE OF LAKE COUNTRY, A MARINE SALES AND SERVICE PROVIDER, LOCATED AT DELIC 0742.986, W73 EAST WISCONSIN AVENUE, DELAFIELD. OWNER: SUMMERSET HOLDING LLC. APPLICANT: THE BOAT HOUSE OF LAKE COUNTRY LLC. DEHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

4. Unfinished Business - None.

5. New Business

- a. **DELIC 0804.994.019, 2742 Hillside Drive, Delafield. Owner: Hillside Shopping Center, LLC. Applicant: Jason Jensen.** Applicant seeks approval of a sign for Endurance House, an athletic wear retailer.

***TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Endurance House: Signage - The athletic wear retailer wishes to install a sign panel on the existing monument sign at the southeast corner of Hillside Terrace and Hwy 83. The panel will replace the panel of a previous tenant. The application proposes two sign options, one black and the other white. This monument sign, similar to all monument signs in the Hwy 83 – 194 area are designed to have a consistent appearance. Typically the tenant panels are opaque white with lighted red lettering.***

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*Plan Commission may consider that since this retail space is directly visible from both Hwy 83 and Hillside Terrace the necessity for a non-white sign is not justified. **Recommendation: Approval, contingent upon changing the proposed sign panel to opaque Llama White and lighted red lettering.***

Court explained information had been provided in the epacket for this item. The question remained regarding use of the logo on the signage. The City typically maintained consistency in the omission of logos and color palette allowed on signage. Jack Hoffman, Endurance House employee, agreed to the omission of the logo and color choices of opaque Llama White and lighted red lettering.

**AICHER MOVED TO APPROVE A SIGN FOR ENDURANCE HOUSE, AN ATHLETIC WEAR RETAILER FOR DELC 0804.994.019, 2742 HILLSIDE DRIVE, DELAFIELD. OWNER: HILLSIDE SHOPPING CENTER, LLC. APPLICANT: JASON JENSON, CONTINGENT UPON OMISSION OF THE LOGO AND CHANGING THE PROPOSED SIGN PANEL TO INCLUDE OPAQUE LLAMA WHITE AND LIGHTED RED LETTERING. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. **DELC 0621.020, 3101 Seminary Ridge Lane, Delafield. Owner/Applicant Tom and Dea Fotsch.** Applicants seek approval for a boathouse site plan and architecture as recommended by the Lake Welfare Committee.

***TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Fotsh Boathouse: Site Plan and Architecture - In compliance with the newly adopted ordinance procedure advanced notice was sent to the neighboring property owners encouraging their attendance at the Lake Welfare Committee on Wednesday November 11, 2015. The proposed boathouse complies with the zoning requirements for placement and design. There are no issues regarding obstruction of lake views. By recommendation of the Lake Welfare Committee the boathouse may be approved contingent upon revising the proposed lighting to be downcast illumination, application of the City's preapproved raingarden plant list, and elimination of the proposed exterior wall mounted counter. **Recommendation: Approval, contingent upon the revisions requested by the Lake Welfare Committee.*****

Tom and Dea Fotsch, applicants, were present. Fotsch explained the previous plans submitted included an incorrect window and counter design detail that was replaced with only a window. This change was left off the plans submitted for review by the Lake Welfare Committee.

**AICHER MOVED TO APPROVE A BOATHOUSE SITE PLAN AND ARCHITECTURE FOR DELC 0621.020, 3101 SEMINARY RIDGE LANE, DELAFIELD. OWNER/APPLICANT TOM AND DEA FOTSCH AS RECOMMENDED BY THE LAKE WELFARE COMMITTEE CONTINGENT UPON USE OF DOWNCAST LIGHTING ON THE BOATHOUSE EXTERIOR AND USE OF PLANTS FROM THE CITY'S PREAPPROVED RAIN GARDEN PLANT LIST IN THE RAIN GARDEN. GREENWAY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- c. **DELC 0751.004, 2806 Peninsula Drive, Delafield. Owner/Applicant: Kristopher Kiefer.** Applicant seeks approval of a Special Exception for a building addition on a substandard residential lot.

***TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Kiefer Residence: Special Exception - The Kiefer residence is constructed on a substandard RL-1A lot and therefore***

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*requires the Plan Commission to approve a Special Exception in order to erect an addition to their home. The lot is substandard in regard to required lot area, 13,939 sf vs. 20,000 sf, and the minimum 15,000 sf open space requirement. The house currently exhibits a floor area ratio of 0.31, the district allowance is 0.20. In addition, the proposed addition will encroach upon the required side yard producing a building setback of 11.5' versus a district required side yard of 15'. **Recommendation: Denial. The property qualifies as a legal nonconforming lot; however the extent of the proposed addition increases the nonconformity beyond those existing factors that make it a substandard lot. The increased floor area and decreased side yard setback should not be approved.***

Hussinger explained the applicant was not present. The submitted site plan was not accurate and the lot was not a substandard lot, therefore, the applicant was not entitled to the special exception that would normally apply in this case by the Plan Commission. No action was taken.

- d. **DELC 0784.971.004, 1100 Hwy 83, Hartland. Owner: Trinity Gardens LLC. Applicant Wangard Partners, Inc.** Applicant requests preliminary feedback regarding a potential development requiring a Comprehensive Plan change and rezoning of a portion of the Westbrook Church parcel to accommodate a multifamily residential development.

**TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Wangard Partners: Preliminary Presentation** - *The Plan Commission is asked to consider a new multifamily development on the south part of the Westbrook Church property. This property is designated Institutional Land Use in the Master Plan and must be reassigned to High Density Residential, rezoned to R-6 Multifamily and then continue through the approval process as a Planned Development to be realized. There are four significant hurdles to overcome before initiating the review process:*

- 1) *The conversion to High Density Residential Land Use may be considered as directed in the 2008 Comprehensive Plan. Chapter 7, Land Use, page 189 describes the intent of both High Density Residential and Institutional Land Uses, specifically applicable to this proposal the following :*  
*"If any land currently in Institutional ownership is sold to a non-institutional owner, there should be an amendment to the Land Use Plan to reclassify those portions of the Institutional Land to a planning classification compatible with adjoining land uses. Any reclassification of Institutional Land to accommodate proposed changes in land use should not permit development densities greater than would be permitted on adjoining non-institutional land."*  
*In this instance the proposed development will have no immediate neighboring land uses that establish a development density. The property to the south is the County Park and the north is entirely Church campus. To the west is 1 acre estate residential, however that land use is considerably separated by the Highway 83 corridor and thus compatibility would not be an issue. The property to the east however is the 1 acre estate residential land use in the Town of Delafield. The petitioner will need to sufficiently demonstrate an ample buffer to those existing residences to garner approval of a land use change.*
- 2) *The City has an agreement with the Town of Delafield (Highway 83 Corridor Compact) that mandates review participation by the Town of Delafield for any such proposed development that would require a change of land use. Before taking any action on this proposed project the petitioner should be asked to present the development to the Town of Delafield Plan Commission. The Town will provide feedback to the petitioner and forward a recommendation to the City.*
- 3) *The Plan Commission may also wish to seek the input of the Public Works Committee regarding traffic access to Highway 83. As proposed the development will create 144 residential units that will be relegated to a single point of egress on the State Route.*

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4) *The 2008 Comprehensive Plan forecasted a number of multifamily residential units necessary to accommodate the projected population of the City. This number of units was derived from the total housing demand and reflected a desired ratio of multifamily housing opportunities at 30%. Since 2008 that number of units has been realized through the construction of four multifamily developments in the downtown. To justify the addition of more multifamily units, staff has requested that the petitioner provide a market analysis in order to demonstrate ample demand for this type of housing.*

*Appropriateness of this proposed land use may be deemed as compatible with the neighboring properties, contingent upon the Town of Delafield input. There are no neighboring land uses in the City that would be adversely affected by this development.*

***Recommendation: Share with the petitioner feedback as to the City's willingness to consider the proposed development. Recommend that they seek input from the Town of Delafield and the Public Works Committee. Furthermore, the petitioner should provide the requested market analysis and site plan for Plan Commission consideration.***

Mark Lake, of Wangard Partners-applicant, explained Wangard proposed a 144 multi-family unit development located on Highway 83 at the southern end of the Westbrook Church property. A market study was requested by the City. The results of the market study indicated there was room for multifamily structures in Delafield and the surrounding area with capacity in the system noted. Millennials and baby boomers were interested in apartment/condominium style living rather than in single family homes. As a result, consideration was requested to adjust the Comprehensive Plan and bring it to modern standards. Wangard placed developments near access to road networks and used the properties as a buffer to high intensity uses with success throughout southeastern Wisconsin. People that often purchased or leased the multi-family units desired a place to have quick access to highways to get to jobs and still remain close to shopping centers and recreational areas. Wangard had approached the church about using the southern half of the property as it would be a good compatible use to the golf course, single family homes to the east, and would also function as a revenue generator for the City.

Roger Dupler, City Planner, explained that the property was zoned P-1. The land use would need to be reclassified and would require a change to the Comprehensive Plan which necessitated a process of review. There was a Corridor Compact Agreement with the Town of Delafield and the Village of Hartland. Those municipalities had the right to review the request and provide comment to the City regarding this matter. He suggested the petitioner seek input from the Town of Oconomowoc and Village of Hartland regarding the Corridor Compact as well as gathering input from the Public Works Committee regarding access onto Highway 83 from the proposed development before returning to the Plan Commission for General Development Plan review. There were limits within the Comprehensive Plan to accommodate population growth based on trends established in the 2000 Census. Any change to the land use would need to be compatible with the density surrounding the area and would need to continue to accommodate the density planned for institutional use. Sanitary sewer extensions would be required from the existing infrastructure to the proposed development and the church property as part of this project.

Commissioners provided input on various topics for consideration by the applicant including confirmation of receipt of the market analysis and gathering information from municipalities regarding the potential land use change prior to returning for consideration of the GDP. It would also be helpful to research the City's Smart Growth Plan that included planned development in the City through 2030. In June 2001, the City contemplated high density residential development with concerns at the time noted for P1 zoning impacts that would be

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similar to this development. The City had contemplated full build-out of the Westbrook Church property in 2004. It would be helpful to understand the impacts of that build-out if it had taken place. Lake explained the impetus behind the sale of the land was related to costs associated with Highway 83 watermain improvements. DeYoe noted City Staff would continue to work with the applicant on this matter. No action was taken.

6. Zoning and Ordinance Revision

- a. Discussion and action regarding 17.34 Sandwich Board or A-Frame Style Signs and recommend same to the Common Council

***TAKEN FROM PLANNER DUPLER'S STAFF REPORT: (Clerk's note: The information in Planner Dupler's Staff Report related to this item was included in the epacket for this meeting and is also attached as a separate page at the end of the minutes for this meeting.)***

Dupler explained the proposed text changes to this section of the City's Municipal Code had not changed since the last Commission meeting. Commissioners were encouraged to submit changes. None were presented and no one spoke at the Public Hearing held at the prior Commission meeting. DeYoe explained the historical background on this matter, noting complaints had been received from officials, residents, business owners and others regarding sandwich board signs being in poor condition, blowing over into the sidewalk or street and not being removed at the close of business as was explained in the ordinance. The purpose of reviewing the ordinance was to discuss compliance with the practices specified in the ordinance and consider enforcement options. Discussion ensued regarding the materials available for sandwich board signage. Aicher noted the plastic signage utilized by the City in the picture provided used a style that did not fit the historic downtown aesthetic. Discussion further ensued regarding the signage application fees, sanction implications, reinstatement of the sign permit and process for doing so. Discussion also took place regarding general liability insurance limits specified in the ordinance if the signage were located within the right-of-way areas in the City. The liability insurance limits were in the ordinance now and used for permanent signage. Sandwich board signage was considered equally liable due to its portability. Verbiage relative to properly weighting the signage so it would not blow over was suggested for inclusion in the proposed ordinance.

**AICHER MOVED TO APPROVE PROPOSED ORDINANCE 17.34 SANDWICH BOARD OR A-FRAME STYLE SIGNS AS AMENDED WITH THE SUGGESTIONS INCLUDED IN THE STAFF REPORT FOR THIS MEETING AND THE ADDITION OF VERBIAGE STATING THE SIGNS SHOULD BE PROPERLY WEIGHTED SO THAT THEY WOULD NOT BLOW OVER AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. Discussion regarding interpretation and enforcement of 17.70(3) Electronic signs.

***TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Staff seeks the direction from the Plan Commission regarding interpretation and enforcement of 17.70(3), specifically in regards to: "Such signs may not include changing advertisements for products or services or other messages of a noncommercial nature." For example: is it appropriate for a shoe store to display puns related to their product, similar to "Ya Gotta Have Sole" or "Your Place for Leather and Lace" or "Our customers are well healed"?***

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Dupler explained consideration of this issue was due to complaints received throughout the City regarding the types of messages being displayed on electronic signs. Court explained a change had occurred in this section of the ordinance in the past year which related to the time and duration of the message allowed on an electronic sign. Aicher questioned whether research was available pertaining to safety of motorists relative to the location/ messages on electronic signage. Dupler noted Wisconsin DOT standards were available regarding scrolling message boards and electronic signage. Discussion ensued regarding establishing a reasonable set of conditions that could warrant signage being removed. It seemed a “slippery slope” to begin regulating issues of free speech. Consideration should be given to safety, aesthetics and exclusion of “daily deal” advertisement. Additional discussion on this topic would take place at the next Commission meeting.

7. Reports of City Officials:

a. Clerk:

1. Plan Commission Meeting Dates & Deadlines  
Meeting: January 27, 2016  
Regular submittal deadline: January 12, 2016  
Public Hearing submittal deadline: December 24, 2015

DeYoe noted there was no Plan Commission meeting in December, 2015. The next Plan Commission meeting was scheduled for January 27, 2016.

b. Planner

c. Building Inspector

There were three residential permits and one commercial occupancy permit this month.

8. Correspondence: None.

9. Adjournment

There was no further business; therefore, the Wednesday, November 18, 2015 Plan Commission meeting adjourned at 8:13PM.

Minutes Prepared By:

Accurate Business Communications, Inc.