

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Call to Order

Mayor DeYoe called the Wednesday, March 30, 2016 Plan Commission meeting to order at 7:00PM.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call for the Wednesday, March 30, 2016 Plan Commission meeting:

Present

Michele DeYoe, Mayor

Tim Aicher, Ald.

Wayne Dehn

Dave Greenway

Dan Jashinsky

Meghan Johnson

Roger Dupler, Planner

Scott Hussinger, Building Inspector

Absent

Jim Reiher

David Simon

**PUBLIC HEARING #1:**      **Amended Zoning District Map**

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

**MATTER:**                 Applicant seeks to amend the City of Delafield Zoning District Map to reflect previous approvals and updated data.

DeYoe opened the Public Hearing at 7:01PM.

Dupler explained the zoning map had not changed since last seen by the Commission. The only modification included a conditional use symbol on the Hartland Sportman’s Club location. No one present wished to speak to this matter.

DeYoe closed the Public Hearing at 7:02PM.

**PUBLIC HEARING #2:**      **Amended Conditional Use Permit**

**OWNER/APPLICANT:**      **Nashotah House Theological Seminary**

**MATTER:**                 Applicant seeks to amend the Conditional Use Permit for the Nashotah House Theological Seminary to reflect changes in ownership of a portion of their land holdings and to accommodate the erection of a bell tower.

DeYoe opened the Public Hearing at 7:02PM.

**Father Alex Prior and Father Andrew Grosso, 2777 Mission Road,** were present. Prior explained that the change in ownership for a portion of the Nashotah House Theological Seminary land was for the agricultural land located across from the main campus. The 262 acres had been maintained since 1842, farmed by the Nashotah House until the 1960’s and then in the 1980’s was leased to local farmers. The land was considered to be an underperforming asset. The Seminary had been approached by representatives of Gehl Foods and Gehl Conservation Foundation to purchase the land. The purchased land would be kept as open farm land with cover crops, native plant crops and cattle grazing. In addition, the Seminary had been gifted a set of English change ringing bells and wished to construct a bell tower. These bells were played as a team sport in musical octaves with players ringing them based on mathematical permutations. Campus life was centered on an English college lifestyle with English chorale traditions such as ringing bells a typical part of everyday life. The bells would be rung daily. The largest bell of the new set of ringing bells was 40% smaller than the largest existing bell and as such would produce less sound than the existing bell. No one present wished to speak to this matter.

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DeYoe closed the Public Hearing at 7:06PM.

1. Approve Plan Commission meeting minutes of February 24, 2016 meeting.

Hearing no objections, the February 24, 2016 Plan Commission meeting minutes were approved.

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

**Chris Potroykus, Delafield Dental, and Charlie Meyer, of Daktronics**, were present regarding Item 6a. Potroykus explained that as a small business owner, he had invested heavily in hiring trained staff and promoting his business. He had been granted sign approval in 2015 only to be told in November, 2015 that under current sign ordinances his electronic signage was not consistent with current sign ordinances. He had paid a premium to keep his signage consistent with other signs in the area because visibility for his dental office was important along the Interstate 94 corridor. Since that time the sign code was under review and he was no longer able to operate his electronic message board signage as approved. Several issues of concern presented themselves including the rate of change and content allowed on his electronic signage. He could now only fit smaller portions of messages, such as "Welcome to" instead of "Welcome to Delafield" and "Merry Christ" instead of "Merry Christmas." The only message that fit currently was a phone number and two words. He was also concerned about limitations of speech in this matter. Signage was considered commercial and was necessary to promote a business. He encouraged the Commission to be realistic in its options related to readability and clarity and also to allow more letters on a screen at one time. The Wisconsin sign code indicated messages of three lines composed of 12-21 letters, or approximately 10 words, were allowed. The City's sign code was more restrictive than the state code and he considered this to be a disservice to all.

**Charlie Meyer, Daktronics**, agreed with Potroykus. He had worked with many municipalities and the Department of Transportation. Studies conducted on message boards included findings that there were appropriate ways to program a message and put them on a message board so that they were beneficial. He asked that the restrictions be reviewed in this matter.

**Jim Behrend, 757 Garrison Court**, was present regarding Item 6b. He requested consideration of this matter after seeing development plans for the Knoff farm in the City of Delafield. He encouraged Commissioners to examine historic minutes from the Plan Commission and Common Council discussions related to restrictions for Planned Unit Developments (PUD). There were concerns shared that PUDs with smaller lots would create issues with adjacent properties of substantial size next to small lots. When the Morris farm implemented a sanitary sewer system, the developer had proposed small lots near Hirschman Lane. The City's solution at the time was to implement a rule that nothing could be modified by more than 30%. When the proposed Knoff farm development was examined, it was reminiscent of a 1985 Brookfield subdivision. He wanted to bring this issue forward at this time because the City had few large parcels of land that would potentially come under development in the next ten years and it would be prudent to examine issues at this time. Additional flexibility in larger acreage PUDs would be necessary for the City to allow development concentrated in appropriate areas with the remainder of the land left as common space or park space. While he owned land in the City and would have to recuse himself if the ordinance were simply repealed, his intent was to ask the Commission and Common Council to review the current restrictions for the common good, not as a landowner.

Aicher noted he had suggested in an email to Behrend that verbiage could be added to current ordinance that would allow no lots to be created if less than 22,000 square feet or something similar.

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With this type of language added, the City would be allowed to reject any proposals that would concentrate smaller lots that backed up to other acreage. He noted it would be in the City's best interest to see some sort of buffer in certain larger parcels that would abut other existing development.

Dupler clarified that the Commission had not yet seen the proposed development of the Knoff farm; however, the developers had attended a Park & Recreation Commission with the plans because park land was being proposed in the development. The information had also been attached to Common Council meeting minutes; however, the Commission had not yet been presented with the plans.

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

3. Consent Agenda

- a. **DELIC 0804.994.017, 2720 Heritage Drive, Delafield. Owner: Kensington Development Corp. Applicant: Sally Beauty Supply LLC.** Applicant seeks approval of a permanent sign for Sally Beauty, a beauty supply retailer in the WalMart Shopping Center
- b. **DELIC0733.998.002, 3001 Village Square Drive, Hartland. Owner: Delafield Investments LLC. Applicant: The Tomi Group LLC.** Applicant seeks approval of a Business Plan of Operation for The Steam Yard, a coffee shop with drive through service. Hours of operation are all days of the week 5:00 A.M. to 10:00 P.M., with two full-time and four part-time employees.
- c. **DELIC 0803.988.005, 2574 Sun Valley Drive, Delafield. Owner: Gary Storts. Applicant: Wellspring Christian Church.** Applicant seeks an amended Business Plan of Operation to relocate the church from 2566 Sun Valley Drive to 2574 Sun Valley Drive.
- d. **DELIC 0793.001.002, 405 Genesee Street, Delafield. Owner: Hendricks Commercial Properties, LLC. Applicant: BE 405, LLC.** Applicant seeks and amended Business Plan of Operation for a change in ownership. Hours of Operation and employees are not proposed to change.
- e. **DELIC 0742.999, W15 East Wisconsin Avenue, Nashotah. Owner: J&R Gardner Holdings LLC, Applicant: Mertins Homes.** Applicant seeks approval of a Business Plan of Operation to use the building as storage for building materials and equipment for Mertins Homes. Hours of operation are Monday through Friday 6:00 A.M. to 6:00 P.M., Saturday 7:00 A.M. to 3:00 P.M., and Sundays 8:00 A.M. to 2:00 P.M., with two full-time employees.
- f. **DELIC 0804.999.004, 3941 Golf Road, Delafield. Owner: Ramco Gershenson Properties, LP. Applicant: Orange Theory Fitness.** Applicant seeks approval of a Business Plan of Operation for Orange Theory Fitness, a fitness club. Hours of Operation are Monday through Friday 5:00 A.M. to 8:00 P.M., Saturday and Sunday 6:00 A.M. to 2:00 P.M. with two full-time and ten part-time employees.
- g. **DELIC 0787.074, 814 Genesee Street, Delafield. Owner: Jean Mulvaney. Applicant: Candy Trembl.** Applicant seeks approval of a Business Plan of Operation for Lake Farm Furnishings, a retail furniture store. Hours of Operation are all days, 9:00 A.M. to 9:00 P.M., with one full-time employee.
- h. **DELIC 0786.006, 1608 West Shore Drive, Delafield. Owner: Lawrence and Sherry Kosinski. Applicant: Kozitecture.** Applicant seeks approval of a Special Exception to allow a residential home reconstruction with reduced side yard setbacks.

DeYoe requested Item 3b and Aicher requested Item 3h be removed from the Consent Agenda for additional discussion and consideration.

Hearing no objections, Consent Agenda items 3a, 3c-3g were approved as presented.

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Dupler explained the intent of the Steam Yard was to operate a coffee shop with drive-through service on the southeast corner of the Village Square property. With recent modifications to the Developer's Agreement for Village Square, this parcel was specifically identified and the use was allowed. The applicant was forewarned on how to operate the use of the menu board and ordering. DeYoe noted that historically the concern for the drive-through service pertained to noise for nearby residents. She questioned what remediation and noise buffering were planned to protect nearby residents.

**Scott Satula, 648 North Plankinton, Milwaukee, Wisconsin**, explained he represented the shop owners in this matter. The intention was to provide a drive-through similar to a Starbucks, Dunkin Donuts or other coffee shop that included a menu of food items. He had discussed the driveway function with Plan Staff; however, the pick-up function presented by staff would not work for the Steam Yard owners. They desired installation of a typical audio menu board with drive-through service. He had conducted research, based on noise concerns expressed in the past, that demonstrated noise levels emitted from the drive-through speaker would be approximately 84 decibels (db) at one foot; 72 db at eight feet; 64 db at 20 feet; and 53 db at 70 feet. At 60 db, the noise level equated to normal restaurant conversation and 50 db would equate to a quiet suburb or a large electrical transformer at 100 ft. Distances to nearby houses were noted in a map as well as existing vegetation and deciduous tree growth. *(Clerk's note: This map is attached to the minutes.)* The location of the dumpster on the property was noted. The distance from the back of the building to the property line was approximately 127 feet.

Discussion ensued regarding the options available for placement of the speaker and related car stacking around the building. DeYoe noted the historic issues associated with the drive-through concept on this site were related to noise, a definition of fast food, etc, and litter. Satula noted concerns had been shared with the applicants who were willing to walk the property on a daily basis and provide trash pick-up as part of their maintenance. This would also include the outdoor patio area once activated for outdoor seating. Dupler suggested consideration of a touch screen menu and reviewed other stacking methods for the drive-through service. Satula cautioned the Commission regarding putting up barriers to this start-up business. He explained the stacking concept presented by moving the menu board and speaker to the east would create a stacking process that would not allow for timely food service and would create more traffic and noise due to idling cars.

**AICHER MOVED TO APPROVE A BUSINESS PLAN OF OPERATION FOR THE STEAM YARD, A COFFEE SHOP WITH DRIVE THROUGH SERVICE. HOURS OF OPERATION ARE ALL DAYS OF THE WEEK 5:00 A.M. TO 10:00 P.M., WITH TWO FULL-TIME AND FOUR PART-TIME EMPLOYEES FOR DELC0733.998.002, 3001 VILLAGE SQUARE DRIVE, HARTLAND. OWNER: DELAFIELD INVESTMENTS LLC. APPLICANT: THE TOMI GROUP LLC. DEHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

Aicher questioned the request presented in Item 3h. Hussinger explained the lot was considered substandard due to zoning placed on the property by the City that made it non-conforming. It would be burdensome for the applicant to meet an eight-foot setback on the property when the lot was only 47 feet wide. It was logical to reduce the lot width by a percentage as an appropriate accommodation for the lot.

**Dave Kozcelniak, 12310 W. Waterford Avenue, Greenfield, Wisconsin, and architect for the project**, explained he was seeking a proportional reduction at 95.4% in the sideyard setback. It was difficult to place a house on the lot; however, his design included a house that

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was 32 feet in width. He requested a reduction of sideyard setback from eight feet to 7.64 feet on each side. Hussinger confirmed this was a four inch reduction. Kozcelniak wanted to center the house on the lot. This would also move the house further from the north lot line.

**AICHER MOVED TO APPROVE A SPECIAL EXCEPTION TO ALLOW A RESIDENTIAL HOME RECONSTRUCTION WITH REDUCED SIDE YARD SETBACKS FOR DELC 0786.006, 1608 WEST SHORE DRIVE, DELAFIELD. OWNER: LAWRENCE AND SHERRY KOSINSKI. APPLICANT: KOZICTECTURE AS PRESENTED. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

4. Unfinished Business – None.

5. New Business

- a. **DELC 0790.049.002, 2058 Mill Road, Delafield. Owner/Applicant: Edward Weir.** Applicant seeks preliminary feedback regarding a residential land split.

***TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Preliminary Presentation: Mr. Weir owns two parcels at the southeast corner of Mill Street and Oakwood Drive. The southern parcel contains their existing residence; the northern parcel exhibits an existing tennis court. Mr. Weir wishes to modify the lots via Certified Survey Map to create two one-acre residential lots. Such a division would comply with the district standards. Sanitary sewer must be provided to both lots. It is available in Oakwood Drive. Recommendation: Share comment and concerns with the applicant and provide direction in expectation of a CSM to be submitted in the near future.***

**Carla Florance, representative for the Weirs,** was present. She had lived in Valley Road Farms and was familiar with the property. The Weir property included two lots, one lot included 1.6 acres in size and another lot of 0.45 acres that currently housed a tennis court. Because the lot with 0.45 acre was too small to build upon, the Weirs wanted to combine the two lots and then split them into two equal portions of approximately 1 acre each. She noted the Weirs had already discussed where to tap into sewer lines on Oakwood Road.

Dupler explained the location of the properties noting the Weirs wanted to pursue a Certified Survey Map (CSM) that would allow the lots noted as market size. Originally the property was shown as a CSM and not part of the PUD proper. He believed this was an error. He would verify the calculations and related PUD property and make the Weirs aware of it prior to having a surveyor draw a CSM. Jashinsky expressed concern with driveway access to the two parcels and suggested that no access be granted off Oakwood Road as it was already a difficult intersection. A suggestion was made to limit the CSM to locate the driveway on the extreme south side of the lot. Florance clarified the feedback provided and noted the Weirs should meet with Plan Staff on this matter.

- b. **DELC 0622.999.002, 2777 Mission Road, Nashotah. Owner/Applicant: Nashotah House Theological Seminary.** Applicant seeks approval of an amended Conditional Use Permit to accommodate the construction of a bell tower and to reflect the transfer of ownership for properties east of Mission Road.

***TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Amended Conditional Use: The Seminary has sold 262.45 acres of their campus land holdings to a private individual and as such the existing campus will be diminished in size. Previously the subject parcel, all area east***

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*of Mission Road, was identified in their master plan as potential single family residential development in conformance with the regulations of the RE-2 subdivision ordinance. This area is no longer controlled by the Seminary. The campus is now only west of Mission Road, abutting Upper Nashotah Lake, Mill Road on the south and the Village of Summit on the North. In addition the Seminary request consideration of a bell tower to be constructed in the center of the campus. The building will have no function other than the operation of the bells. The additional FAR and impervious surface area is miniscule and does not warrant recalculation of stormwater requirements. The proposed height of the tower is 58'. This is 13' taller than the standard ordinance limitation of 45'. However, 17.15(2) affords the City to approve ornamental towers subject to recommendation by the Plan Commission and approval of the Common Council. The proposed architecture is appropriately designed to reflect the historic nature of the Seminary, all stone façade, gothic openings and metal roof. **Recommendation: Approval, contingent upon public hearing input. Recommend to the Common Council and cite the Conditional Use Review, Determination and Approval guide sheet to form the appropriate motion.***

Prior explained the bells would be rung daily near 5:15PM for approximately 15 minutes and on holidays might include longer periods of ringing. Doors to the proposed bell tower would be shut during practice to restrict the sound to the tower. Community opportunities for involvement as a result of the bell donation included concert type events, and community members doing the bell ringing. Discussion ensued regarding the design of the bell tower. The architecture fit within the current campus design.

**AICHER MOVED TO APPROVE THE AMENDED CONDITIONAL USE PERMIT TO ACCOMMODATE THE CONSTRUCTION OF A BELL TOWER AND TO REFLECT THE TRANSFER OF OWNERSHIP FOR PROPERTIES EAST OF MISSION ROAD FOR DELC 0622.999.002, 2777 MISSION ROAD, NASHOTAH. OWNER/APPLICANT: NASHOTAH HOUSE THEOLOGICAL SEMINARY. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

It was noted that the approval should include reference to the Conditional Use Review, Determination and Approval guide sheet as requested in the Staff Report for this item.

**AICHER MOVED TO AMEND THE MOTION TO APPROVE THE AMENDED CONDITIONAL USE PERMIT TO ACCOMMODATE THE CONSTRUCTION OF A BELL TOWER AND TO REFLECT THE TRANSFER OF OWNERSHIP FOR PROPERTIES EAST OF MISSION ROAD FOR DELC 0622.999.002, 2777 MISSION ROAD, NASHOTAH; OWNER/APPLICANT: NASHOTAH HOUSE THEOLOGICAL SEMINARY WITH DETERMINATION BASED ON A LACK OF NEGATIVE EFFECT ON THE ISSUES REFERENCED IN THE CITY'S CONDITIONAL USE REVIEW, DETERMINATION AND APPROVAL GUIDE SHEET. JASHINSKY SECONDED THE AMENDED MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

6. Zoning and Ordinance Revision

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

**TAKEN FROM PLANNER DUPLER'S STAFF REPORT:** *The February Plan Commission meeting produced a number of elements for consideration regarding electronic message centers (EMC), relating to signage regulation, standards and general acceptance. To this end, staff is charged with recommending alternative text amendments to the current code that*

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resolve anticipated conflicts between desires of the business community and reasonable regulation in the City. Proposed amendments for consideration are as follows:

### Message Duration

- Current ordinance limitations on the rate of change for electronic messaging identified in 17.70(3) is one commercial message per 30 minutes. Noncommercial messages such as time and temperature are not regulated. The 30 minute rule was implemented in response to the number of churches that have employed EMCs throughout the City. Generally these churches are in direct association with residential uses and the intent of the 30 minute message duration protects the interests of the neighboring residents.
- A 30 minute limitation does not accommodate the needs of businesses with direct exposure to our highway system that do not present conflict with residential uses. A shorter rate of change may be considered in these instances. At the February Plan Commission meeting Mr. Tom Strickler reiterated the WisDOT EMC regulations applicable to the State Highways. Regarding the rate of change, a single message must be displayed for at least 6 seconds (WisDOT sign regulation 84.30-2). With this knowledge the Plan Commission may wish to consider modifying the ordinance to accommodate EMCs for highway exposure separate from those throughout the balance of the City.

### Light Intensity:

- The intensity of all electronic messaging systems should be regulated. A measure of intensity recommended in the industry is 0.3 footcandles above ambient lighting conditions.
  - 17.70 - Exterior Lighting and Illumination of Signs
    - (1) All lighting for external illumination of buildings or grounds or for the illumination of signs shall be directed away from and shall be shielded from adjacent residential districts and shall also be so arranged as to not adversely affect driver visibility on adjacent thoroughfares (see §17.235 and §17.52(7)). (Am. #491)
    - (2) The use of flashing or revolving lights other than traffic control lights is specifically prohibited in all districts. This prohibition shall apply to all signs, including portable or temporary signs
    - (3) Signs which convey changing noncommercial information such as time or temperature, bywords, letters or images represented by lights of uniform color on a uniform background where the words, letters or images are not in motion are permitted. Such signs may not include changing advertisements for products or services or other messages of a commercial nature. The rate of change for any message, excepting time and temperature, may not be less than 30 minutes. (Am. #474; 719)
    - (4) Light intensity of electronic messaging systems shall be limited to less than 0.3 footcandles above ambient lighting levels at the property boundary.

### EMC District

- The City Expressway District 17.67(4)(b)6 already accommodates the use of a reader board in the I-94 corridor. The language may be modified to include EMCs. The size is regulated at 40sf, or 20% of the total sign area permitted.
- The Plan Commission may wish to create a secondary zone for EMC application. This zone may be limited to Business zoned properties abutting the three highways. A proposed boundary is included in the packet.

### 17.67 – Signs Permitted in All Business and Industrial Districts.

(10) Electronic message systems shall be permitted in Business zoned parcels directly abutting the rights-of-way of STH 83, USH 16, and I-94 or the associated frontage roads as delineated in the EMC Boundary District.

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- (a) *Only one electronic messaging system shall be permitted per lot.*
- (b) *Electronic messaging shall be limited to 20% of the allowable sign area.*
- (c) *Light intensity of electronic messaging systems shall be limited to less than 0.3 footcandles above ambient lighting levels at the property boundary.*
- (d) *Electronic messaging systems shall be limited to a rate of change not less than 6 seconds. No message shall be segmented.*

*Downtown Delafield Design District:*

- *Included in the packet is a map that identifies the Downtown Delafield Design District. The design limitations unique to this boundary are verbalized in 17.30(1). Verbiage describing the intent of illuminated signage is in Section (g). To expound upon this description of aesthetic expectation the Plan Commission may consider additional prohibitions to regulate the use of electronic messaging from inside storefront windows.*
  - *17.30 – Design Guidelines for Special Design Review Districts.*
    - (1) *Downtown Delafield Design District Guidelines.*
      - (m) *Electronic message, both external and internal displays, shall be prohibited in the Downtown Delafield Design District.*

***Recommendation: Consider the proposed amendments to the City ordinance and provide staff with direction for modification, schedule a public hearing for April if determined appropriate.***

Dupler explained that since the last Commission meeting, efforts had included incorporating various elements to modify the existing ordinance to allow for existing sign centers and to introduce new regulations.

With regard to the element of message duration, the current ordinance did not allow messages to be changed for 30 minutes. The intent in doing so was to restrict duration of rate of message change throughout the City and to acknowledge Church campuses, often located within or near residential areas that used the electronic signage. The half hour restriction was no longer appropriate and the Wisconsin Department of Transportation (WisDOT) regulations of allowing a six-second message duration might be considered. Discussion ensued regarding establishing various “zones” based on geography or proximity to the highways and off/ on ramps. Dupler reviewed possible zones of use (as shown in the epacket for this meeting) where the message duration of six seconds might be more applicable. The areas noted were business and commercial districts near and along Highway 94. Areas shown in the blue box included unique requirements for pylon signage and expressway signage. Another area along Highway 83 was noted; however, the location would not be appropriate for electronic message signage because it would most likely be surrounded by residential areas in the future and as such, should be eliminated from the discussion in this matter. WisDOT recommendations included a maximum duration of one message per six second intervals with no segmented messages. It would be up to the property owner to work with signage professionals to achieve these recommendations.

Meyer explained the regulations were based primarily on off premise signage and that was different from the Potroykus signage. Discussion ensued. Jashinsky thought the regulations should mirror the WisDOT regulations within the City. Clarification could be provided on various areas and on/off premise signage. Dupler questioned the regulations relative to the signs in the downtown district of the City. Displays in windows were not covered in the sign ordinance currently but with new signage regulations, they would be included. It was suggested that the downtown area be expanded to include all CDB-1 and CDB-2 areas. The electronic message board signage did not seem to fit the historic character of the downtown district. The area near Fishbones restaurant was governed under separate guidelines.

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Dehn encouraged flexibility in the regulations to avoid restrictions on electronic message board signage that would be soon outdated due to new technologies or to include signage that might be more desirable than current signage in some locations. He noted the off premise signage typically pertained to billboard signage. To limit signage on commercial property to 20% would be unfair.

This item would be placed on the next Commission agenda for further discussion.

- b. Discussion regarding 17.75(8)(d), minimum lot size in a Planned Development.

**TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Planned Development Lot Reduction:** *The Common Council has requested that the Plan Commission consider a text amendment to 17.75(8)(d) related to minimum lot size in a Planned Development. The expressed concern is related to a desirable end product versus a formulated regulation that may not accomplish the intent of the Planned Development process. Included in the packet is a memo addressed to Administrator Hafner that explains the 2010 action. The Plan Commission may wish to consider revising the lot reduction limitation to allow for smaller lot sizes. Such a change will not impact the allowable density of undeveloped parcels. The benefit derived from smaller lots will be realized in greater common open space that may be utilized for increased buffering and separation of proposed residential lots from the perimeter roads and existing neighboring residential lots. The Comprehensive Plan supports the utilization of Planned Development and lot clustering for these purposes - Chapter 7 Land Use, Section V 2030 Land Use Plan, Rural Estate page 197 and Planned Mix Use page 201. However, Chapter 10 Implementation, Section IV Implementation Priorities, E. Chapter 7 Land Use, Goal 2, Action item 2, page 243 recommends amending the zoning code to limit residential clustering 70% of the underlying zoning district. In order for the City to allow smaller residential lot clustering the Comprehensive Plan must be revised in addition to a zoning text amendment. Three examples of Planned Development subdivisions are included in the packet to illustrate the potential benefits created by reduced lot sizes. In each instance appreciable common open space is integrated in to the subdivision that produces tangible community assets.*

- *Example A Woodridge Estates, Town of Delafield. R-1 PUD, Minimum lot size 1.5 acres, allowable reduction 50%, and average lot size 33,700 sf.*
- *Example B Hickory Woods Farm, City of Oconomowoc. R-1 PUD, Minimum Lot size 1.0 acre, allowable reduction 20,000sf lots.*
- *Example C McAndrew's Glen, McHenry IL. PD-R, Minimum Lot size 1.0 acre, allowable reduction to 98 units on 94 acres. Single family and multifamily condominiums, communal septic field.*

*At the heart of this discussion should be the Plan Commission's expectations for "rural character". Is rural character achieved by larger lots separated from their surroundings by narrow landscape buffers and the rear of lots backing onto surrounding roads? Is rural character achieved by smaller residential clusters of lots that promote larger open areas that are perceived as extensions of natural features? Smaller lots create an opportunity for creative open space solutions by transferring open area out of private ownership to common ownership. Larger lots secure the open area in private ownership, yet enable use of that space for ancillary residential use in closer proximity to the site perimeter. **Recommendation: Discuss and develop a vision of rural character. Provide staff direction as to modifying the Comprehensive Plan and zoning text for further analysis.***

Dupler explained information including a memorandum to the City Administrator on this matter and information on clustering had been included in the epacket for this meeting. Clustering

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transferred the common open space out of private ownership into a community asset for all instead of an asset only to the subdivision owners. It also encouraged smaller lots with closer proximity that opened the edges or middle of the overall development to allow contributions of trail land or preservation of wetland to take place. Jashinsky clarified open areas maintained by subdivision owners instigated fractional ownership of the open space and required maintenance needs that could be enforced by the City if necessary. Aicher noted the 70% minimum requirement included in the Master Plan and related ordinances made sense historically but also prohibited reasonable and sometimes, optimal activities from occurring. Dupler confirmed that density calculations would not be affected due to a change in lot size for developments. Current ordinances allowed the Commission the ability to reject a project if there was not enough buffering or preservation of open space without forcing a developer into maximizing densities by squeezing in more houses in a development. Concerns were expressed for reducing the quality of a project by implementing a formulaic calculation of land development. Flexibility in preserving desirable community assets, such as natural features on the land, was desired.

Behrend noted clustering of developments typically brought in additional property tax revenue. There were often less roadways, higher quality home design and construction and park land or open space often available as a result. Lots that backed up to roadways often were the last sold and least valued in a development. Discussion ensued regarding how to best provide guidelines within any proposed ordinance changes. Verbiage was suggested at the end of 17.75(8)(d) that stated "if any new lot created is less than 22,000 square feet." Dupler noted a public hearing could be set for April in this matter.

- c. Discussion and action to approve the amended zoning district map.

***TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Zoning District Map: - The City zoning map has been updated to reflect the actions and approvals of the past few years. Changes are labeled on the ePacket map as follows:***

- 1) *Base information updated per Waukesha County cadastral data. (January 2016)*
- 2) *The legend contains all map symbols. (January 2016)*
- 3) *The Gruenke annexation has been added. (February 2015)*
- 4) *The private road at the end of Indian Springs Road had been added. (January 2016)*
- 5) *The CU hatch is removed from the City owned parcel. (March 2012)*
- 6) *The PD hatch applied to Delafield Woods, Bleeker Street extended.(November 2011)*
- 7) *Wells Street Station is added and Dopkins vacation updated. (June 2014)*
- 8) *The CU hatch is updated for Westbrook Church. (January 2016)*
- 9) *The CU hatch is removed from the parcel east of Hwy 83. (Expired 2012)*
- 10) *The CU hatch is applied to the Geason cell tower parcel. (1998)*
- 11) *The CU hatch is applied to Rustic Manor. (August 2013)*
- 12) *The CU hatch is removed from the Neubert property. (April 2015)*
- 13) *The CU hatch is applied to the marina property. (February 2012)*
- 14) *The SEH logo replaces the Yaggy Colby logo. (July 2015)*

*If there are no requested changes to this map it may be forwarded to the Common Council for approval by ordinance.*

**JOHNSON MOVED TO APPROVE THE AMENDED ZONING DISTRICT MAP AND RECOMMEND TO THE COMMON COUNCIL THE SAME. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

7. Reports of City Officials:

a. Clerk

1. Plan Commission Meeting Dates & Deadlines  
Meeting: April 27, 2016  
Regular submittal deadline: April 13, 2016  
Public Hearing submittal deadline: March 30, 2016

b. Planner

No report.

c. Building Inspector

The total number of permits to date was 36 with one commercial occupancy permit and four residential occupancy permits this month.

8. Correspondence – None

9. Adjournment

There was no further business; therefore, the Wednesday, March 30, 2016 Plan Commission meeting adjourned at 8:56PM.

Minutes Prepared By:

Accurate Business Communications, Inc.