

CITY OF DELAFIELD COMMON COUNCIL MINUTES

CALL COMMON COUNCIL MEETING TO ORDER

Mayor McAleer called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL for the April 27, 2009 Common Council meeting:

Present

Mayor Ed McAleer
 Jeff Krickhahn, Ald.
 Beth Leonard, Ald.
 Erv Sadowski, Ald.
 Michele DeYoe, Ald.
 Gerald MacDougall, Ald.
 Lynn Morrison, Ald.
 Tim Aicher, Ald.
 Tim Schuenke, Administrator
 Gina C. Gresch, Clerk-Treasurer
 Roger Dupler, City Planner

Absent

1. Citizen's comments for items not on the agenda.
 There were no Citizen's comments for items not on the agenda.

Citizen's comments for items on the agenda.
 There were no Citizen's comments for items on the agenda.

G. MACDOUGALL MOVED TO CLOSE CITIZEN'S COMMENTS AT 7:01 P.M. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

2. Old Business
 - a. Discussion and action to adopt the City of Delafield's Comprehensive Land Use Plan.

R. Dupler reviewed what was presented at the last Common Council meeting. He stated the notation about the floodplain maps was added and is subject to change due to the LOMR application submitted to the DNR. He stated there was a question at the public Open House about Environmental Corridors and why they aren't mapped along upper Nashotah Lake. He stated they are not identified as Conservation because Conservation does not allow development, whereas Environmental Corridor does. The third issue that was raised by three residents was the Conservancy zoning districts. Between now and December, the City needs to have consistency between the Land Use Plan and the Zoning Code and Map. Even though the property is marked as Conservation it will be brought before the Plan Commission and Common Council to consider a rezoning. If the property is changed to Conservancy, it becomes a legal nonconforming property and is grandfathered. If the property owner wants to remodel, it can be done up to 50% of the value. If the building is destroyed, the property owner will have to appear before the Board of Zoning Appeals (BZA) to get a variance to rebuild. All three residences have a very good case and if that were to happen, the BZA could grant an exemption. G. MacDougall asked if there is there something that the City can do now so the BZA doesn't have to rule on that. R. Dupler stated if the edge of the wetlands has been mapped and the existing boundary has been marked, yes that is possible. He has been in contact with all three property owners and will write up step-by-step instructions for them in case they need to go through that process. E. McAleer asked why the property needs to be shown as Conservancy. R. Dupler stated due to the new rules, the City does not have the ability to change it. He also stated the

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property values in a Conservation area are higher. It keeps a new neighbor from clear cutting the trees and it is the City's goal to maintain status quo. B. Leonard asked if there could be high density in that area. R. Dupler said yes, there is the potential for subdividing.

J. Krickhahn asked if B6 Zoning will be phased out. R. Dupler stated yes it will be because it is an unconstitutional zoning district. J. Krickhahn stated he is having a hard time coming up with a definition for "Highway Business". R. Dupler stated the City can name and define it anything they like. There was discussion on determining if a business is a highway business on each application as they come in and that that might not be a fair way to determine things. R. Dupler stated by changing the title, the Plan Commission will assign the property zoning districts to it and that will be accomplished in the next few months. There was further discussion about changing those properties from B6 to anything from B1 to B4. R. Dupler stated the City needs to give the B6 Zoning District some permitted and allowable uses. E. McAleer stated B6 will not have big box retail. G. MacDougall stated his definition of "Highway Business" is probably very different from someone else's. E. Sadowski asked what Pabst Farms is zoned. R. Dupler stated Pabst Farms is a Mixed Use Conditional Use; determinations on how to regulate the use are determined after the fact.

J. KRICKHAHN MOVED TO CHANGE THE ZONING CLASSIFICATION TITLE "HIGHWAY BUSINESS" TO "COMMERCIAL-LOCAL BUSINESS". E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

T. Aicher asked how land use affects zoning. R. Dupler stated land use does not regulate zoning. The zoning needs to be adjusted to match the land use map and the City has the rest of the year to make the zoning map match the land use map. T. Aicher asked if there will be any written notice sent to those property owners for all of the zoning map changes. R. Dupler stated per the new Smart Growth law, the clerk must keep a list of those property owners that want to be notified whenever there is a zoning change public hearing, whether it affects them or not. He stated since there will be multiple zoning changes due to implementation, all property owners could end up receiving a notice, or multiple notices. Notification requires 250' around all subject properties. The Common Council might want to try to lump these into one action. G. MacDougall stated he wants us to be transparent and wants to go the extra mile. E. McAleer stated we should interpret this as generously as possible. R. Dupler stated notifications will be on the website TV and in the newsletter. M. DeYoe suggested that each alderperson be notified so that they can have their own district meetings. R. Dupler will get each alderperson a list of the affected properties in their district.

B. Leonard asked R. Dupler to explain the blue Institutional properties on the land use map. R. Dupler stated the new Comprehensive Land Use Plan includes a couple of properties that also have residential districts. St. John's Northwestern Military Academy has a golf course that they do not want to be coded as Institutional. It is classified as residential so that the golf course could one day be developed. As far as the other Institutional areas, those with residential land use are St. John's Northwestern Military Academy, Nashotah House and University Lake School, because they have the right to have dormitories. These properties need to have residential zoning to allow use of residential property within their land use. The Plan Commission acted that way to allow these specific uses to have residential. The other option is to modify their Conditional Use to allow dormitories and change the land use to P1. G. MacDougall stated he doesn't want that to change. R. Dupler stated those property owners don't want it to change either. B. Leonard stated she is concerned because if it is zoned as Residential and in the event the school closes, it could be converted into a subdivision with no public hearing and no neighbor notification. If it is zoned P1, there would be notification requirements. She is more concerned with Nashotah House and University Lake School. R. Dupler stated these properties would still have to come before the Plan Commission for a Conditional Use to make that land residential.

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B. Leonard asked how much effort it would take to do an 8-10 page executive summary with a map. R. Dupler stated he is producing summary statements for each chapter already and is halfway there. L. Morrison clarified that when this is sent to Waukesha County, they are not allowed to change it. R. Dupler stated that is correct. Waukesha County must respect the City's land use decisions.

B. LEONARD MOVED TO DIRECT THE CITY PLANNER TO DRAFT AN 8-10 PAGE SMART GROWTH EXECUTIVE SUMMARY WITH A MAP. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

G. Gresch read the ordinance into the record.

E. SADOWSKI MOVED TO ADOPT ORDINANCE 610, AN ORDINANCE TO ADOPT CITY OF DELAFIELD 2009 COMPREHENSIVE DEVELOPMENT PLAN. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. Adjournment

E. SADOWSKI MOVED TO ADJOURN THE APRIL 27, 2009 COMMON COUNCIL MEETING AT 7:38 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes Prepared By:

Gina C. Gresch, MMC/WCPC
City of Delafield Clerk-Treasurer
Waukesha County