

**CITY OF DELAFIELD PLAN COMMISSION MINUTES**

PUBLIC HEARINGS

Mayor Schuman announced that the Lang proposal on the south side of I-94 was not on this agenda. He explained that citizen's comments would be limited to subjects on this agenda.

1. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR MICHAEL D. GATZOW TO ALLOW FOR A BUSINESS PLAN OF OPERATION FOR PERFECT IMAGE DETAILING

No comments were made.

**D. KUCHLER MOTIONED TO CLOSE THE PUBLIC HEARING. T. AUL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

2. REQUEST BY THE CITY OF DELAFIELD PLAN COMMISSION FOR A ZONING AMENDMENT TO REZONE PROPERTIES AT 1320, 1508 1604 HWY 83 FROM B-6 (COMMERCIAL HOLDING) TO R-5 (RESIDENTIAL PLANNED DEVELOPMENT DISTRICT)

John Geason, 1604 Highway 83, Hartland – Stated that he had no objection to the changing of the zoning. He is one of the property owners.

M. Czubkowski stated that all property owners were notified, the legal notice was published and all property owners received the legal notice in the mail. She has not heard from any other property owners.

Mayor Schuman asked three times if there were any other citizens who wished to speak on this matter. There were none.

**R. MISKELLEY MOTIONED TO CLOSE THE PUBLIC HEARING. T. AUL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

3. REQUEST TO AMEND AN EXISTING CONDITIONAL USE FOR PARQUELYNN VILLAGE FOR A PLANNED DEVELOPMENT AND TO REZONE PROPERTY FROM B-4 (GENERAL BUSINESS DISTRICT) TO R-6 (MULTIPLE FAMILY RESIDENTIAL DISTRICT)

Mayor Schuman asked three times if there were any other citizens who wished to speak on this matter. There were none.

**D. KUCHLER MOTIONED TO CLOSE THE PUBLIC HEARING. T. AUL SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.**

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M. Czubkowski stated that the second part of this item was that the City of Delafield Plan Commission was requesting a zoning amendment to have the entire development zoned R-6 conditional use PUD. It is currently two zoning districts.

Scott Blake, Owner of the Parcel – Had sent a letter to the Mayor objecting to the rezoning of this parcel. In their initial discussions with staff they recommended consolidating the conditional use permit and they had agreed to that. The parcel is currently zoned commercial and neighboring properties are commercial. They would like to retain the property rights that they have vested in having it zoned commercial. The intent is to build what was shown. M. Carlson emphasized that the current Master Plan for this parcel includes a commercial use along the frontage of the road with the residential use behind it. The Plan Commission has been trying to gain consistency between the zoning map and the Master Plan. This was not an issue that was discussed at the Plan Commission meeting when the issue of rezoning the parcel was discussed. The Plan Commission may have decided not to pursue a rezoning on the parcel had that discussion occurred.

Mayor Schuman asked three times if there were any other citizens who wished to speak on this matter. There were none.

**T. AUL MOTIONED TO CLOSE THE PUBLIC HEARING. D. KUCHLER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

4. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR PLANNED DEVELOPMENT FOR PERLICK NAGAWICKA LIMITED PARTNERSHIP

Copies of an email from B. Maslowski, a neighboring property, regarding this land split was distributed to the Commissioners. He was in favor of this. It was noted that B. Maslowski requested that the Plan Commission places into the record that no further land splits or “meets and bounds” land transfers (sales) be permitted on Bay Point Lane, between property owners after this matter has been concluded.

Bob Rosse, 2332 Evergreen Lane, Hartland – Not knowing the density, he stated that this is a very unique area along the lake where there is space between the houses. He would like this preserved so that this is not overbuilt and there is not too much density there.

Mayor Schuman asked three times if there were any other citizens who wished to speak on this matter. There were none.

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

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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  
Roger Dupler  
Tom Maney  
Matt Carlson  
Marilyn Czubkowski

Mayor Schuman welcomed the new members of the Plan Commission.

1. APPROVE PLAN COMMISSION MEETING MINUTES OF APRIL 26, 2006 MEETING

No action was taken.

2. DELAFIELD CITIZEN'S COMMENTS PERTAINING TO SUBJECTS ON THIS AGENDA

Todd Sadowski, 1538 Third Street – Discussed Fishbones. He was opposed to the outdoor seating that is proposed. He discussed parking and noise at the establishment.

Colleen Costigan Cairns, 1613 Milwaukee Street – She was opposed to the proposed changes for outdoor dining at Fishbones. She cited noise factors, traffic, and parking problems and felt that these would intensify and would decrease their quality of life.

Mayor Schuman asked if there were any other citizen's comments. There were none.

**D. KUCHLER MOTIONED TO CLOSE THE CITIZEN'S COMMENTS. T. AUL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

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3. CONSENT AGENDA

- a. **TAX KEY 734.989, 4024 NAGAWICKA RD. HARTLAND.** APPLICANT: TIMOTHY HORNER, UNIVERSITY LAKE SCHOOL. APPLICANT SEEKS APPROVAL OF A TEMPORARY BUSINESS PLAN OF OPERATION FOR A 50<sup>TH</sup> BIRTHDAY CELEBRATION FOR UNIVERSITY LAKE SCHOOL ON FRIDAY, AUGUST 4, 2006 FROM 4:30 – 8:00 P.M. AND SATURDAY, AUGUST 5, 2006 FROM 8:30 A.M. – 12:00 A.M.
- b. **TAX KEY 743.999, 120 NASHOTAH ROAD, NASHOTAH.** APPLICANT: ST. JOAN OF ARC CHURCH. APPLICANTS AGENT: MARION KALLAS. APPLICANT SEEKS APPROVAL OF A TEMPORARY BUSINESS PLAN OF OPERATION FOR ST. JOAN OF ARC'S FESTIVAL ON SATURDAY, JULY 22, 2006 FROM 11:30 A.M. – 11:30 P.M.
- c. **TAX KEY 787.053, 817 B GENESEE STREET, DELAFIELD.** APPLICANT: SUE CALDWELL. OWNER: TOM AUL. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR DAILY SKIN THERAPY, A CLINICAL SKIN CARE BUSINESS. HOURS OF OPERATION ARE WEEKDAYS AND SATURDAY, 8:00 A.M. – 8:00 P.M.; SUNDAY, 8:00 A.M. – NOON. ONE FULL-TIME EMPLOYEE.
- d. **TAX KEY 807.978.003, 350 AUSTIN CIRCLE, A, DELAFIELD.** APPLICANT: TONY ZANONI. OWNER: TOM SMITH. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR BELLA VITA, INC., A DRY CLEANING, PICK-UP/DROP/OFF SERVICE. HOURS OF OPERATION ARE WEEKDAYS, 7:00 A.M. – 6:00 P.M. TWO FULL-TIME EMPLOYEES
- e. **TAX KEY 801.999.009, 2916 GOLF ROAD, DELAFIELD.** OWNER: TOLD DEVELOPMENT. OWNER'S AGENT: POBLOCKI SIGN CO. APPLICANT SEEKS APPROVAL OF SIGNAGE FOR RADIO SHACK AT NAGAWAUKEE CENTER.
- f. **TAX KEY 787.087, 709 MILWAUKEE STREET, A, DELAFIELD.** OWNER: PETE FEICHTMEIER. APPLICANT: STEVEN C. YOUNG. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION AND SIGNAGE FOR PRESCIENT CAPITAL MANAGEMENT, INC., A CAPITAL MANAGEMENT FIRM. HOURS OF OPERATION ARE WEEKDAYS, 8:00 A.M. – 5:00 P.M. WITH ONE FULL-TIME EMPLOYEE.
- g. **TAX KEY 803.988.004, 2566 SUN VALLEY DRIVE, DELAFIELD.** APPLICANT: LAKE COUNTRY CIGARS. APPLICANT SEEKS APPROVAL OF A TEMPORARY BUSINESS PLAN OF OPERATION FOR THE MACANUDO CIGAR EVENT ON TUESDAY, JUNE 27, 2006 FROM 3:00 – 7:00 P.M.

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- h. **TAX KEY 793.017, 505 WELLS STREET, DELAFIELD.** APPLICANT: DELAFIELD HOSPITALITY, LLC, ANDREW RUGGERI. APPLICANT SEEKS APPROVAL OF AN AMENDED BUSINESS PLAN OF OPERATION FOR WELLS STREET TAVERN, A RESTAURANT AND BAR. HOURS OF OPERATION ARE MONDAY – THURSDAY AND SUNDAY, 11:00 A.M. – 12:00 A.M.; FRIDAY AND SATURDAY, 11:00 A.M. – 2:00 A.M. THREE FULL-TIME AND 10 PART-TIME EMPLOYEES.
- i. **TAX KEY 804.994.016, 2725 HILLSIDE DRIVE, DELAFIELD.** APPLICANT: MARYANN LEWANDOWSKI, BLAST GRAPHICS, LLC. APPROVAL OF STAFF RECOMMENDATION REGARDING SIGNAGE FOR LAKE COUNTRY POOL AND SPA, A CUSTOM IN-GROUND POOL, SPA SUPPLIER.
- j. **TAX KEY 798.966, 418 GENESEE STREET, DELAFIELD.** APPLICANT: WILL NOURSE. APPLICANT SEEKS APPROVAL OF A TEMPORARY BUSINESS PLAN OF OPERATION FOR A PROPOSAL FOR FREESTYLE WAKE BOARD AND WAKE SKATE EVENT ON SATURDAY, JUNE 10 FROM 8:00 A.M. – 11:00 P.M. LOCATION IS THE DEPARTMENT OF PUBLIC WORKS PARKING LOT.
- k. **TAX KEY 733.990.003, 2961 VILLAGE SQUARE DRIVE, HARTLAND.** OWNER: UNITED PROPERTIES. APPLICANT: JOHN OPOLKA, DIAMOND MANAGEMENT. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR DIAMONDBACK MANAGEMENT, INC., DBA, TUMBLEWEED SOUTHWEST GRILL, A RESTAURANT AND BAR. HOURS OF OPERATION ARE WEEKDAYS AND SUNDAY, 11:00 A.M. – 11:00 P.M.; SATURDAY, 11:00 A.M. – 12:00 A.M. WITH 60 PART-TIME AND 4 FULL-TIME EMPLOYEES.
- l. **TAX KEY 733.993.002, 4615 VETTELSON ROAD, HARTLAND.** OWNER: JIM JENDUSA. APPLICANT: DIANE PHIPPS. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR TELEPHONIC MEDICAL CASE MANAGEMENT, MEDICAL CONSULTING. HOURS OF OPERATION ARE WEEKDAYS, 8:00 A.M. – 5:00 P.M. WITH 1 FULL-TIME AND 1 PART-TIME EMPLOYEE.

M. Czubkowski stated that Item 3j was removed from the agenda.

**T. AUL MOTIONED TO APPROVE THE CONSENT AGENDA MINUS ITEM 3J AND PER ROGER DUPLER'S STAFF REPORT. C. MURSKY SECONDED THE MOTION WITH THE NOTATION THAT ANY STAFF COMMENTS THAT ARE INCLUDED BE PART OF THE APPROVAL. THERE WAS NO FURTHER DISCUSSION. FOUR WERE IN FAVOR. C. SMITH ABSTAINED. MOTION CARRIED.**

Later in the meeting, T. Aul noted that the consent agenda contained

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items that were for tenants of his properties and he withdrew his motion (see above).

**D. KUCHLER MOTIONED TO APPROVE THE CONSENT AGENDA. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FOUR WERE IN FAVOR. T. AUL ABSTAINED. M. CARLSON CLARIFIED THAT THE MOTION WAS TO APPROVE THE STAFF RECOMMENDED COMMENTS IN THE STAFF REPORT. MOTION CARRIED.**

4. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVALS

M. Carlson stated that Items a-e were recommendations from the Plan Commission to the City Council.

- a. REQUEST OF PLAN COMMISSION FOR A ZONING AMENDMENT TO REZONE 1320, 1508, 1604 HWY 83, SINGLE FAMILY HOMES, AND 1806 HWY 83, A BUSINESS FROM B-6 (COMMERCIAL HOLDING DISTRICT) TO R-5 (RESIDENTIAL PLANNED DEVELOPMENT).

R. Dupler stated that this is a follow-up to previous conversations at the Plan Commission as part of the original Geason proposal for a conditional use site plan development for those portions of the property east of 83. There were four parcels not included in the development. A recommendation was made to rezone these properties to R5. The Comprehensive Plan was also modified to accommodate the medium density development. This is consistent with the realized development on the western edge on the original Geason proposal. The intent is that the rezoning would alleviate more of the inconsistencies between the zoning and the Comprehensive Plan. He recommended for consideration of approval of the rezoning ensuring consistent documents for future consideration.

**T. AUL MOTIONED TO APPROVE. R. MISKELLEY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FOUR WERE IN FAVOR. C. MURSKY OPPOSED. MOTION CARRIED.**

- b. **TAX KEY 742.011, 4719 VISTA PARK COURT, NASHOTAH.** APPLICANT: DAVID KOSCIELNIAK, TDI ASSOCIATES. OWNER: SCOTT BLAKE, PARQUELYNN VILLAGE. APPLICANT SEEKS APPROVAL OF AN AMENDMENT TO THE CONDITIONAL USE PERMIT TO ADD ADDITIONAL GARAGES, CLUBHOUSE AND POOL FACILITY AND HAVE ONE CUP FOR THE ENTIRE DEVELOPMENT.

D. Koscielniak was present at the meeting. The clubhouse siding has been changed from vinyl siding to fiber cement. Landscaping on the garage portion of the property would include a planting bed to the rear

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elevation of the garages. Photometrics were discussed and shown on the plans.

R. Dupler stated that it was confirmed that the siding has been changed appropriately. Additional research on the photometrics has been done and they are properly illustrated on the drawings. In regards to architecture, he would like to have confirmation that the colors should match the existing colors. The representatives from Parquelynn Village discussed the colors and pool fence. R. Dupler discussed landscaping in regards to the proposed screening of the garages. C. Mursky discussed the possibility of rain gardens around the garages. S. Blake discussed the density and the placement of the garages on existing impervious surfaces. This will go before the Public Works Committee. It was clarified that the pool would be for residents only with the hours being from 9 am to 9 pm.

**T. AUL MOTIONED TO APPROVE CONTINGENT UPON APPROVAL OF THE STORMWATER MANAGEMENT PLAN BY STAFF AND THE PUBLIC WORKS COMMITTEE. D. KUCHLER SECONDED THE MOTION AND MADE A FRIENDLY AMENDMENT TO ALLOW STAFF TO WORK WITH THE PROPERTY OWNER FOR LIGHTING (POOL DECK) WITHOUT HAVING TO COME BACK TO PLAN COMMISSION, AND A REVISED LANDSCAPE PLAN. T. AUL WAS IN AGREEMENT TO THE FRIENDLY AMENDMENT. ALL WERE IN FAVOR. MOTION CARRIED.**

- c. **TAX KEY 742.011, 4719 VISTA PARK COURT, NASHOTAH.**  
APPLICANT: CITY OF DELAFIELD. OWNER: SCOTT BLAKE.  
APPLICANT SEEKS APPROVAL OF REZONING PARQUELYNN VILLAGE FROM B-4 (GENERAL BUSINESS DISTRICT) TO R-6 (MULTIPLE FAMILY RESIDENTIAL DISTRICT).

**T. AUL MOTIONED THAT THE REZONING PETITION BE DENIED. D. KUCHLER SECONDED THE MOTION. IT WAS CLARIFIED THAT THIS IS CONSISTENT WITH THE COMPREHENSIVE PLAN. S. BLAKE WAS IN AGREEMENT WITH THIS. ALL WERE IN FAVOR. MOTION CARRIED.**

- d. **TAX KEY 733.989, 4439 VETTLESON ROAD, HARTLAND.**  
APPLICANT: DANIEL SWITALSKI. OWNER: MIKE GATZOW.  
APPLICANT SEEKS APPROVAL OF A SITE PLAN AND CONDITIONAL USE PERMIT FOR PERFECT IMAGE DETAILING.

D. Switalski was present at the meeting. This is an automobile detailing and portering business.

R. Dupler stated that this is before the Plan Commission because the automobile oriented business is not one of the permitted uses in the B1A

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zoning district. This is part of a multi-tenant building. A site plan was provided for the temporary storage had been submitted. This would be temporary for daily storage of vehicles. R. Dupler stated that this would be compatible with the neighborhood and the intended use of the property. He recommended consideration for approval.

**D. KUCHLER MOTIONED TO APPROVE. T. AUL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- e. **TAX KEY 782.026, 782.026.001, 782.027, 2016 BAY POINT LANE, HARTLAND; 782.991, 782.992, 2138 EVERGREEN LANE, HARTLAND;** APPLICANT: STUART RUDDY. OWNER: STEVEN BERGUM, PERLICK NAGAWICKA LIMITED PARTNERSHIP. OWNER SEEKS APPROVAL OF A CONDITIONAL USE FOR PLANNED UNIT DEVELOPMENT AND 2 CERTIFIED SURVEY MAPS.

S. Bergum was present at the meeting. They were requested by the City to change this to a planned unit development, conditional use which they agreed to. In reference to the comment made earlier in regards to maintaining the area and to improve it, he stated that this has been his intention since he moved there. They have agreed to tear down the one out-building on Lot 2 on CSM A. They have put into covenant that none of the lots can be subdivided. S. Ruddy, attorney, thanked staff for their assistance and discussed the drainage easement and other issues. M. Carlson asked if a notation could be included on the CSM or a condition of the approval of the PUD that identifies that a drainage easement in some location will be required of the property. R. Dupler stated that this would be an acceptable mechanism to ensure that there would be preservation. T. Maney stated that as long as the owner understood that prior to any building permit being issued to the lot closest to Key Pointe Lane, that the parcel would be run through the City Engineer to get their opinion on the drainage easement, and the location be acceptable to the staff prior to the building permit being issued to that lot. S. Bergum understood this and stated that he was okay with it. R. Dupler stated that his recommendation was contingent upon resolution of the comments and concerns addressed in the letter from Yaggy Colby.

Tom Schubert, 2022 Bay Point Lane – asked if he could speak. Mayor Schuman granted permission. He spoke regarding the comment from B. Maslowski in regards to no further subdivisions of the land. T. Schubert did not know the purpose of making that request. It was T. Schubert's opinion that no restrictions should be placed in regards to further subdivision of the land.

**R. MISKELLEY MOTIONED THAT THE PROJECT BE APPROVED AS PRESENTED AS LONG AS THE APPLICANT IS IN COMPLIANCE WITH THE YAGGY COLBY LETTER DATED MAY 26, 2006 AND THE**

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**DRAINAGE EASEMENT. D. KUCHLER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

5. PLANS OF OPERATION, SIGNAGE AND SITE PLAN

- a. **TAX KEY 797.084, 1704 MILWAUKEE STREET, DELAFIELD.** APPLICANT AND OWNER: DENNIS SOBCZAK. APPLICANTS SEEK APPROVAL OF AN AMENDED BUSINESS PLAN OF OPERATION FOR SEASONAL OUTDOOR DINING AT FISHBONE'S CAJUN & CREOLE RESTAURANT. HOURS OF OPERATION ARE TUESDAY – THURSDAY, 4:00 P.M. – 12:00 A.M.; FRIDAY - SATURDAY, 4:00 P.M. – 1:00 A.M.; SUNDAY, 4:00 – 10:00 P.M. WITH 10 FULL-TIME AND 10 PART-TIME EMPLOYEES.

Attorney Claud Krawczyk from O'Neil Cannon Hollman Dejon representing Dennis Sobczak and Fishbones was present at the meeting. He discussed the concerns regarding the outdoor seating. There are also individuals who were in favor of the outdoor seating. A brief history of the establishment took place including previous businesses at this location. They felt that Fishbones was a good neighbor. The property is zoned B1A and is a commercial property. The deck is presently at the property and no architectural changes would take place. Outdoor dining is becoming very popular. Fishbones would like to take advantage of the existing deck. This may or may not increase the customer count. The deck also serves as the handicapped access and the proposal would not interfere with the access. D. Sobczak would be agreeable to having the deck be cleared by 10:30 p.m. Sunday – Thursday, and 11 p.m. on Friday and Saturday. The last serving on the deck would be 9:15 p.m. This would be for food service only, not for drinks and he stated that D. Sobczak would be willing to post a sign on the deck to this effect. He noted the parking concern and stated that they had 34 parking spaces on site (more than required). He invited the City to strictly enforce the on street parking violations.

R. Dupler stated that this is an allowed use in this district. The seating capacity does not exceed the loading of the building. There was no issue with access. He recommended awarding a one year trial period.

**D. KUCHLER MOTIONED TO APPROVE A ONE YEAR TRIAL BASED UPON THE REVISED HOURS SUNDAY-THURSDAY UNTIL 10:30 P.M. AND FRIDAY AND SATURDAY UNTIL 11 P.M. AND THAT A SIGN BE POSTED ON THE DECK STATING THAT IT WOULD BE FOR FOOD SERVICE ONLY WITH THE HOURS CLEARLY POSTED ON THE SIGN. T. AUL SECONDED THE MOTION. IT WAS CLARIFIED THAT A PATHWAY WOULD BE KEPT CLEAR (FREE OF FURNITURE, ETC.) FOR HANDICAPPED ACCESS FROM THE RAMP INTO THE**

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**RESTAURANT. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. **TAX KEY 804.994.019, 2730 HILLSIDE DRIVE, DELAFIELD.** APPLICANT: BAUER SIGN COMPANY. APPLICANT SEEKS APPROVAL OF AN AMENDED BUSINESS PLAN OF OPERATION AND SIGNAGE FOR TWIST 'N OLIVE.

A representative from Twist 'n Olive was present at the meeting. He stated that the sign company did not conform to the required specifications. They are trying to bring it into compliance.

R. Dupler stated that he has been in contact with Bauer Sign Company. The contractor, Bauer Sign, asked that this be postponed until next month. The Twist 'n Olive representative requested that the Plan Commission allow the present signage remain posted until the new sign is installed. It was expected that a new sign that meets specifications could be obtained in two to three weeks. R. Dupler explained the sign program for multi-tenant buildings. Discussion took place on possible remedies.

R. Dupler stated that an amendment to the existing business plan of operation was also being requested. Twist 'n Olive would like to take advantage of a patio that was pre-approved as part of the GPD. They would commit to provide a matching containment fence as well as provide graphics for the proposed umbrellas. He recommended approval. The hours are Monday – Thursday 4 p.m. – midnight, Friday 4 p.m. – 2 a.m., Saturday 2 p.m. – 2 a.m., and Sunday 2 p.m. – 10 p.m. No food would be served. The umbrellas consistency compared to those at other neighboring establishments were discussed. D. Kuchler stated that he would like that the umbrella match the awning as closely as possible.

**R. MISKELLEY MOTIONED TO APPROVE THE CONTINUATION OF EXISTING SIGNAGE FOR 30 DAYS UNTIL THE NEW SIGN CAN BE ERECTED BY BAUER SIGN COMPANY AND APPROVAL OF THE NEW PATIO WITH UMBRELLAS WITH COLORS TO MATCH THE EXISTING AWNING AS CLOSELY AS POSSIBLE WITH THE CONDITION THAT THE PATIO WITH THE UMBRELLAS CANNOT BE OPERATED UNTIL THE SIGNAGE IS COMPLETE. A REPORT WILL BE GIVEN AT THE NEXT MEETING. T. AUL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

6. PRELIMINARY

- a. **TAX KEY 793.989.004, 405 GENESEE STREET, DELAFIELD.** OWNER: LANG INVESTMENTS, LTD. OWNER SEEKS PRELIMINARY APPROVAL OF A CHANGE TO THE CONDITIONAL USE PERMIT FOR

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THE LANG CAMPUS AND REQUESTS PUBLIC HEARING FOR A CONDITIONAL USE CHANGE.

Andy Literitz, owner, was present and explained that they would like to put in a physical therapy clinic.

R. Dupler stated that this was part of the original petition. This parcel is subject to conditional use. A public hearing must be scheduled and a recommendation must be made to the Common Council after the public hearing. He recommended that the Plan Commission consider this a minor modification.

**D. KUCHLER MOTIONED TO SCHEDULE A PUBLIC HEARING. T. AUL SECONDED THE MOTION. C. MURSKY ASKED FOR CLARIFICATION OF "MORE SIGNIFICANT MEDICAL CONCERNS". A. LITERITZ EXPLAINED THAT CONSULTANTS MAY BE BROUGHT IN FOR ORTHOPEDIC CONCERNS. THE TEMPORARY SIGN WOULD BE REMOVED. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. **TAX KEY 793.991.001, 232 MAIN STREET, DELAFIELD.** APPLICANT: DAVID KOSCIELNIAK. OWNERS: WALLY NEUMANN, MARK NEUMANN, DAVE NOSEK. APPLICANTS SEEK PRELIMINARY APPROVAL OF A SITE PLAN FOR A CONDOMINIUM DEVELOPMENT AND REQUESTS A PUBLIC HEARING FOR REZONING.

Wally Neumann, Dave Nosek, and Mark Neumann were present at the meeting. They have reduced the unit size from 18 units to 12 units. There are now two smaller buildings (six units each) with two car attached garages and no underground parking. The height has been reduced from 47' to 35'. He explained the various units. They would like approval for a planned unit development and a rezone from R3 to R6. He felt that this would be consistent with the Master Plan. D. Koscielniak explained the architecture of the buildings.

It was suggested to add an island down the middle of the parking lot and landscaping between the buildings. Because of the close location to the Fish Hatchery, consideration of that type of stone architecture may be advantageous.

R. Dupler stated that the proposed R6 zoning would be appropriate in order to accommodate the multi-family units. Because there are two units on one parcel, it is a mandate that it be done as a PUD. The density of 5.9 units per acre which is consistent with the comprehensive plan which identifies 4 units per acre (see clarification below\*). This area is identified for a higher density. The total amount of green space on the site plan is above the standard requirements. There is ample parking. He would like to see some pedestrian walks linked to the frontage on

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Main Street and asked that the sidewalks be extended down Main Street to get to this location.

W. Neumann reviewed the densities of other developments are in this area. \*He clarified that their acreage is 1.67 acres which would equate to 7 units per acre (less than the adjacent areas). This needs to be corrected on their site plan.

**T. AUL MOTIONED THAT ALL OF THE ISSUES BE COMBINED AND SCHEDULED IN ONE PUBLIC HEARING (THE TWO BUILDINGS WITH SIX UNITS EACH AND THE REZONING). D. KUCHLER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- c. **TAX KEY 803.998.001, N211 HWY 83, DELAFIELD.** APPLICANT: BRAD KWASNY, HAAG MULLER. APPLICANT SEEKS APPROVAL OF A SITE PLAN TO INCREASE ACCESS AND THE PARKING LOT SIZE OF THE MCDONALD'S RESTAURANT AND REQUESTS PUBLIC HEARING FOR CONDITIONAL USE CHANGE.

This was withdrawn. No discussion or action took place.

- d. **TAX KEY 794.015 AND TAX KEY 794.016, LOT 3 & 4, 75 ENTERPRISE ROAD, DELAFIELD.** OWNER: JERRY LYONS. APPLICANT: BOB BUCHTA, OLIVER CONSTRUCTION AND PATRICK JOHNSON. APPLICANT SEEKS APPROVAL OF PRELIMINARY PRESENTATION OF A SITE PLAN FOR A STORAGE FACILITY.

B. Buchta was present at the meeting. Currently there are two separate lots that are currently vacant. The location of the area was described. The perimeter of the building would have masonry going around the majority of the project as well as on the front faces of the interior buildings in addition to landscaping. Architectural material samples were discussed and displayed. They are considering 200-300 units.

R. Dupler stated that this business park is zoned as B6 and was developed as a conditional use. The conditional use identifies that the uses to be employed will conform to B2 or B3 uses by right. The original developer of the business park came in and sought a modification to their original agreement about two years ago in which they could allow B4 uses done as conditional use. This proposal qualifies as a B4 use. This would also have to have its own unique conditional use and a public hearing would be necessary. The petitioners would like to consolidate the two lots with a CSM into one cohesive lot. There are stormwater issues to be worked out. He was concerned about the function of the site in terms of traffic. City ordinance prohibits the backing of vehicles within the public right-of-way. Logistics of large trucks access in this area need to be worked out. Landscape screening should be addressed

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by the Plan Commission. R. Dupler discussed a 31' wall on the south side of buildings A & B. B. Buchta stated that this was dependent on the grades. The primary reason was for signage and visibility from the highway. R. Dupler stated that they may want to consider decreasing the size of the wall with the Plan Commission's input and employing a legitimate sign panel. He thought the materials were appropriate given the context of the other development there, but would like to see more architectural detail on the building. He suggested using a warm color tone for the building and not as many contrasting between colors.

B. Buchta was asked to discuss possible re-uses for the building. He thought it might be used as a warehouse or light industrial use/assembly/storage.

B. Buchta explained that this development would be a keyed entry with a sliding gate. They are also addressing issues with the fire department for access. Research will take place as to how police would access the site.

C. Mursky expressed that she was not enamored with the metal and was concerned that the project was not versatile enough.

**D. KUCHLER MOTIONED TO SCHEDULE A PUBLIC HEARING. R. MISKELLEY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

7. ZONING AND ORDINANCE REVISION

a. DISCUSSION REGARDING PROPOSED TEXT AMENDMENT FOR CONDITIONAL USE AMENDMENTS.

R. Dupler stated it has come to his attention that the Plan Commission should not have the latitude to make minor versus major recommendations on conditional uses – only with residential PUD's. This practice will be discontinued unless the ordinance is modified to allow the Plan Commission to do that. Currently it requires that any modifications to conditional use be handled only with a public hearing held by Plan Commission and then acted on by the Common Council. A copy of the ordinance modifications allowing the Plan Commission to continue the practice was presented to the Plan Commission. M. Carlson explained the history of the practices. The proposed language would give the Plan Commission to do the same kinds of things that are being done in residential subdivisions – make a determination as to whether it is minor or major, allow the Common Council to concur or not concur and either approve it at this level without a public hearing or if the Council thought it was a major change then it wouldn't have to go through the normal public hearing process. He suggested scheduling this for a public hearing, that the City prepare an Ordinance for consideration to

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be discussed at the public hearing as a text amendment to the zoning code.

**D. KUCHLER MOTIONED TO SCHEDULE THIS FOR A PUBLIC HEARING. T. AUL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

8. HEARING DATES

See above.

9. ADMINISTRATOR'S REPORT

M. Carlson stated that the representatives for the Lang project south of I94 have not submitted their application materials and preliminary site plan to the City. It is not known what they are proposing from a zoning point of view.

10. BUILDING INSPECTOR'S REPORT

Total number of permits to date are 21 plus three occupancy permits. New permits include two new single family homes.

11. BOARD OF ZONING APPEALS

a. BOARD OF ZONING VARIANCES GRANTED FOR APRIL 2006.

Case #726, Mark Jeske (Owner) for a Proposed Utility Shed at 1015 Sunset Dr.

12. CORRESPONDENCE

a. NOTICE OF LOCAL LAND PLANNING EDUCATION SERIES HELD AT THE TOWN OF GENESEE TOWN HALL ON TUESDAY, MAY 30, 2006 FROM 7:00 – 9:00 P.M.

b. LETTER DATED APRIL 5, 2006 FROM THE WISCONSIN DEPARTMENT OF ADMINISTRATION REGARDING NO OBJECTION TO THE PRELIMINARY PLAT FOR THE HICKORY HILLS SUBDIVISION IN THE TOWN OF DELAFIELD.

c. LETTER DATED APRIL 18, 2006 FROM THE WISCONSIN DEPARTMENT OF ADMINISTRATION REGARDING NO OBJECTION TO THE PRELIMINARY PLAT FOR MISSION PRAIRIE SUBDIVISION.

d. LETTER FROM WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE DATED APRIL 27, 2006 REGARDING CONDITIONAL CERTIFICATE OF NO OBJECTION TO THE PRELIMINARY PLAT FOR MISSION PRAIRIE SUBDIVISION.

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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 9:50 P.M.**

Respectfully submitted:

Minutes Prepared By:

Marilyn Czubkowski, CMC  
City Clerk/Treasurer

Accurate Business Communications LLC