

**CITY OF DELAFIELD PLAN COMMISSION MINUTES**

PUBLIC HEARINGS

1. CONSIDERATION OF AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT TO MODIFY THE EXISTING WIRELESS TELECOMMUNICATIONS FACILITY, **TAX KEY 781.990, 1605 HIGHWAY 83, HARTLAND.**

There were no citizens who wished to speak.

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

Mayor Phil Schuman  
Thomas Aul  
Christopher Smith  
Chrys Mursky  
Roger Dupler  
Tom Maney  
Matt Carlson  
Marilyn Czubkowski

Absent

Ron Miskelley  
Dick Kuchler

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

**T. AUL MOTIONED TO APPROVE THE PLAN COMMISSION MEETING MINUTES OF JULY 26, 2006. C. MURSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

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

There were no citizens who wished to comment.

**C. SMITH MOTIONED TO CLOSE CITIZEN'S COMMENTS. K. STREGE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

3. CONSENT AGENDA: APPROVALS PER STAFF RECOMMENDATIONS

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**C. SMITH MOTIONED TO REMOVE ITEMS B AND C AND TO APPROVE ITEMS A, D, E, AND F. K. STREGE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- a. **TAX KEY 803.988.004, 2566 SUN VALLEY DRIVE, DELAFIELD.** OWNER: GARY STORTS APPLICANT: JOHN LAATSCH. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR BACK STREET DELI, CATERING AND DINING. HOURS OF OPERATION ARE WEEKDAYS, SATURDAY AND SUNDAY, 9:00 A.M. – 9:00 P.M. SIX FULL-TIME AND 4 PART-TIME EMPLOYEES

Approved. See above.

- b. **TAX KEY 793.995, 6 WEST MAIN ST, DELAFIELD.** OWNER: RON BETHIA. APPLICANT: PAUL KIEDROWSKI. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR A LAWN MAINTENANCE, LANDSCAPING, SNOW REMOVAL BUSINESS. HOURS OF OPERATION ARE WEEKDAYS 7:00 A.M. – 7:00 P.M.; SATURDAY, 8:00 A.M. – 5:00 P.M. WITH 9 FULL-TIME EMPLOYEES.

R. Dupler stated that all of the equipment will fit inside of the building.

Paul Kiedrowski was present at the meeting. He stated that the equipment, i.e., mowers, would not be stored outside, but that the vehicles and trailers would be parked outside overnight and would be moved everyday. Winter equipment is stored at another location. Landscaping was discussed. It was stated that they were renting this property and plan on being their more than 12 months, but less than five years.

**C. SMITH MOTIONED TO APPROVE CONTINGENT UPON STAFF REVIEW OF OVERNIGHT PARKING OR OUTDOOR USE OF THE PROPERTY. K. STREGE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- c. **TAX KEY 793.989.007, 405 GENESEE STREET, DELAFIELD.** OWNER: LANG INVESTMENTS. APPLICANT: CHRISTINE WELSH. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR ELATION DANCE CENTER, LLC, A DANCE SCHOOL. HOURS OF OPERATION ARE WEEKDAYS, 10:00 A.M. – 9:30 P.M. SATURDAY, 10:00 A.M. – 2:00 P.M. ONE FULL-TIME AND 1 PART-TIME EMPLOYEE.

Christine Welsh was present at the meeting. C. Mursky was concerned about the continued signage out on the corner. The business plan of operation does not include signage. C. Mursky asked that all signage that is not approved be removed. R. Gerbitz agreed.

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**C. MURSKY MOTIONED TO APPROVE. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- d. **TAX KEY 798.013.001, 611 MAIN STREET, DELAFIELD.** OWNER: RICK LIEBLANG. APPLICANT: BETSY REDELL. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR PARTY LAND, A RETAIL PARTY SUPPLIES STORE. HOURS OF OPERATION ARE WEEKDAYS, 9:00 A.M. – 8:00 P.M.; SATURDAY, 9:00 A.M. – 5:00 P.M.; SUNDAY, 11:00 A.M. – 3:00 P.M.; 6 PART-TIME AND 1 FULL-TIME EMPLOYEES.

Approved. See above.

- e. **TAX KEY 807.982.001, 3586 HILLSIDE ROAD, DELAFIELD.** APPLICANT: MICHAEL LANDRY. APPLICANT SEEKS APPROVAL OF A OF A TEMPORARY BUSINESS PLAN OF OPERATION AND SIGNAGE FOR AREA RENTAL FOR A TENT DISPLAY FROM OCTOBER 7 – OCTOBER 29, 2006.

Approved. See above.

- f. **TAX KEY 787.075, 810 GENESEE STREET, DELAFIELD.** OWNER: MARTINA VERRE. APPLICANT: JENNY ALLEN. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR BARK RIVER KIDS, CHILDREN'S GIFT, CLOTHING AND CLASSES. HOURS OF OPERATION ARE WEEKDAYS AND SATURDAYS, 10:00 A.M. – 7:00 P.M.; SUNDAY, 12 NOON – 7:00 P.M. THREE PART-TIME AND 1 FULL-TIME EMPLOYEE.

Approved. See above.

4. **FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVALS**

- a. **CITY OF DELAFIELD 2007-2011 CAPITAL IMPROVEMENTS PLAN/BUDGET CONSIDERATION.**

M. Carlson reviewed the capital improvements program. Input on the list of projects included in the Commissioner's packets was requested. Land acquisition and the possibility of the preservation of open space in Delafield was discussed. The documents gave an idea of what kinds of expenditures are seen both short and long term over the next five years in addition to the method of funding.

T. Aul was concerned about the completion of the Genesee Street project (north end sidewalks) and would like this to be considered. M. Carlson will obtain pricing information for sidewalk connections. He reviewed the Genesee Street project up to this point in time. T. Aul also addressed

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pedestrian traffic on Milwaukee Street; he thought this was a very dangerous area and that a pedestrian lane was needed. More pedestrian and biking lanes are needed in the City. He felt that a public boat landing needed to be explored with the development of pedestrian access to the downtown area from this point. C. Smith stated that Park & Rec has been working on this and he thought that this could be purchased this year. Next year there will be "at least two fingers that stick out" allowing for four boats to park. It will be able to be used for fishing and will be handicapped accessible. M. Carlson stated that parts of this are also included the dam rehabilitation project.

The wireless pilot project will not cost the City any funds. Further discussions have not taken place and this does not need to be considered at this time.

C. Smith thanked the City Staff and stated that on behalf of the Park & Rec Commission they felt very comfortable with the items. M. Czubkowski stated that the Equestrian Trail improvements were moved from the Park & Rec budget to the Stormwater section. The Park & Rec Commission has asked that it be considered for survey, signage, and a map. When the Geason Park is developed, where this area exactly needs to be known is as it will impact access to the park. M. Carlson stated that the City Engineer has been asked to prepare a survey and map to show the location of this path. There is concern about mixing pedestrian traffic with horse.

The budget presentation meeting will be held in at 6 p.m. on Monday, October 9 at the Fish Hatchery. Three meetings will take place in November where the budget is discussed: Monday, November 6 in the Council Chambers (Common Council meeting); Monday, November 13 in the Council Chambers (Finance Advisory Board meeting); and Monday, November 20 in the Council Chambers (Common Council meeting).

There was concern about pedestrian traffic on Genesee and Milwaukee Streets. More information was requested on the Exeter Street lanes. If any citizens are concerned about traffic in their areas, they should contact their alderperson.

- b. **TAX KEY 781.990, 1605 HIGHWAY 83, HARTLAND.** OWNER: JOE AND MARALYN GEASON. APPLICANT: BOB COVELLI, U.S. CELLULAR. APPLICANT SEEKS APPROVAL OF A CONDITIONAL USE PERMIT AND SITE PLAN FOR A TELECOMMUNICATIONS FACILITY.

Dick Rogers representing U.S. Cellular was present. They are proposing to place additional antennae on an existing telecommunications site (silo). They would not go above the existing line of the silo; they would go on the face of the silo. The antennas would not be visible. Also proposed is a communications/equipment building at the base of the silo.

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R. Dupler stated that this is being recommended as a major change. He requested that when framing the motion to please refer to the conditional use reviewed determination and approval criteria checklist (provided). The Petitioner was asked to provide structural analysis of the silos. This has been submitted, but has not been reviewed.

Discussion took place on the appearance of the equipment building. M. Carlson stated that a structural engineer analysis was provided by MP2 in which their executive summary included a statement that states: "The additional lateral load created by US Cellular's installation, if installed relatively flush to the silo shell, will have a negligible impact on the structural integrity of the silos." M. Carlson recommended to rely upon the information that has been presented in terms of structural integrity. The City of Delafield has a special section in the zoning code that deals with cellular tower antennas. Co-location is encouraged. He stated that if and when the conditional use expires, it would not terminate the need for cell tower facilities. When this time comes, the City will need to determine how to accommodate cell tower locations in that neighborhood. This is a request to upgrade the cell towers that are in place right now.

J. Geason stated that at this point in time he is not looking at developing this side of Highway 83. There would be three cell carriers located at this site.

**T. AUL MOTIONED THAT THE PLAN COMMISSION RECOGNIZED THAT THIS IS A MAJOR CHANGE TO THE CONDITIONAL USE AGREEMENT, BUT TO APPROVE CONDITIONED UPON THE ANALYSIS OF THE STRUCTURAL CALCULATIONS, AND TO RECOMMEND THIS TO THE CITY COUNCIL AS A MAJOR CHANGE. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- c. **TAX KEY TAX KEY 782.029, 2016 BAY POINT LANE, HARTLAND; APPLICANTS STEVE AND PAMELA BERGUM. APPLICANTS SEEK APPROVAL OF SIP FOR ARCHITECTURE OF A HOUSE, SITE PLAN AND ARCHITECTURE FOR A BOATHOUSE AND LANDSCAPING.**

M. Czubkowski stated that the tax key number should be 782.026. Steve Bergum, owner, and John Schrader, architect/builder were present at the meeting. He reviewed the location of the house, the footprint, boathouse (not a wet boathouse), rain gardens, plantings to be used for soil stabilization, and architecture of the home.

R. Dupler noted that previously when the original approval of this property and other parcels came to the Plan Commission, it was approved by conditional use and in a sense established a general

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development plan for a PUD for this assemblage of parcels. They are now asking for consideration of a minor modification to the house placement – it is still substantially compliant with the original plan. He reviewed why this was before the Plan Commission: S. Bergum came to the City asking for a land split that was split via CSM with two separate CSM's creating five residential lots. The only way to get the geometry to work and satisfy all of the City ordinances was to prepare it as a planned development. With the acceptance of the two CSM's the City also accepted the proposed land divisions as a conditional use general development plan. As such, they have returned to the Plan Commission, as will all of the homes built in this PUD, for approval because of the conditional use.

C. Smith was pleased with the rain gardens.

**C. SMITH MOTIONED TO APPROVE. T. AUL SECONDED THE MOTION. A FRIENDLY AMENDMENT WAS MADE TO MAKE IT CONTINGENT UPON THE LAKE WELFARE COMMITTEE REVIEW OF THE BOATHOUSE AND THAT THIS BE RECOMMENDED TO COUNCIL. C. SMITH AND T. AUL WERE IN FAVOR OF THE AMENDMENTS. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- d. **TAX KEY 756.996.002, HIGHWAY 83 AND OAKWOOD ROAD, HARTLAND.** APPLICANT: KETTLE MORAIN FREE EVANGELICAL CHURCH. APPLICANT SEEKS APPROVAL OF SIP FOR COLOR MODIFICATION OF THE BUILDING AND DETERMINATION OF A MINOR OR MAJOR CHANGE TO THE CONDITIONAL USE PERMIT.

M. Czubkowski stated that the Common Council has passed an ordinance that when the Plan Commission considers an item as a minor or major change that a notice is sent out to people within 300' of the property. This was done and a copy of the agenda was also sent with the notice. No comments were received.

A representative from the church was present. He reviewed the color changes. A member of the church's building committee stated that once the committee saw the brick they found that the brick looked very orange and they came up with the new color brick. They thought that the new color would not carry the risk of fading, they stayed within the Master Plan of what they started with, and they like the new color as a committee better.

R. Dupler stated that this is a minor modification that they are asking for reconsideration. He did not have any issues with it.

K. Strege stated that it was his opinion that the color changed the whole appearance of the building for the worse. He preferred the original color.

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C. Mursky felt that she liked the tri-colored scheme because it broke the building up. The heaviness is that there are masses of one color with masses of a second color and that by using only two colors it gave the building a more "institutional" feel. There is not a lot of variety. She encouraged the church to find a third color to break it up.

T. Aul felt that this is their church and if this is what they want, he did not see any problem with it. The trim is white which gives it three colors. Adding another color brick would be a fourth color.

**T. AUL MOTIONED TO RECOGNIZE THIS AS A MINOR CHANGE, APPROVE IT, AND RECOMMEND IT TO THE CITY COUNCIL. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. TWO WERE IN FAVOR. TWO OPPOSED. MAYOR SCHUMAN CAST THE FINAL VOTE IN FAVOR OF THE MOTION. MOTION CARRIED.**

- e. RECOMMENDATION TO ADOPT RESOLUTION PC2006-05 – A RESOLUTION TO AMEND THE COMPREHENSIVE PLAN (MASTER PLAN) CITY OF DELAFIELD, WISCONSIN CONCERNING DEVELOPMENT IN NORTHWEST DELAFIELD.

R. Dupler reported that this is a study unique to the Northwest Quadrant of the City to establish a potential blueprint to guide the reviewing bodies of the City in evaluating any development proposals coming to it. It was understood that this region of the City was under development pressure from a number of different sources. The City wanted to prepare a document that would allow it to use something that would identify the intended land uses, the concern for conservation, the intended road linkages, and pedestrian linkages for guidance for the City and Petitioners coming to the City. Recreational opportunities were looked at. This has also gone before the Park & Rec Committee and Public Works. A number of public meetings were held. This entire process has been documented in order to cover all aspects of the analysis and research into the property. It has been compiled chronologically. A final draft and conclusion will be treated as an amendment to the existing Comprehensive Plan. It should be approved by Resolution and recommended to Council.

C. Smith was very pleased with the way that the plan came out. It balances out where parks and recreation of the land very nicely. It should make the job of developing that quadrant of the city much easier.

M. Carlson acknowledged the efforts of Roger Dupler, Sarah Binkowski (Yaggy Colby), Mike Court (City Engineer), Park & Recreation Committee, and the Public Works Committee. He noted that the City has made this plan an interactive document; it is available on the City's website.

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Resolution PC2006-05 was included in the Commissioner's packets.

**C. SMITH MOTIONED TO APPROVE AND ADOPT THE RESOLUTION. T. AUL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. A ROLL CALL VOTE WAS TAKEN: MAYOR SCHUMAN, AYE; T. AUL, AYE; C. MURSKY, AYE; C. SMITH, AYE; K. STREGE, AYE. MOTION CARRIED.**

5. PLANS OF OPERATION, SIGNAGE AND SITE PLAN

- a. **TAX KEY 733.990.003, 2961 VILLAGE SQUARE DRIVE, HARTLAND,** OWNER: UNITED PROPERTIES. APPLICANTS: JOHN O'POLKA, TUMBLEWEED SOUTHWEST GRILL, DBA DIAMONDBACK MANAGEMENT, INC. APPLICANT SEEKS APPROVAL OF AN AMENDED BUSINESS PLAN OF OPERATION AND SIGNAGE FOR TUMBLEWEED RESTAURANT AT VILLAGE SQUARE, A RESTAURANT AND BAR. HOURS OF OPERATION FOR INSIDE DINING ARE WEEKDAYS AND SUNDAYS, 11:00 A.M. – 11:00 P.M.; FRIDAYS AND SATURDAYS, 11:00 A.M. – 12:00 A.M. HOURS OF OPERATION FOR OUTSIDE DINING ARE WEEKDAYS AND SUNDAYS, 11:00 A.M. – 10:00 P.M.; FRIDAYS AND SATURDAYS, 11:00 A.M. – 11:00 P.M. FOUR FULL-TIME AND 60 PART-TIME EMPLOYEES

Mayor Schuman stated that this was approved last time and went to the Common Council. Based on some of the concerns of the neighbors, they asked that the hours be changed. It is back for approval of the Plan Commission. M. Carlson stated that consideration and approval of the signage package is also being sought.

R. Dupler stated that the signs as presented are fully compliant. The lighting on the sign is red neon highlighted on the letters and logo. This is all building mounted signage.

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

- b. **TAX KEY 803.994, 2675 SUN VALLEY DRIVE, DELAFIELD WI.** OWNER: OPEN PANTRY FOOD MARTS OF WI. APPLICANT: JAMES FIENE. APPLICANT SEEKS APPROVAL OF SIGNAGE AND OUTDOOR STORAGE FOR OPEN PANTRY, A CONVENIENCE STORE/GASOLINE STATION AND DETERMINATION OF A MINOR OR MAJOR CHANGE TO THE CONDITIONAL USE PERMIT.

The representative for Open Pantry Food Marts was present. They have updated the outdoor storage for the facility with their signage program.

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Their outdoor display space consists of automotive and outside stock items (firewood, windshield wash fluid).

R. Dupler stated that a plan for the outdoor storage areas be submitted because they were not originally illustrated or approved as part of the existing conditional use. Consideration of the display areas may be considered as a minor amendment to the existing conditional use should it be decided to pursue it in that fashion to recommend to Council. If it is determined that this proposal constitutes a major change, it would require a public hearing and reanalysis of the original conditional use. In regards to the exterior storage, he recommended that it be considered as a minor change. He expressed concern as to whether or not it can be asked to display the materials only the northwest side of the building so as not to expose them to Highway 83 and high visibility traffic. The competition across the street was discussed. He was not aware if they have very much displayed on the exposure along the highway side; but on the back side of the building away from the highway. A photo of the competition was displayed.

The representative from Open Pantry asked that they be allowed to maintain what they are doing now.

The phrase "not limited to" in regards to the outdoor display was discussed. Concern was expressed by the Commissioners. The Open Pantry rep stated that he would be willing to revise this wording and limit it to those exclusive items that they have now. M. Carlson suggested using the wording "items such as and similar to fire wood, propane exchange tanks, water, soil, automotive fuel and solvent." The representative was in agreement.

Mayor Schuman commented on the colors on the car wash. Discussion took place. The representative stated that they made a mistake by not coming to the City and asking permission to change the colors and explain the color theory. C. Mursky asked R. Dupler to review the signage. He stated that the site is bounded on three sides with right of way and per ordinance; signage allowable to the site is a formula on the amount of frontage. There has been approved signage that has been before the Plan Commission that is exhibited on the site currently. In total, the aggregate amount of signage that is allowable on site allows for another 64 sf before it reaches the maximum. They are currently under the allowable signage by 64 ft. A letter was included in the Commissioner's that reviewed the itemized amount of signage that they are asking for consideration for approval. He is currently asking for 56.3 sf of the remaining balance. They are very near the signage limit for the site. The Plan Commission should consider if the corporate image as displayed on the car wash constitute signage. R. Dupler thought it was a deliberate attempt to draw attention to the building and it may be interpreted as signage. If interpreted as signage it would be considered

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into the total square footage for signage. The representative discussed the signage of other businesses in the area.

T. Aul suggested that this be held over to the next meeting. There is a huge difference from the original conditional use; it is a change that was initiated without approval. R. Dupler stated that investigation should take place in regards to some of the other business' signage that were referred to. He also thought that more time was needed. K. Strege noted that he has not noticed the car wash sign.

**IT WAS MOVED AND SECONDED TO POSTPONE THIS ITEM UNTIL A FUTURE MEETING. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- c. **TAX KEY 798.002, 608 MILWAUKEE STREET, DELAFIELD.** OWNER: LESLIE NEPPER. APPLICANT: MARY CUNNINGHAM. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION AND SIGNAGE FOR THE KNITCH, A RETAIL YARN SHOP. HOURS OF OPERATION ARE WEEKDAYS, 10:00 A.M. – 5:00 P.M. (CLOSED MONDAY); SATURDAY, 10:00 A.M. – 4:00 P.M.; SUNDAY, 11:00 A.M. TO 3:00 P.M.

R. Dupler stated that this was a retail shop with appropriate hours and is a relocation – this should be considered an amended business plan of operation. The Petitioner prepared signage and has now requested that it be removed from this request.

**D. SMITH MOTIONED TO APPROVE THE PLAN OF BUSINESS WITHOUT THE SIGNAGE. K. STREGE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- d. **TAX KEY 793.022, 514 WELLS STREET, DELAFIELD.** APPLICANT: ROB GERBITZ. APPLICANT SEEKS APPROVAL OF SIGNAGE AND ARCHITECTURAL MODIFICATION FOR THE MADISON BUILDING AND DETERMINATION WHETHER A MINOR OR MAJOR CHANGE TO THE CONDITIONAL USE PERMIT.

M. Czubkowski stated the neighbors have been notified.

R. Gerbitz was present at the meeting and explained that they would be adding office tenants into the building, adding a porch with two doors on the front, and small porch which would be handicapped accessible into the elevator and lobby area. R. Dupler stated that the site plan was provided the Petitioner. His concern about the setback was not founded. The site plan illustrated that this building is far into the lot. The front of the porches will be at 64' at their nearest point.

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R. Dupler stated that the addition of this architectural modification should be looked at as a minor change to the existing conditional use. There are number of sign also proposed across the building. There are seven 12 sf signs that are mounted on the porch railing as well as wall mounted in the western gable on the north facing facade. The signs are to be opaque and not lit. There are no specific graphics for the signs, only size and locations for consideration at this time. This should be treated as a basic sign program that could be used in the future in analyzing any of the tenants that come before the City with signage. As a conditional use there are limitations to the uses in this building; it is approved for warehouse and office use and any type of uses for potential tenants will need to come before the City for a determination for minor or major change to the conditional use in order to allow the additional tenants. There is an existing approved usage list for the Lang campus and the usages are also defined by the original conditional use permit.

**T. AUL MOTIONED THAT THIS BE CONSIDERED A MINOR CHANGE AND TO BE RECOMMENDED TO THE CITY COUNCIL. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- e. **TAX KEY 793.021.001, 705 GENESEE STREET, DELAFIELD.**  
APPLICANT: GARY NUERNBERGER. APPLICANT SEEKS APPROVAL OF ARCHITECTURAL MODIFICATIONS FOR DELAFIELD CONVENIENCE AND DETERMINATION WHETHER A MINOR OR MAJOR CHANGE TO THE CONDITIONAL USE PERMIT.

M. Czubkowski stated that notices were sent to the appropriate property owners.

G. Nuernberger was present at the meeting. He would like to change the service door on the northwest corner of the building to a window, and put a window and a service with a window in it on the back of the building in order to give better visibility/monitoring of gas customers. The windows will match the windows on the building in color and the service door will be with same with a window.

R. Dupler clarified that it was not the northwest corner of the building, but the southwest corner. He stated that as long as the materials are consistent with the approved materials for the building, the Plan Commission should consider this a minor change and recommend as such to the Common Council.

**T. AUL MOTIONED TO CONSIDER THIS A MINOR CHANGE TO THE CONDITIONAL USE PERMIT, TO APPROVE THE PROPOSED CHANGES AND TO RECOMMEND TO THE COMMON COUNCIL FOR APPROVAL. K. STREGE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

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- f. **TAX KEY 804.995, 2725 HERITAGE DRIVE, DELAFIELD.** APPLICANT: HANS PERLICH. APPLICANT SEEKS APPROVAL OF A LANDSCAPE PLAN AT BURGERKING AND DETERMINATION OF MINOR OR MAJOR CHANGE TO THE CONDITIONAL USE PERMIT.

M. Czubkowski stated that the appropriate neighbors were notified of this meeting and that this would be sent to the Common Council.

R. Dupler stated that the Petitioner wanted to dress up the entrance to the building. The large patio area on the southeast corner of the building was originally approved as an outdoor eating area. They would like to remove some of the hard surface/concrete and replace it with planting materials in addition to adding a small picket fence on the west side of the suspended island. Staff has reviewed and found it to be acceptable. The umbrellas proposed for the umbrella tables are going to be a hard fiberglass type material, they will not be allowed to exhibit any logos, and the color will be blue.

**C. SMITH MOTIONED TO CONSIDER THIS A MINOR CHANGE TO THE CONDITIONAL USE PERMIT, PENDING DETERMINATION OF THE UMBRELLA COLOR, AND RECOMMEND TO THE CITY COUNCIL. K. STREGE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- g. **TAX KEY 807.977, 3960 HILLSIDE DRIVE, DELAFIELD.** APPLICANT: MATT OTTUSCH. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR UBS, A FINANCIAL SERVICES COMPANY AND SIGNAGE. HOURS OF OPERATION ARE WEEKDAYS, 8:00 A.M. – 5:00 P.M. THIRTEEN FULL TIME EMPLOYEES.

J. Nicholson and M. Ottusch were present at the meeting. They have had a name change. He explained the changes that they would like to make to the signage. The sign is backlit white.

R. Dupler stated that the petition came before them for staff review as a modification to the sign. The modification of the sign is a minor change and the Plan Commission should consider allowing and approving this modification. He was, however, concerned that a sign program has not been provided for this building. He would like a sign program so that they can have a blueprint to review incoming tenants.

Discussion took place on the procedure that needed to be used to obtain a signage program. The Petitioner committed to make the signage on the second building consistent with the signage on the first building.

**T. AUL MOTIONED TO APPROVE. C. SMITH SECONDED THE MOTION. IT WAS CLARIFIED THAT DOCUMENTATION FOR OTHER**

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**DEVELOPMENTS QUANTIFYING SIZE, MATERIALS, LOCATION, ETC. IS ON FILE. THE PETITIONER STATED THAT HE WILL PROVIDE THIS DOCUMENTATION TO THE CITY. ALL WERE IN FAVOR. MOTION CARRIED.**

6. PRELIMINARY

- a. **TAX KEY 794.015 AND 794.016, LOT 3 & 4, CUSHING PARK BUSINESS CENTER**, DELAFIELD APPLICANT SEEKS APPROVAL OF A CERTIFIED SURVEY MAP.

Bob Buchta was present at the meeting. He proposed to take Lots 3 and 4 from the Cushing Park Business Center and combine them into one lot.

R. Dupler stated that this was a simple lot consolidation. The CSM erases what was the previously existing lot line between Lot 3 and Lot 4. The surveyors had two comments in their letter of August 24, 2006. He recommended approval contingent upon resolution of the two issues identified in the surveyor's letter and that this project be referred to the Public Works Committee for review.

C. Mursky asked for an overview of this project. R. Dupler reviewed. The Petitioner was back before the Plan Commission based on the recommendation of the Common Council and the item on the agenda is the CSM.

**K. STREGE MOTIONED TO APPROVE THE CSM SUBJECT TO THE RESOLUTION OF THE TWO ISSUES IDENTIFIED IN THE SURVEYOR'S LETTER. T. AUL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

7. ZONING AND ORDINANCE REVISION

- a. DISCUSSION REGARDING ZONING TEXT AMENDMENT 17.39(18)(K)C AND 17.39(19)K3 TO ELIMINATE HEIGHT LIMITATIONS OF THREE STORIES.

In the existing ordinance the City allows for the control of building height based on 45' maximum at the ridge (gable). The Plan Commission has the ability to extend that height and allow for higher buildings if additional setback is proposed in the site plan. It is possible to build a building in 45' and achieve four floors, however the current ordinance specifically identifies in CBD2 and CBD1 that there is a limitation to three floors. This is incongruent with the mechanisms which are used to control the height of the building. He reviewed research that took place with the Fire Department. The Fire Chief had the opinion that in the

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past, the height and floor limitation may have a result from a date when the Fire Department had to rely on ground mounted ladders. Today they have a 75' extension ladder and are able to comfortably get up to 55-60' with that ladder. M. Czubkowski researched the background of the height restriction and R. Dupler and M. Czubkowski reviewed the findings. Copies of the plan will be given to the Commissioners. T. Aul discussed the three buildings that have recently been approved that are over 45' in height: one is 52', one is 54' and one is 56'. Namely they are Delafield Square, the building on Milwaukee Street across from the coffee shop "Town Center Building", and the Hotel (not including their tower). He stated that when dealing with building height and the number of floors it should be considered how it fits in with the buildings on the block. K. Strege stated that it almost has to be done on a case-by-case basis. C. Smith thought that there should be message of what the Plan Commission is generally thinking of what is acceptable in terms of height in the downtown area. T. Aul viewed the Plan Commission as being a qualitative review group to view how things will impact the City and with the responsibility of developing the City into a beautiful place years to come. Things should be left open for good quality development and to work together with all of the members of the diverse community to come up with a balance.

**T. AUL MOTIONED TO HAVE AN AMENDMENT TO THE ORDINANCE BROUGHT IN NEXT MONTH FOR CONSIDERATION. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

8. HEARING DATES

No hearings are set.

9. ADMINISTRATOR'S REPORT

No report.

10. BUILDING INSPECTOR'S REPORT

Total number of permits to date 40, plus four occupancy permits. New permits include three single family homes.

11. BOARD OF ZONING APPEALS

a. BOARD OF ZONING REPORTS FOR AUGUST, 2006

Two cases were heard: Case 728 - a variance was granted to Richard and Bonnie Morgan at 2918 Nagawicka Avenue for a structural upgrade and raising of a garage roof. Case 729 - a variance was granted to the

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Newcomers at 1829 Nagawicka Road for a building set back.

12. CORRESPONDENCE

- a. Memo from Lt. Chuck Moranchek, City of Delafield, regarding the Hartland Sportsman's Gun Club.

13. ADJOURNMENT

**T. AUL MOTIONED TO ADJOURN FROM THE MEETING. K. STREGE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 9:55 P.M.**

Respectfully submitted:

Minutes Prepared By:

Marilyn Czubkowski, CMC  
City Clerk/Treasurer

Accurate Business Communications LLC

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