

**CITY OF DELAFIELD PLAN COMMISSION MINUTES**

PUBLIC HEARINGS

1. CONSIDERATION OF A ZONING TEXT AMENDMENT AMENDING SECTION 17.43 AND 17.87 OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD

R. Dupler explained that these specific references regard the rezoning and conditional use within the existing code. The State Legislature has acted to modify Section 236.45 regarding land division and modifies the application of park fees as they are imposed by municipalities. This item was a result of the recommendation by the City Attorney to respond to this action by modifying the City's code appropriately to place the fees both under the zoning and conditional use rather than enforcing them through the subdivision regulations. This will modify the City's ability to levy the fees at a time concurrent with any rezoning action or conditional use approval rather than only rely on subdivision regulations.

There were no citizen comments.

2. CONSIDERATION OF A ZONING TEXT AMENDING SECTION 17.39 ZONING CODE (18) CBD-1 AND (19) CBD-2 OF THE MUNICIPAL CODE REGARDING MAXIMUM BUILDING HEIGHT.

Richard Dallen, 3434 Broken Bow Trail – Inquired as to why the Municipal Code was removed from its website. He asked if the Fire Department had any concerns about the increase in building height, whether appropriate manpower and equipment were available, what the maximum height would be that could be handled, and any safety issues that this could pose. He thought it would be extreme to change the ordinance to make it unlimited. M. Carlson stated that he uses the City Code on the website on a daily basis and it has appeared completely functional.

Mayor Schuman stated that the City had a 75' ladder truck which could go higher than 45' in height.

Janet Matt, 3809 Nagawicka Shores Drive – Expressed concern about parking since the increased height would bring more people. Fire issues are also a concern. She asked if the buildings would be sprinklered, if the buildings would have an elevator, if there would be adequate parking, and how would this affect the architecture of Delafield.

Jim Behrand, 757 Garrison Court – He addressed the history of building heights. In the 1990's the Fire Department did not have a ladder truck and he recalled deferring decisions on four-story buildings until the City had a ladder truck. The Village of Hartland recently held a public hearing on a new master plan. Their main concern was how the buildings would look, how they would relate to the neighbors, and how close they would be to the street. Their planners will develop guidelines. He suggested that if the ordinance had not been written, to wait until April when Hartland's guidelines were done.

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Dan Wiley, 493 Lillian Court – He stated that he thought that a fire truck would have difficulty accessing the new marketplace building and was curious if the 75' ladder would work in this case. This would apply to any building.

It was clarified that any building that is three stories or more in the City must be sprinklered.

Marty Wiley, 493 Lillian Court – She asked when and how this issue started. R. Dupler responded that this was being considered as a result of a petition to consider a four story building on Genesee Street. At that time it was identified that there was a limitation in the ordinance limiting the number of floors that was contradictory to the other height controls in the ordinance limiting the height to 45'. The incongruent nature of the code was identified at that time (July 2006). The Fire Department has been consulted and they are able to service a four story building; parking ratio, floor area ratio, number of residents is all determined by the floor area ratio. Those same controls will be in place regardless of how many floors that the building has. M. Wiley stated she agreed that there should be a guideline defining the height.

No other citizens wished to speak on this item.

3. **CONSIDERATION OF A MAJOR CHANGE TO THE CONDITIONAL USE PERMIT FOR THE SANCTUARY, TRILLIUM DEVELOPMENT, TAX KEY 797.979**

A request was made from the audience for an update on this project. The petitioner was present at the meeting and gave a brief overview of the project.

John Huber, 1510 Second Street \_ - Asked about the connections on Main Street and Lapham for the water system and if this would incorporate a downtown water system. Mayor Schuman clarified that downtown did not have a water system. It was decided at a previous Public Works Committee (PWC) meeting that this development would have one well instead of 20 wells and that there was a potential in the very distant future to hook up to a City system if and when that happened. J. Huber was concerned about the effect this would have on his well. R. Miskelley stated that he was a member of the PWC when this was discussed; water levels were reviewed when this was considered – they did not see a difference from 20 individual wells or one well, it would not have an impact on neighboring wells. Mayor Schuman stated that what is being proposed is a private well and there is no intention to put in a city system at this time. Discussion took place on how this system would work. R. Miskelley clarified that the well is not designed to be part of any city-wide water system. The PWC reviews groundwater as part of the process. Mayor Schuman stated that the PWC would review the run-off per J. Huber's request. M. Carlson stated that the Petitioner could address this issue specifically as part of their presentation tonight.

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The Petitioner stated that the water that would cross Main Street would be less than previously as the City has very strict regulations. Infiltration and state regulations were being met. They are comfortable that there is adequate size on the plan.

No other citizens wished to speak.

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

Glenn Olds, 2550 Nagawicka Road – His property abuts this property. He felt that this was a minor issue. If this property is developed, the neighbors would like it developed as residential areas. Although the addition of antennas is a relatively minor issue, he pointed out that these types of easements get the property closer to other uses. The residents of this area want this property to be developed as a residential area. Every time alternative proposals come forward, they need to stress this.

No other citizens wished to speak.

**R. MISKELLEY MOTIONED TO CLOSE THE PUBLIC HEARING. D. KUCHLER 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

Absent

Mayor Phil Schuman  
 Ron Miskelley  
 Thomas Aul  
 Christopher Smith  
 Dick Kuchler  
 Chrys Mursky  
 Keith Strege  
 Roger Dupler  
 Matt Carlson  
 Ellen O'Brien

Tom Maney

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1. APPROVE PLAN COMMISSION MEETING MINUTES OF OCTOBER 25, 2006 MEETING

**R. MISKELLEY MOTIONED TO APPROVE THE MINUTES FROM THE OCTOBER 25, 2006 MEETING. T. AUL 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

Don Tills, 2700 Peninsula Avenue – He is a member of the Lake Welfare Committee. He spoke in regards to the Boat Code and would be available if any questions arose.

No other citizens wished to speak.

3. CONSENT AGENDA

**R. MISKELLEY MOTIONED TO APPROVE THE CONSENT AGENDA AS PRESENTED. K. STREGE SECONDED THE MOTION. C. MURSKY ASKED THAT THE MOTION INCORPORATE COMMENTS FROM THE CITY PLANNER. R. MISKELLEY AND K. STREGE AGREED TO THE AMENDMENT. THERE WAS NO FURTHER DISCUSSION. FIVE WERE IN FAVOR. T. AUL ABSTAINED. MOTION CARRIED.**

- a. **TAX KEY 793.001, 528 C WELLS STREET, DELAFIELD.** OWNER: LANG INVESTMENTS. APPLICANT: TERENCE PAVLIC. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION AND SIGNAGE FOR PAVLIC INVESTMENT ADVISORS, INC., INVESTMENT MANAGEMENT. HOURS OF OPERATION ARE WEEKDAYS, 8:00 A.M. – 5:00 P.M.

Approved. See above.

- b. **TAX KEY 793.001, 528 E. WELLS STREET, DELAFIELD.** OWNER: LANG INVESTMENTS. APPLICANT: RICHARD J. KNEISER, JR. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION AND SIGNAGE FOR FERRIS, BAKER, WATTS, STOCK BROKERAGE. HOURS OF OPERATION ARE WEEKDAYS, 6:30 A.M. – 5:30 P.M.; SATURDAY, 8:00 A.M. – 12:00 P.M. WITH ONE FULL-TIME EMPLOYEE.

Approved. See above.

- c. **TAX KEY 798.013.001, 615 MAIN STREET, DELAFIELD.** OWNER: RICK LIEBLANG. APPLICANT: THOMAS HALVERSON. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR

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BENNOLLI'S PIZZERIA, A CARRY-OUT, TAKE AND BAKE WITH LIMITED DINE-IN SEATING). HOURS OF OPERATION ARE WEEKDAYS, SATURDAY AND SUNDAY, 11:00 A.M. – 8:00 P.M. WITH 5 PART-TIME AND 1 FULL-TIME EMPLOYEES.

Approved. See above.

- d. **TAX KEY 787.076, 605 MILWAUKEE STREET, DELAFIELD.** OWNER: TOM AUL. APPLICANT: JOAN EDWARDS, CAROLYN DANEK. APPLICANTS SEEK APPROVAL OF A BUSINESS PLAN OF OPERATION AND SIGNAGE FOR COURTYARD GIFT BASKETS, RETAIL BUSINESS. HOURS OF OPERATION ARE WEEKDAYS, SATURDAY AND SUNDAY, 9:00 A.M. – 10:30 P.M.

Approved. See above.

4. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVALS

- a. **TAX KEY 792.055, 817 GENESEE STREET, DELAFIELD.** OWNER: TOM AUL. APPLICANT: JOE DEKLOTZ. APPLICANT SEEKS RECONSIDERATION OF SIGNAGE REVIEWED ON OCTOBER 25, 2006 FOR INCLUSION OF TELEPHONE NUMBER ON PROPOSED SIGNAGE.

R. Dupler reviewed. The Plan Commission had previously agreed with Staff's recommendation that the proposed telephone number be removed from the sign. The Petitioner is appealing to the Plan Commission for reconsideration. There are seven signs with telephone numbers on in the current Historic District, five which existed previous to the expansion. Since the Historic District expanded, there have been two signs added and the telephone numbers have been eliminated from those signs. It has been asked that the Petitioner remove the telephone number in order to comply with the Downtown Historic District. A memo was included in the Commissioner's packets. T. Aul stated that the Plan Commission should be in the process of helping people in the business community succeed. He felt that having a phone number on a sign did not detract from the historical nature of the neighborhood. He suggested that perhaps a committee should be formed that was concerned about the historic nature of the City and who would be willing to review items such as this separate from the Plan Commission. R. Dupler stated that there were signs listed on the handout that had telephone numbers that were signs that had been there for more than six years – the Historic District has expanded to include those signs. R. Miskelley asked why it was offensive to have a phone number on the sign. R. Dupler stated that the Historic District guidelines as they exist in the Ordinance were derived from a downtown plan that made specific recommendations and proposed guidelines. This states that signage should be of historical nature, compatible with the architecture and neighboring units and that the signs not be cluttered. Perhaps in the past, telephone numbers were

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viewed as being a cluttering item. R. Miskelley stated that this restriction may not be working for the businesses and residents. C. Smith stated that guidelines should be given as to what looks good. R. Miskelley stated that the City was inconsistent in what it was doing within itself. He thought that a sign sub-committee was a good idea. Over the short-term he thought that relief should be offered.

**R. MISKELLEY MOTIONED THAT THE OWNER BE ALLOWED TO PUT HIS TELEPHONE NUMBER ON THE SIGN. C. SMITH SECONDED THE MOTION. AN EXAMPLE OF THE SIGN WAS SHOWN. A SIGN REVIEW BOARD DISCUSSION WOULD TAKE PLACE UNDER THE ADMINISTRATOR'S REPORT ON THIS AGENDA. MAYOR SCHUMAN THOUGHT THAT APPROVAL SHOULD BE GIVEN BECAUSE THIS TYPE OF BUSINESS GENERALLY NEEDS PEOPLE TO CALL THEM; IT IS NOT A WALK-IN BUSINESS. R. DUPLER REFERENCED 17.29(3) WHICH DEALT WITH THE NUMBER OF GRAPHIC ELEMENTS ON A SIGN. HE STATED THAT IN THIS INSTANCE, WINDOW SIGNAGE ON GENESEE STREET WAS NOT AN OPTION. D. KUCHLER STATED THAT THE PETITIONER SHOULD HAVE THE RIGHT TO PUT HIS PHONE NUMBER ON THE SIGN. FIVE WERE IN FAVOR. T. AUL ABSTAINED. MOTION CARRIED.**

- b. CONSIDERATION OF A MAJOR CHANGE TO THE CONDITIONAL USE PERMIT FOR THE SANCTUARY, TRILLIUM DEVELOPMENT, **TAX KEY 797.979**

R. Dupler clarified that in regards to the floor area and the building areas, his report identified that there was a maximum floor area that was attributable to this site and that when the Plan Commission reviewed the plan that they should recommend to the Council reducing the number of units from 24 to 20. There should have been a concurrent reduction in the floor area if it was based on a per unit application. He misunderstood that the Plan Commission reviewed the 20 unit plan. The last time the Petitioner presented their plan, they presented two plans, one with 24 and one with 20 units. The Plan Commission subsequently recommended the 20 unit plan to the Council. The floor area identified on the 20 unit plan was the same as the one identified on the 24 unit plan. M. Carlson stated that part of the change to the three car garages triggered encroachments into the tree preservation area and changed footprints of some of the buildings. This caused the Plan Commission to view this as a major change and the Common Council agreed.

The developer was present at the meeting. He identified the differences between the previous approval and the current proposal. C. Mursky stated that the maximum floor area ratio was based on the lot size of the acreage. The Developer stated that the three car garages were not a change in venue; it was always prescribed that some units would have three car garages based on the site ramifications. Changes were made to

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bring the units closer to the road and reduced two more units that had the three car garage option in order to move away from the preservation area. In addition, the units were shifted so that they did not impact the greenery as much. They wanted a consistent distance from the road for a pleasurable look. R. Miskelley requested clarification that the seven units now identified with three car garages are identified on the plat map and would not change. The developer stated that not only are they identified but they are identified as to where they will be. The only items not exactly identified are because of the natural exposure of the site. The Master Plan is the Master Plan. R. Dupler has checked the calculations on the green space. A detailed analysis has taken place on all of the green space within the property and with the current plan they are able to achieve 61% outside of the right-of-way. Further analysis could take place giving credit for areas within the right-of-way which are green space (by ordinance this could be done) and this amount would put them above the committed green space percentage that was approved in the previous plan. It has satisfied the ordinance for the 20 units. Mayor Schuman clarified that they are asking for approval of seven units with three car garages and the adjustment of the building pads to accommodate the setbacks to protect the trees and green space.

**D. KUCHLER MOTIONED TO APPROVE. C. SMITH SECONDED THE MOTION. R. MISKELLEY STATED THAT HE HOPED THAT THERE WOULD NOT BE ANY FURTHER CHANGES. M. CARLSON STATED THAT THERE WAS A QUESTION RAISED IN THE PUBLIC HEARING WITH RESPECT TO STORMWATER MANAGEMENT. HE WANTED TO CLARIFY HOW STORMWATER WAS GOING TO BE MANAGED AND HOW RUN-OFF FROM THE SITE WOULD BE MINIMIZED AND THAT THIS WAS IDENTIFIED ON THE SITE PLAN. THE DEVELOPER GAVE A BRIEF OVERVIEW. T. AUL MADE A FRIENDLY AMENDMENT TO THE MOTION TO PROVIDE THAT THE DEVELOPER MITIGATE ANY LOSS OF TREES (301 CALIBER INCHES) ALONG MAIN STREET EAST OF THE ENTRANCE AND PRESERVATION OF THE 98858 AND INCREASE THE AREAS OF TREE PRESERVATION BY MOVING BUILDING LOCATIONS AND TO HAVE STANDARD WALKS ON MAIN STREET AND LAPHAM PEAK ROAD. D. KUCHLER AND C. SMITH ACCEPTED THE FRIENDLY AMENDMENT. R. DUPLER STATED THAT THE THREE MAIN ISSUES IN HIS RECOMMENDATION WERE PRESERVATION OF THE 301 CALIBER INCHES, THE SIDEWALKS, AND THE ACKNOWLEDGEMENT THAT THE FRONT SETBACK WOULD BE REDUCED BY 2'. ALL WERE IN FAVOR OF THE MOTION. MOTION CARRIED.**

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

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R. Dupler reviewed. The public hearing was held. The current conditional use that exists on the silo is that there be a limitation of 12 antennas on top of it. The current proposal is in step with the proposal approved by this Plan Commission two months ago which allowed an additional antenna below the top of the silo. This neighborhood is transitioning towards more residential development. It is in compliance with the Comprehensive Plan to be developed as residential. There is an existing limitation on the conditional use that when the property develops as residential that the cell tower conditional use will be terminated. He suggested asking the Petitioner to develop a solution other than putting the antennas on the side of the silo that would be a permanent solution, perhaps make them function within the silo structure so that the silos could expand as a landmark in the community forever.

A representative from T-Mobile was present. Their design is nearly identical to that of US Cellular which was approved back in August. They would mount the antenna flush to the side of the silos. They are about 6-1/4" off of the side of the silo. Discussion took place regarding a feasible way to make this look attractive in the future. He stated that if something changed in the future, they would be willing to work with the City, the other current providers, and with the owner or future owner. He understood that if changes occurred, the conditional use would require removal of the antennas. J. Geason stated that at the moment there were no plans to develop this land. Cell phone trees were discussed. D. Kuchler thought that if and when this property was developed, another type of structure (cell phone tree) would need to be developed or that the towers would need to be eliminated. He did not see any problem putting another antenna on the silo now. M. Carlson asked if they would be willing to co-locate with other service providers. T-Mobile stated that they would be willing to work with anyone in the future. They fully understood the conditional use. J. Geason also understood. The representative stated that this antenna system does not replace other facilities that they currently have in Delafield. This is an addition to the coverage and capacity needs in the City of Delafield. It is meant to improve service levels.

**R. MISKELLEY MOTIONED TO APPROVE. T. AUL SECONDED THE MOTION. AT THE REQUEST OF C. MURSKY, R. DUPLER REVIEWED THE LANDSCAPING. C. MURSKY MADE A FRIENDLY AMENDMENT TO ADD LANDSCAPING MATERIAL BY THE EQUIPMENT BUILDING AND ALONG NAGAWICKA ROAD. R. MISKELLEY AND T. AUL ACCEPTED THE AMENDMENT. ALL WERE IN FAVOR. MOTION CARRIED.**

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5. PLANS OF OPERATION, SIGNAGE AND SITE PLAN

- a. **TAX KEY 782.005, 1829 NAGAWICKA ROAD, HARTLAND.**  
APPLICANT: CENTURY LANDSCAPING. OWNER: SCOTT NEWCOMER.  
OWNER SEEKS APPROVAL OF A LANDSCAPE PLAN FOR THE  
RETAINING WALL.

R. Dupler stated that in the existing condition with the newly proposed residence under construction, it is necessary for the owner to build a retaining wall that encroaches the setback. It also requires that they work out a grading solution with the neighbor. They have secured a written agreement from the neighbor. The plans have been reviewed and there are no issues. The Plan Commission needs to approve this individually for the project.

**D. KUCHLER MOTIONED TO APPROVE. K. STREGE SECONDED THE MOTION. IT WAS CLARIFIED THAT THE LETTER OF OBJECTION WAS FROM THE NEIGHBOR TO THE SOUTH. THE PETITION DOES NOT INVOLVE ANY MODIFICATIONS ON THE SOUTH SIDE; IT IS ONLY THE NEIGHBOR TO THE NORTH FOR THE RETAINING WALL. THE NEIGHBOR TO THE SOUTH WAS PRESENT AT THE MEETING AND STATED THAT HER CONCERNS HAVE BEEN ADEQUATELY ADDRESSED. 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.

R. Dupler stated that this is regards to both site storage and modifications for signage on site that had not been approved by the Plan Commission. At a previous meeting, the Petitioner stated that the panels that had been applied to the car wash and the same corporate identity colors had been applied were a part of their new corporate identity. He identified a number of other neighbors in the area who have employed similar mechanisms with their identity. R. Dupler noted that the modifications on the Open Pantry site were done without approval from the Plan Commission. Items identified by photos by the Petitioner as corporate images were approved by the Plan Commission in prior decisions. However, there were signage violations noted and letters have been sent to those owners to get the issues resolved. The Petitioner needs direction in regards to his application for signage and conditional use amendment. The Staff's recommendation is that the outdoor storage be relocated to the west side of the building and that the sign panels are considered signage. There is a limited amount of signage on this

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property. A review of other establishments that use a paint scheme on their buildings took place. T. Aul did not think that the color scheme that is on the Open Pantry is out of place in the neighborhood that it is located. The President of Open Pantry spoke regarding the color scheme. R. Miskelley questioned if the scheme would not be allowed in the Historic District why it would be allowed at this location. D. Kuchler stated that the determination needed to be made not as to whether the color scheme was liked, but whether the panels were considered signs. C. Mursky stated that part of the aspect with this item is that in the past there has been a lack of cooperation with the Petitioner in response to requests and letters issued. J. Fiene, applicant, responded and reviewed the actions taken in response to communications with R. Dupler. R. Dupler confirmed that if this were still the Amoco station and the panels that were put up were one solid color (green), they would not be considered signage. He stated that it was the Plan Commission's responsibility to determine at what point colors become an attempt to draw attention to the building. R. Miskelley stated that the intent must be considered; he thought that the panels were intended to be a sign. C. Mursky was concerned if this fit with the image and atmosphere that the City is trying to create. Discussion took place. R. Dupler addressed the addition of a laser wash sign on top of the car wash that identifies the car wash. The laser wash is signage that could be approved. Other changes in signage are that there are directional signs and parking signs throughout the site which incorporate the colors. He recommended that these signs be curtailed to only identify the parking and traffic movement restrictions. It should be the Plan Commission's determination should be whether or not this should be allowed as a minor or major change to the conditional use, and refer it to the Common Council. If the Council agrees that it is a major change, then a public hearing would be held to modify the conditional use. If it was the Plan Commission's recommendation to approve as a minor change and the Council concurs, then no further discussion would need to take place.

**C. MURSKY MOTIONED TO RECOMMEND TO THE COUNCIL THAT THE PETITIONER'S REQUEST IS A MAJOR CHANGE. R. MISKELLEY SECONDED THE MOTION. K. STREGE SUGGESTED DOING THE COLOR SCHEME ONLY ON THE CORNERS TO STAY WITHIN THE ALLOWED SQUARE FOOTAGE. THREE WERE IN FAVOR OF THE MOTION. THREE WERE OPPOSED. MAYOR SCHUMAN VOTED IN FAVOR OF THE MOTION. MOTION CARRIED. THIS WILL BE RECOMMENDED TO THE CITY COUNCIL AS A MAJOR CHANGE.**

- c. **TAX KEY 807978, 350 AUSTIN CIRCLE, DELAFIELD.** OWNER: TOM SMITH, APPLICANT: RICK JINKINS, CREEKSIDE BUILDERS, INC. APPLICANT SEEKS APPROVAL OF A SITE PLAN, BUSINESS PLAN OF OPERATION AND SIGNAGE FOR THE PACIFIC BISTRO, A RESTAURANT. HOURS OF OPERATION ARE WEEKDAYS, 11:30 A.M. – 11:00 P.M.; SATURDAY AND SUNDAY, 11:30 A.M. – 12:00 MIDNIGHT.

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R. Dupler reviewed. This was a proposal to convert an existing building into a multi-tenant facility. The Comprehensive Plan was recently modified to identify this area as appropriate for mixed use development, although the existing zoning is M-1. The Plan Commission has made decisions in the past to allow restaurants within this district. This is a transitional area. Issues identified by staff included the following: engineering needs to be evaluated to determine if there are water quality issues that can be resolved, parking issues, dumpster locations need to be identified, and linkages from the rear of the building to the front. Architectural improvements should be made to all four sides of the building and should be of a less stylized façade. Building materials and colors need to be identified. Fifty-one spaces should be required just in order to satisfy the restaurant. The site will not accommodate that demand as well as the other suites if developed as standard commercial or retail type operations. If they were to be realized as a warehouse/contractor-type facility, the parking would be resolved. Another option would be to seek some sort of agreement with neighboring property owners for parking. He suggested that the Petitioner come back to a future Plan Commission meeting with a plan that resolves these issues. The Petitioner addressed the above concerns. M. Carlson stated that from the use standpoint, the future owner should be concerned about the potential about leasing out the remainder of the space in the building with the restaurant being in the building. He thought a problem would be created. Concern was expressed about the problems that the restaurant would create in terms of parking, etc. The commissioners were of the opinion that the architecture of the building needed to be four sided. A distinctive look should be given to the building without major reconstruction which would give future tenants options and along with consideration for adaptive reuse of the building. R. Dupler stated that remote parking from the primary parcel is allowable currently in the CB2 district. This is in an area identified for mixed use development. He suggested the agreement with the neighbors be allowed under conditional use. M. Carlson stated that other restaurants in this zoning area were not allowed to use offset parking to meet their parking ratio, but were permitted to use it for overflow parking in a way that exceeded their parking ratios for onsite. He stated that restaurants are traditionally high parking demand users. He questioned if a restaurant should be included because it has such a high parking demand in this area. E. Smith stated that a conceptual plan showing available parking was available. The agreement process has been started. General discussion took place on the parking and architecture. The Plan Commission requested that the Petitioner revise the plans consistent with Staff recommendations and return for a future Plan Commission meeting.

- d. APPLICANT SEEKS APPROVAL OF A PRELIMINARY CSM FOR ED HINTZ, 715 NORTH SHORE DRIVE, DELAFIELD.

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R. Dupler reviewed. He recommended approval contingent upon compliance with the elements of the Surveyor's letter as submitted.

**D. KUCHLER MOTIONED TO APPROVE CONTINGENT UPON COMPLIANCE WITH WHAT THE CITY REQUIRES. K. STREGE SECONDED THE MOTION. R. DUPLER CLARIFIED THAT THE MINIMUM SETBACK FOR THE SWIMMING POOL EXCEEDS THE MINIMUM REQUIREMENT AND THAT THE LOT SIZES ARE IN COMPLIANCE WITH THE ZONING FOR THE NEIGHBORHOOD. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- e. **TAX KEY 793.021.001, 705 GENESEE STREET, DELAFIELD.**  
OWNER: GARY NEURNBERGER. APPLICANT: KENT JOHNSON.  
APPLICANT SEEKS APPROVAL OF A REVISED SITE PLAN FOR AN OFFICE/RETAIL BUILDING.

The owner requested that this item be removed from the agenda.

6. PRELIMINARY

- a. CONSIDERATION OF LAKE WELFARE COMMITTEE'S  
RECOMMENDATION TO REVISE THE CITY OF DELAFIELD'S  
BOATHOUSE ORDINANCE

R. Dupler did not have the information available at the time of the report. M. Carlson provided a Staff memo in the Commissioner's packets which explained the issue along with a copy of the proposed Ordinance with the changes indicated. The motion at the Lake Welfare was not a unanimous one, but included the changes identified in the ordinance. The process was reviewed. This would be a change to the City's zoning text. D. Tills, Lake Welfare Committee (LWC) member, was present at the meeting. The LWC looked at the boathouse ordinance as a result of shoreline restoration projects. They wanted to decrease the run-off caused by boathouses. They are a structure on the shore within five feet of the lake. The natural beauty aspect both from the lake and neighbor's point of view and whether they impacted the visual amenity were considered. It was felt that boathouses reduced nature habitat areas. The concepts in the proposed boathouse ordinance were discussed and were generally supported at two past LWC annual meetings. In order to be consistent, the wording of the high water mark should replace all of the language that refers to the shoreline. Those on the LWC who opposed the ordinance had difficulties with the section which disallowed decks being on top of the boathouse. The ordinance would allow those who presently have decks on top of the boathouse to keep them if they do not rebuild over 50% their boathouse, however a new boathouse would not be allowed to have a deck on the top. J. Bills, Chairman of the LWC, stated

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that flat roofs do cause some water quality problems as it relates to birds and seagulls. However, flat roofs are also an aesthetic issue. The height of the roof was changed and the elevation was minimized as much as possible so as to not impact neighbor's view amenities of the lake. Concern was expressed about boat accessibility to a boathouse with a lower roof elevation. D. Tills stated that the most controversial issue within the LWC was the decks being disallowed on top of the boathouse. They added that general property rights were discussed several times at the LWC meetings. Paragraph 11 was discussed – it was thought that the term “immediate neighbor” should be more specifically defined. In addition the phrase “the boathouse shall not obstruct adjacent property owner's lake from the main living floor” should be reviewed. D. Tills stated that they would like Staff to look at rewriting parts of this to make it enforceable, fair, and equitable, but to still maintain the intent. M. Carlson stated that the difficulty in doing this is not knowing how a judge will react. Discussion took place on architectural control. Staff will incorporate tonight's input and the ordinance will be scheduled for a public hearing. As a result from the public comments on the draft and further deliberations, a recommendation could be made to the City Council. T. Aul thought it may be more feasible to have the public hearing during a warmer month so that the people who have property on the lake would be available to attend. D. Tills and J. Bills did not have a problem with a change in the public hearing timing. M. Carlson stated that the scheduling of a public hearing was not a problem, but a decision must be made within 90 days after the public hearing or another hearing would be necessary. It was the consensus of the committee to have a public hearing in May 2007.

7. ZONING AND ORDINANCE REVISION

- a. CONSIDERATION OF A ZONING TEXT AMENDMENT AMENDING SECTION 17.43 AND 17.87 OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD

This was recommended by the City Attorney. He suggested to include the payment of the impact fees as part of the issuance of a conditional use permit. This ordinance would achieve that purpose. The Ordinance was drafted by the City Attorney.

**T. AUL MOTIONED TO RECOMMEND THIS TO THE COMMON COUNCIL. K. STREGE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. CONSIDERATION OF A ZONING TEXT AMENDING SECTION 17.39 ZONING CODE (18) CBD-1 AND (19) CBD-2 OF THE MUNICIPAL CODE REGARDING MAXIMUM BUILDING HEIGHT.

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R. Dupler reviewed. This is to amend the zoning districts of CBD-1 and CBD-2 striking the language that limits buildings to three floors. The Fire Department does not have a safety concern with ladder access to the 45' and the Plan Commission still has the mechanism to control parking, floor area, and all issues of development that are not specifically related to the number of floors. The intent is to make the code less incongruent and to eliminate the number of floors from those two districts. He discussed the taller buildings in the City of Delafield. It was stated that conditional use regulates "use" and there are other mechanisms within the ordinance to control the height and the intensity of the development on the property. There appeared to be a disagreement in terms of the interpretation. One way to resolve this is to make it clear in terms of what the intentions are. General discussion took place. Mayor Schuman suggested making a recommendation to the City Council to remove the language referencing three floors and have a public hearing on that. T. Aul recommended examining buildings on a building by building basis and to take out the floor limitation so that people can come in and propose buildings that are more than three stories, but to comply with everything else.

**C. SMITH MOTIONED TO RECOMMEND THE ZONING TEXT AS WRITTEN. D. KUCHLER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

8. HEARING DATES

There are no future hearings at this time.

9. ADMINISTRATOR'S REPORT

The next Plan Commission meeting will be held on December 20, 2007 at 7 p.m.

a. SIGN REVIEW BOARD DISCUSSION

Given recent discussion, he felt that Staff needed to provide the Plan Commission with a recommended process for addressing signage issues. This may take the form of a task force and may include input from the Chamber of Commerce.

b. STATUS REPORT ON NORTHEAST QUADRANT PLANNING

A traffic study has been done. Presentation of this study will take place mid to late January 2007.

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10. BUILDING INSPECTOR'S REPORT

Total number of permits to date 60, plus six occupancy permits. New permits include two retail buildings at Village Square and five new single family homes.

11. BOARD OF ZONING APPEALS

a. BOARD OF ZONING VARIANCES GRANTED OCTOBER, 2006.

No report.

12. CORRESPONDENCE

a. Letter from Wisconsin Department of Administration dated October 20, 2006 regarding no objection to the final plat of Hickory Hill of Delafield in the Town of Delafield.

ADJOURNMENT

**D. KUCHLER MOTIONED TO ADJOURN FROM THE MEETING. R. MISKELLEY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 10:55 P.M.**

Respectfully submitted:

Minutes Prepared By:

Ellen O'Brien  
Deputy City Clerk/Treasurer

Accurate Business Communications LLC