

**CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES**

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

Mayor Phil Schuman  
Larry Chapman  
Michael Frede  
Dan Jashinsky  
Ron Miskelley  
Chrys Mursky  
Keith Strege  
Roger Dupler  
Gina Gresch, Clerk-Treasurer  
Marilyn Czubkowski, City Administrator

Absent

Tom Maney, Building Inspector

1. APPROVE PLAN COMMISSION MEETING MINUTES OF DECEMBER 19, 2007 MEETING

**D. JASHINSKY MOTIONED TO APPROVE THE PLAN COMMISSION MEETING MINUTES OF DECEMBER 19, 2007, AS AMENDED ON PAGE 1, ITEM 2, SENTENCE 3, CHANGE "MR. NUBER" TO "MR. HUBER," AND ALSO OMIT THE LINE STATING "THERE WAS NO FURTHER DISCUSSION." FROM THE ADJOURNMENT MOTION IN ITEM 13. R. MISKELLEY 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.

No citizens wished to comment.

P. Schuman introduced Jason Steiner of the Steiner Group, as a new member of the Delafield business community. J. Steiner met with P. Schuman and City Staff earlier in the day, and stated he was excited to be part of business community within the City. He stated he was present this evening to listen more than talk as his education regarding Waukesha County grew.

**R. MISKELLY MOTIONED TO CLOSE THE CITIZEN'S COMMENTS PORTION OF THE MEETING. M. FREDE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

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3. CONSENT AGENDA (RECOMMENDED APPROVALS IN ACCORDANCE WITH THE STAFF REPORT)

**R. MISKELLEY MOTIONED TO APPROVE THE CONSENT AGENDA. C. MURSKY REQUESTED A FRIENDLY AMENDMENT BE ADDED TO INCLUDE ALL STAFF RECOMMENDATIONS. R. MISKELLY AGREED. C. MURSKY SECONDED THE MOTIONS. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- a. WESTRIDGE BUILDERS, EXTRATERRITORIAL PLAT APPROVAL

Approved. See above.

- b. CHARLES AND ERNESTINA COUSLAND, EXTRATERRITORIAL PLAT APPROVAL

Approved. See above.

- c. **TAX KEY 787999, 1452 GENESEE ST. DELAFIELD.**

OWNER/APPLICANT: DANIEL MURRAY. APPLICANT SEEKS APPROVAL OF BUSINESS PLAN OF OPERATION FOR A LAKE COUNTRY HEALTH CENTER. HOURS OF OPERATION ARE WEEKDAYS 9:00 A.M.-6:00P.M. AND SATURDAY, 8:00A.M.-12:00P.M., WITH THREE FULL-TIME EMPLOYEES AND 3 PART-TIME EMPLOYEES.

Approved. See above.

- d. **TAX KEY 804994002, 2863, HERITAGE DR. DELAFIELD.** OWNER: WALMART STORES, INC. APPLICANT: STEVEN SCALISH. APPLICANT SEEKS APPROVAL OF A TEMPORARY BUSINESS PLAN OF OPERATION FOR A PARKING LOT GARDEN CENTER. THE CENTER WOULD BE SET UP TOWARDS THE END OF MARCH OR BEGINNING OF APRIL, AND TAKEN DOWN LATE AUGUST EARLY SEPTEMBER. HOURS OF OPERATION ARE 7:00 A.M. – 10:00 P.M. WEEKDAYS AND WEEKENDS.

Approved. See above.

4. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVAL

None.

5. PLANS OF OPERATION, SIGNAGE AND SITE PLAN

- a. **TAX KEY 793054, 403 GENESEE ST, DELAFIELD.** OWNER: ACE DELAFIELD PROPERTIES APPLICANT: MICHELE RIEGLEMAN

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APPLICANT SEEKS APPROVAL OF SIGNAGE FOR DELAFIELD CHIROPRACTIC.

R. Dupler explained that the business plan of operation (BOP) had been approved for the site and the applicant only sought sign approval at this time. He noted the characteristics of the sign were mostly compliant; however, he noted the two posts were rounded not square nor presented in a neutral color. Despite these irregularities, R. Dupler suggested the signage could be approved as there were several rounded posts throughout the City's business signage, and the color presented blended well with the sign as presented. R. Dupler also suggested the applicant consider a textured sign panel to bring the proposed signage closer to the character of other existing downtown signage. He also noted the petitioner was not present this evening.

C. Mursky requested the temporary signage be removed once the new signage was placed.

**C. MURSKY MOTIONED TO APPROVE THE PROPOSED SIGNAGE AS PRESENTED, SUBJECT TO STAFF RECOMMENDATIONS, AND TEMPORARY SIGNAGE BE REMOVED ONCE THE SIGN WAS PLACED. R. MISKELLEY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

6. PRELIMINARY

- a. **TAX KEY 0838999001, 601 S CUSHING PARK RD, DELAFIELD.**  
OWNER/APPLICANT: KEVIN ENRIGHT. APPLICANT SEEKS PRELIMINARY CONSIDERATION FOR A CONDITIONAL USE TO OPERATE A HOME STABLE

R. Dupler explained the applicant's house was the Koutney farmstead situated in the northeast corner of the Steeplechase Subdivision along Cushing Park Road. This was the original home site from which the new subdivision was created. The property was rezoned to RE-2, simultaneous with the subdivision rezoning and Planned Development conditional use. When the parent parcel was split to create the subdivision, the site was maintained as a non-conforming parcel since the Plan Commission had made no deed restrictions to protect this parcel at that time.

He went on to explain K. Enright's southernmost outbuilding had collapsed under weight of recent snowfall, and a building permit had not been issued because the size of the barn had exceeded district requirements. As a result of the non-conformity in this case, Staff suggested a C.U.P. be utilized to preserve the parcel as being undividable. He stated K. Enright was committed to utilizing the barn

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for his personal use and not for commercial usage. He then introduced K. Enright to the Commission.

K. Enright stated he wanted to replace on the barn in its current location as he had purchased the property only seven months ago for the purpose of the outbuilding and he only wished to rebuild the structure that had been there. He already had plans in place including architectural details, such as design cupolas, that would match the house on the property.

P. Schuman stated a public hearing would be scheduled for this matter.

- b. FOX WOOD CROSSING. OWNER: ACUITY DEVELOPMENT. APPLICANT: TIM GRAF. APPLICANT SEEKS APPROVAL OF A PRELIMINARY PLAT FOR FOX WOOD CROSSING

R. Dupler explained this application returned to the Plan Commission for consideration of a Preliminary Plat for a portion of the Geason property. He noted this case had originally come before the Plan Commission two years ago and had unresolved issues at that time, thus, the formal plan process had not yet been completed. The plat was found to be fully compliant with code requirements. At this time, Staff recommended approval of the plat, contingent upon execution of the Conditional Use Permit, Stormwater Management Agreement and Developer's Agreement.

T. Graf was present. He stated since the last Plan Commission meeting on this case, he had been working to resolve sewer issues associated with the project and had involved other municipalities.

Discussion ensued regarding how best to proceed with the case as negotiation of fees continued as of this date with other municipalities related to the sewer issues associated with this case.

**R. MISKELLEY MOTIONED TO APPROVE THE PRELIMINARY PLAT, CONTINGENT UPON STAFF RECOMMENDATIONS. M. FREDE SECONDED THE MOTION. WITHOUT OBJECTION FROM M. FREDE, R. MISKELLEY ALSO REQUESTED AN AMENDMENT INCLUDING AN EXTENSION OF THE CONDITIONAL USE PERMIT ASSOCIATED WITH THIS CASE, CONTINGENT UPON THE STAFF RECOMMENDATIONS AS WELL. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

7. ZONING AND ORDINANCE REVISION

- a. PRELIMINARY DISCUSSION AND CONSIDERATION FOR ZONING TEXT AMENDMENT TO THE BOAT HOUSE ORDINANCE 17.22 AND DEFINITIONS 17.24.

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R. Dupler stated that K. Attwell from the Lake Welfare Committee (LWC) was present to provide information on a zoning text amendment for the boat house ordinance listed within the City Code. He went on to explain the distributed proposed amendment included existing language in black, recommended language from the LWC in blue, and recommended language from Staff in red.

In a response to a question by P. Schuman, K. Attwell stated the LWC had not had an opportunity to review the most recent proposed language changes from Staff. He stated his purpose for attending this meeting was to listen to the information shared at this meeting and avail himself of any questions for the Plan Commission. He also stated the LWC was not trying to remove any authority from the Plan Commission in its submission of the proposed amendment, but instead were requesting the LWC be allowed the opportunity to review and make recommendations on cases involving a boathouse prior to final review and approval of the Plan Commission.

With regard to specific verbiage within the proposed amendment, P. Schuman expressed concern for height restrictions regarding overhead doors within a boathouse. L. Chapman stated, in his experience, the height should not be less than twelve feet in order to accommodate boats, but could require more depending on the size of the individual boat to be housed. In addition, L. Chapman expressed concern for appropriate maintenance associated with naturalized shoreline plantings as referenced in the proposed amendment.

Discussion ensued regarding how best to include verbiage related to maintenance of rain gardens within the City Code, as well as how best to proceed with requests for people with landscaping in existence that desired change in a boathouse. In addition, brief consideration was given to future ordinance changes related to reconstruction of a non-conforming boathouse.

P. Schuman suggested that a public hearing be scheduled. As a result, the LWC could review the "red" draft language and comments from the Public Hearing at a future meeting of the LWC.

Further discussion ensued regarding the difficulties associated with application and enforcement of shoreline maintenance issues and appropriate placement of these issues within the City Code.

M. Frede expressed concern for the City "micromanaging" residential shorelines within the City. A brief discussion was held regarding the implications to property owners and overall lake health resulting from such potential shoreline management.

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P. Schuman stated that a public hearing would be scheduled on the proposed amendment to the boathouse ordinance. On behalf of the Plan Commission, he thanked the LWC for its hard work and dedicated efforts in this matter.

b. DISCUSSION OF PROPOSED REVISIONS TO SIGN ORDINANCE, DOWNTOWN DISTRICT GUIDELINES RELATED TO SIGNAGE, AND BPO/SIGN PERMIT FORMS

R. Dupler introduced Rick Lieblang and Sarah Binkowski, representatives of the Sign Committee, both present this evening. He explained that the Sign Committee had been working in recent months to review the sign ordinance. He also reminded the Commission of potential impacts the proposed sign ordinance could have on the downtown development plan as well as design guidelines.

On behalf of the Commission, P. Schuman thanked the Sign Committee for all its hard work on the proposed revisions.

R. Lieblang stated the Committee had put many hours into the revisions in order to simplify them and yet continue to welcome businesses to Delafield.

R. Lieblang and S. Binkowski briefly reviewed the proposed sign ordinance revisions.

P. Schuman stated he liked the idea of simplifying the ordinance and associated processes as it would provide the Plan Commission with more opportunities to plan for the City. M. Frede agreed. L. Chapman also agreed. In addition, L. Chapman stated that he would prefer to see the exception to the sign ordinance guidelines rather than each case in the process.

M. Frede questioned whether business owners would have difficulty securing liability insurance for sandwich boards that would be located within the City's right of way areas. Discussion ensued regarding this issue, as well as attorney comments on the matter.

**C.MURSKY-MOTIONED TO APPROVE SECTIONS LABELED "PURPOSE AND INTENT," "17.65 PERMIT REQUIRED," AND "17.76 DEFINITIONS." M. FREDE SECONDED THE MOTION AND REQUESTED A FRIENDLY AMENDMENT BE ADDED TO INCLUDE ALL REVISIONS SUBMITTED BY THE CITY ATTORNEY BE INCORPORATED INTO THE TEXT AS WELL. C.MURSKY AGREED TO THE AMENDMENT. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

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R. Miskelley requested that the Sign Committee define and review temporary signs, such as campaign and advocacy signs, as they were not currently designated within the proposed ordinance changes.

R. Lieblang explained the Sign Committee had reviewed the sign ordinance for business related issues and temporary political and advocacy signage had not been included.

P. Schuman thanked all parties involved for the hard work necessary to bring the proposed ordinance changes to completion.

### 8. HEARING DATES

M. Czubkowski stated a public hearing would be held on February 27, 2008, at the next regularly scheduled meeting of the Plan Commission to gather public comment on the Enright case, the Boathouse ordinance revisions, and Signage revisions approved this evening.

### 9 ADMINISTRATOR'S REPORT

#### a. PRESENTATION AND DISCUSSION OF SMART GROWTH

##### 1. REVIEW OF CHAPTER 1

R. Dupler shared a "Coordinated SMART GROWTH Planning" presentation with the Commission. He explained that SMART GROWTH allowed municipalities and governmental entities to design comprehensive cohesive plans to allow linear systems and municipalities to work together. This plan would also hold elements of the City's Comprehensive Plan as well and SMART GROWTH and Comprehensive Plan could be used interchangeably in terminology. Action would need to be taken on this plan in 2009 in its final form.

He went on to explain various stakeholders in the SMART GROWTH planning process and noted all documentation prepared by Waukesha County Staff and the Southeastern Wisconsin Regional Planning Commission (SEWRPC) could also be utilized in moving forward with the SMART GROWTH plan for the City.

Next he noted there were nine elements associated with the SMART GROWTH plan, including:

- Housing
- Transportation Element, with revisions
- Utilities and Community Facilities
- Agricultural, Natural and Cultural Resources

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- Economic Development
- Intergovernmental Cooperation
- Land Use
- Implementation

He noted the Implementation Element would be one of the most important as the City's Committees, Commissions and Staff would work to define what is to be done to align all elements in this plan.

R. Dupler explained that Staff would continue to work on various elements over the next few months and would continue to discuss and report on these matters at appropriate meetings with Council, Committees, and Commissions. In order for all parties involved to move forward in a timely manner, he distributed a timeline for completion of the plan to all Commission members. He strongly emphasized the need for all parties involved to complete the necessary background information on chapters to be reviewed prior to attending meetings in an effort to maintain the schedule and move the plan forward intelligently. In addition, he stated there would be public input into the process.

P. Schuman requested that R. Dupler attend future Common Council meetings in order to share this information with them as well.

R. Dupler stated that the SMART GROWTH information would be placed on the City's website and updated as chapters were completed.

C. Mursky stated this was an exciting time for the City and all parties involved.

b. DISCUSSION OF DOWNTOWN PLAN

R. Dupler shared a framework of consideration of the Downtown Delafield Plan. He wanted these efforts to be included in the SMART GROWTH analysis, as these guidelines could be enforceable if they were included in the SMART GROWTH plan for the City.

L. Chapman stated he would like to hold a discussion on how best to gain access to the downtown area from the lake as he thought it would help businesses and promote the value of the lake to the City at the same time. Discussion ensued regarding how best to proceed in this matter.

**C. MURSKY MOTIONED TO APPROVE THE PROJECT COMPONENT OUTLINE AS PRESENTED. L. CHAPMAN SECONDED THE MOTION.**

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

10. BUILDING INSPECTOR'S REPORT

T. Maney had distributed information prior to the meeting noting the total number of permits to date were 21, plus two occupancy permits. There were no permits for new single family homes this month.

11. BOARD OF ZONING APPEALS

None.

12. CORRESPONDENCE

P. Schuman noted the following items had been received and sent as part of the correspondence related to Plan Commission matters.

- a. LETTER FROM KEITH KINDRED REGARDING RAVINIA PARK
- b. LETTER TO WALLY NEUMAN

13. ADJOURNMENT

**R. MISKELLEY MOTIONED TO ADJOURN THE JANUARY 30, 2008, PLAN  
COMMISSION MEETING AT 8:51 PM. D. JASHINSKY SECONDED THE  
MOTION. ALL WERE IN FAVOR. MOTION CARRIED.**

Minutes Prepared By:

Accurate Business Communications, Inc.