

**CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES**

CALL TO ORDER

Mayor McAleer called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

Mayor Ed McAleer  
Kent Attwell  
Michael Frede  
Kevin Fitzgerald  
Beth Leonard  
Chris Smith  
Roger Dupler, Planner  
Gina Gresch, Clerk-Treasurer  
Tom Maney, Building Inspector  
Tim Schuenke City Administrator

Absent

Dirilee Curtis-Costa  
Larry Chapman

INTRODUCTION OF NEW PLAN COMMISSION MEMBER, CHRIS SMITH, PARK & REC COMMISSION CHAIR

Mayor McAleer welcomed Chris Smith, Park and Recreation Committee chairperson, noting he would be the eighth voting member of the Plan Commission.

**PUBLIC HEARING #1: ZONING TEXT AMENDMENT.** CONSIDERATION OF A ZONING TEXT AMENDMENT, AN ORDINANCE AMENDING CITY OF DELAFIELD MUNICIPAL CODE CHAPTER 17, SECTION 17.33(5) WHICH ADDS TWO ADDITIONAL CRITERIA BY WHICH THE PLAN COMMISSION CAN EVALUATE PROPOSED BUSINESS PLANS OF OPERATION. THIS AMENDMENT MAY HAVE AN EFFECT ON ALL PROPERTY WITHIN THE CITY.

Mayor McAleer opened the Public Hearing at 7:01 p.m.

R. Dupler explained this notice showed the intent and result of dialogue with the Commission when considering the Oriental restaurant for Village Square. The City Attorney had proposed the amendment to allow the Commission to amend the criteria by which it could evaluate proposed business plans of operation.

There was no one present wishing to speak on this matter.

**K. ATTWELL MOTIONED TO CLOSE THE PUBLIC HEARING AT 7:02 P.M. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

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1. APPROVE PLAN COMMISSION MEETING MINUTES OF OCTOBER 29, 2008 MEETING

**K. ATTWELL MOTIONED TO APPROVE PLAN COMMISSION MEETING MINUTES OF SEPTEMBER 24, 2008 AS PRESENTED. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. C. SMITH ABSTAINED DUE TO ABSENCE AT THAT MEETING. MOTION CARRIED.**

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

Jeff Krickhahn, 4506 Vettelson Road, stated he was present for two reasons. First, he represented the Library Board with regard to the design proposed for the new City Hall and Library campus. The Library Board was in favor of the design presented by Bray Architects, thought it was an excellent design as shown, and had no issues with it. In addition, he explained he was part of the Architecture and Construction Management Committee. He wanted the Commission to know Bray had been selected by that Committee for its abilities to "think creatively outside of the box" with regard to colonial style buildings for the downtown area and thought it important to have differentiation from other colonial looking buildings downtown. The design presented to the Commission represented why Bray Architects had been selected by the Committee.

**C. SMITH MOTIONED TO CLOSE THE CITIZEN'S COMMENTS PERTAINING TO SUBJECTS ON THE AGENDA 7:05 P.M. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

3. CONSENT AGENDA

**B. LEONARD MOTIONED TO APPROVE THE CONSENT AGENDA AS PRESENTED. K. ATTWELL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- a. **TAX KEY 0804.994.004, GOLF ROAD, DELAFIELD. OWNER: MERIDIAN DELAFIELD LIMITED PARTNERSHIP. APPLICANT: DEBORAH K. TRIPLETT. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR A NATURE SHOP, WILD BIRDS UNLIMITED. HOURS OF OPERATION ARE MONDAY THROUGH FRIDAY 10:00 A.M. TO 7:00 P.M.; SATURDAY 9:00 A.M. TO 5:00 P.M.; SUNDAY 11:00 A.M. TO 4:00 P.M., WITH 7 PART-TIME EMPLOYEES.**

Approved. See above.

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**SPECIAL ORDER OF BUSINESS:**

- a. **TAX KEY 0793.998 & PART 0793.987.001, 111 MAIN STREET, DELAFIELD.** OWNER/APPLICANT: CITY OF DELAFIELD. OWNER/APPLICANT SEEKS APPROVAL OF A SITE PLAN AND ARCHITECTURE FOR THE PUBLIC SAFETY CAMPUS AND DPW BUILDING EXPANSION.

Matt Wolfert of Bray Architects, and Jim Romanowski of Yaggy Colby were present to provide information on site plans and related architecture for the Public Safety campus and DPW building expansion for review this evening. He noted several members of the Bray Architects design team, including Steve Kunen, Doug Forton, and Nathan Stark, were present as well to provide information as needed. M. Wolfert explained nothing had significantly changed since the preliminary site plan review from an architectural standpoint.

J. Romanowski briefly reviewed a depiction of the site, noting parking areas, a storm water retention pond in the southeastern portion of the site, as well as preliminary landscaping. Landscaping was planned for the main front door entrance as well on the west side of the Fire Department garage and in the northern corner of the site in an attempt to screen the site from the Veteran's Memorial Riverwalk.

C. Smith questioned whether a link would be made to the playground area nearby through the use of a trail extension so that the public could use the facilities in the city buildings. M. Wolfert stated there was no proposed link at the time. The trail could be utilized at that area of the site; however, concerns about maintenance, lighting, and safety of the physical trail would be problematic as well as use of the facilities raised security issues for the buildings.

J. Romanowski went on to explain an application for wetland mitigation had been initiated for the site as well as continued discussions with WE Energies regarding the right of way issues associated with placement of the trail so near the Fire Department garage area.

Steve Kunen of Bray Architects shared refinements to the proposed site plan drawings through the use of a computer model. He reviewed the metaphorical boathouse concept for all, noting the color palette of the stone material on the base of the building, with a wood shake material on top. Trim colors were forest green metal with tinted green non-reflective glass for the doors that would provide a simple, yet natural look.

Clarifications were made for the Commission regarding various design elements related to the building construction. Alternatives to the glass

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doors on the Fire Department garage, if cost prohibitive as planned, included the use of a green paneled door with a panel of glass in it. Mock-up panels for the design elements would be shared in the next phase of the design and planning process so that all could understand the conceptual materials. The HVAC equipment would be placed on the roof and be screened.

The Department of Public Works building would include an addition of bays. These buildings would have natural lighting to the south side with a brick and cement lap siding. S. Kunen noted the building would be very driven by function. Attachment to the current building was well thought out based on its use and the soil content in that area. Lighting plans for the campus were not yet available but lighting would be located on the buildings with only a few lights in other critical areas, such as near the fueling area.

Mayor McAleer complimented the architects on their creative thinking for the project element and stated he like the design.

- b. TAX KEY 0798107, 500 GENESEE STREET. OWNER/APPLICANT: CITY OF DELAFIELD. OWNER/APPLICANT SEEKS APPROVAL OF A SITE PLAN AND ARCHITECTURE FOR THE DOWNTOWN CIVIC CENTER.**

J. Romanowski shared a proposed site plan for the City Hall and Library site. The portion of the library constructed in 1984 would remain and the new entrance would be located to the south of the current library. Regrading of soil would need to occur on the eastern side of the site to accommodate planned parking. Preliminary landscaping was shown on the front near Genessee Street and along the rear entrance as well as on the south edge of the lot line and in the parking area islands. Trees would be added to the currently existing trees on the north side of the property.

C. Smith questioned whether the tree used for the annual Christmas tree would be preserved. J. Romanowski stated that was not the case and another tree would have to be chosen.

In response to a question by K. Fitzgerald, R. Dupler explained all existing topography drained to the northeastern portion of the site, so it was logical to place a retention pond in that area. In addition, J. Romanowski stated the overall drainage on the site would be improved with this addition as there was no drainage plan for the existing site at this time. Parking islands would be converted to rain gardens and an opening would be left in the curb to the drain into the garden area and out the other end if needed for overflow.

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S. Kunen shared a computer model of the proposed City Hall and library. Materials for construction included a thin stone to enhance cost savings. Mock up panels of the brickwork would be shared at a later date to determine if the brick needed to be matched exactly to the existing brickwork or whether a different texture could be used. High performance glass with a greenish color and cast stone would be incorporated into the clock tower element. Windows would be dark anodized black bronze colors that gave a timeless look to the building and would be incorporated into the background color of the roof. A copper roof was slated for the clock tower as it was considered a durable material and there would be only one clock face on the rectangular tower that would face Genesee Street. He went on to explain there would be a slight beveled edge that would provide fascia on the building. Trees and brick work would provide shading as well as planter boxes on site. There was a public plaza planned with room for a sculpture. M. Wolfert explained several sculptures had generously been donated by a local citizen that could be utilized in the plaza space. S. Kunen went on to explain the windows would be tinted to block ultraviolet light and would still help to reduce interior lighting costs.

Mayor McAleer thanked the design team for its fine presentation.

**B. LEONARD MOTIONED TO APPROVE THE SITE PLANS AND ARCHITECTURAL PLANS FOR THE PUBLIC SAFETY CAMPUS BUILDINGS AS PRESENTED. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

**B. LEONARD MOTIONED TO APPORVE THE SITE PLANS AND ARCHITECTURE FOR THE DOWNTOWN CIVIC CENTER. K. FITZGERALD SECONDED THE MOTION. MAYOR MC ALEER STATED HE THOUGHT THE COLOR PALETTES SHOULD BE AVAILABLE FOR RESIDENTS TO VIEW AT THE PUBLIC HEARING SLATED FOR THE DECEMBER MEETING OF THE PLAN COMMISSION AS WELL AS DURING THE TIME OF CONSTRUCTION. B. LEONARD STATED SHE ALSO THOUGHT IT IMPORTANT TO SHOW THE EXISTING BUILDINGS AS THEY CURRENTLY APPEARED ON THE MODEL DEPICTIONS OF THE SITE. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

4. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVAL

- a. **TAX KEY 0624.001, 0624.002, 0624.003 AND PART 0622.999. VALLEY ROAD, NASHOTAH.** OWNER/APPLICANT: THREE SIBLINGS, LLC. C/O SIEPMANN REALTY CORP. OWNER/APPLICANT SEEKS APPROVAL OF A FINAL CERTIFIED SURVEY MAP.

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**K. ATTWELL MOTIONED TO APPROVE A FINAL CERTIFIED SURVEY MAP FOR TAX KEY 0624.001, 0624.002, 0624.003 AND PART 0622.999. VALLEY ROAD, NASHOTAH. OWNER/APPLICANT: THREE SIBLINGS, LLC. C/O SIEPMANN REALTY CORPORATION AND RECOMMEND APPROVAL TO COUNCIL OF THE SAME. R. DUPLER QUESTIONED WHETHER THIS MOTION INCLUDED RESOLUTION OF ITEMS LISTED IN THE SURVEYOR'S LETTER AS WELL AS VERIFICATION OF THE EASEMENT AS SPECIFIED IN THE STAFF REPORT ON THIS MATTER. K. ATTWELL RESPONDED AFFIRMATIVELY. K. ATTWELL AMENDED THE MOTION TO APPROVE A FINAL CERTIFIED SURVEY MAP FOR TAX KEY 0624.001, 0624.002, 0624.003 AND PART 0622.999. VALLEY ROAD, NASHOTAH. OWNER/APPLICANT: THREE SIBLINGS, LLC. C/O SIEPMANN REALTY CORPORATION SUBJECT TO RESOLUTION OF THE ITEMS LISTED IN THE SURVEYOR'S LETTER AS WELL AS VERIFICATION OF THE EASEMENT AS SPECIFIED IN THE STAFF REPORT ON THIS MATTER AND RECOMMEND APPROVAL TO COUNCIL OF THE SAME. B. LEONARD 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 0793.021.001, 705 GENESEE STREET, DELAFIELD. OWNER/APPLICANT: DELAFIELD CONVENIENCE, C/O GARY NUERNBERGER. OWNER/APPLICANT SEEKS A MINOR CHANGE TO THE CONDITIONAL USE FOR THE APPROVAL OF A MONUMENT SIGN.**

R. Dupler explained the current gas station on site had been approved for redevelopment of two mechanical bays approximately five years ago. In the deliberations on that request, the Commission had recommended the pylon sign be converted to a ground mounted monument sign and the owner had five years to comply with that request. Five years had elapsed and the owner now would like to abandon the pylon sign and install a ground sign at the intersection of Main and Genesee Streets. The parcel was in the CBD-1 zoning district and was afforded a zero setback requirement. Despite the fact that the proposed sign would obstruct the site visibility triangle for the intersection, the Commission could waive this requirement in that zoning district. The proposed size, location, colors and lighting were suggested for approval; however, the plans did not identify materials for either the posts or the sign panel. The petitioner had committed to a wood grain polymer material at this time although it was not shown on the documents submitted for approval. Landscaping proposed was considered appropriate for this space and with existing streetscape materials. It was also noted the sign would not be back lit and would be face lit.

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Discussion ensued regarding the possibility of erecting the signage without impeding the site visibility triangle. R. Dupler confirmed the way to do that would be through the use of a pylon sign

**K. ATTWELL MOTIONED TO APPROVE A REQUEST FOR A MINOR CHANGE TO THE CONDITIONAL USE FOR THE APPROVAL OF A MONUMENT SIGN FOR TAX KEY 0793.021.001, 705 GENESEE STREET, DELAFIELD. OWNER/APPLICANT: DELAFIELD CONVENIENCE, C/O GARY NUERNBERGER. B. LEONARD SECONDED THE MOTION. K. FITZGERALD QUESTIONED WHETHER OTHER SIGNAGE RESTRICTIONS HAD BEEN WAIVED IN THIS CASE AS WELL. R. DUPLER STATED HISTORICALLY THE SQUARE POSTS WERE REQUIRED BUT WERE WAIVED. K. FITZGERALD SUGGESTED THE MATTER BE REFERRED TO DPW FOR REVIEW. R. DUPLER STATED HE WOULD REQUEST THE CITY ENGINEER DO A VIEW SHED ANALYSIS IN THIS CASE TO CONFIRM THERE WERE NO SAFETY ISSUES ASSOCIATED WITH THE REQUEST. **THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.****

- B. **TAX KEY 0787.999, 1452 GENESEE STREET, DELAFIELD. OWNER/APPLICANT: LAKE COUNTRY HEALTH CENTER, DR. DANIEL T. MURRAY.** OWNER/APPLICANT SEEKS APPROVAL OF A MINOR CHANGE TO THE CONDITIONAL USE TO ALLOW SIGNAGE THAT EXCEEDS THE ZONING CODE

R. Dupler explained the applicant sought approval of a minor change to a Conditional Use recently approved for the site that would allow signage that exceeded the zoning code. He noted the façade mounted signage above the colonnade was appropriate and could be approved as requested. The blue service signage, however, was not in accordance with zoning as it advertised services and was prohibited under current zoning.

Daniel Murray, applicant, was present, stating he believed his clinic provided a unique situation with regard to advertisement needs. His clinic provided an integrative approach of medicine with independent contractors providing various services as part of the clinic structure, such as acupuncture. He stated he wanted to provide signage to let his patients know all the services his clinic could provide to them. The proposed signage was an attempt to provide descriptors rather than advertising. He was asking the Commission to consider approval of this request.

Discussion ensued regarding whether this request could be constituted as a major or minor change to the Conditional Use governing the site. In response to a question, R. Dupler explained a major change would result

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in a public hearing on the matter and public input would be gathered.  
B. Leonard stated she would prefer to gather public input in this case.

D. Murray stated time was important to his clinic as he wanted to draw people into the clinic as soon as possible to support the contractors currently located there.

**K. ATTWELL MOTIONED TO APPROVE THE REQUEST AS A MINOR CHANGE TO THE CONDITIONAL USE TO ALLOW SIGNAGE THAT EXCEEDED THE ZONING CODE. K. FITZGERALD SECONDED THE MOTION. B. LEONARD CLARIFIED THAT IN THIS CASE THE CODE WAS INTERPRETED AS ALLOWING THE BLUE SIGNAGE TO BE PLACED BECAUSE THEY WERE ALL OCCUPATIONS RATHER THAN ADVERTISING. THERE WAS NO FUTURE DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- C. **TAX KEY 0802.998.006, 663 GARRISON COURT, DELAFIELD. OWNER/APPLICANT: CHUCK HAJINIAN. OWNER/APPLICANT SEEKS APPROVAL FOR A BOATHOUSE AS RECOMMENDED BY LAKE WELFARE COMMITTEE**

R. Dupler explained the Lake Welfare Committee had approved this request and recommended approval of the request. The water from the roof of the proposed boathouse would be directed into a rain garden on the property in an existing flower bed. Further, he suggested the Commission consider requesting the proposed Plexiglas railings be changed to tempered glass.

K. Attwell stated the applicant was not present this evening, but had indicated he was not opposed to the use of tempered glass on the boathouse.

**B. LEONARD MOTIONED TO APPROVE A BOATHOUSE AS RECOMMENDED BY LAKE WELFARE COMMITTEE FOR TAX KEY 0802.998.006, 663 GARRISON COURT, DELAFIELD OWNER/APPLICANT: CHUCK HAJINIAN, WITH THE CHANGE TO TEMPERED GLASS FOR THE BOATHOUSE RAILING. K. ATTWELL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- D. **TAX KEY 0798.034, 730 MAIN STREET, DELAFIELD. OWNER/APPLICANT: GLENN & PAM KOEHN. OWNER/APPLICANT SEEKS APPROVAL OF A RETAINING WALL WITHIN THE ROAD SETBACK**

R. Dupler explained the applicants were present for this request. He also explained this item had been placed on a previous Plan Commission

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agenda and been removed for Department of Public Works approval. Recently, verbal approval of the application had been granted by T. Hafner. There were existing retaining walls on site and with the expanded width of the driveway, a sideyard encroachment was necessitated. The proposed wall would encroach into the right of way with a ten foot setback from the road. It would be constructed on stacked limestone and would be eight feet from the easterly lot line. He thought this matter to be perfunctory in nature and recommended approval.

**B. LEONARD MOTIONED TO APPROVE OF A RETAINING WALL WITHIN THE ROAD SETBACK FOR TAX KEY 0798.034, 730 MAIN STREET, DELAFIELD. OWNER/APPLICANT: GLENN & PAM KOEHN.**

**C. SMITH SECONDED THE MOTION. K. FITZGERALD QUESTIONED WHETHER THE NEIGHBORS HAD BEEN NOTIFIED IN THIS MATTER. MAYOR MC ALEER STATED THERE WAS NO REQUIREMENT FOR THIS CASE BASED ON THE ZONING CODE. B. LEONARD STATED SHE THOUGHT SOME NOTIFICATION FOR RETAINING WALLS WAS APPROPRIATE. R. DUPLER AGREED, NOTING THE CBD2 ZONING DISTRICTS REQUIRED NOTIFICATION OF CHANGES OR REQUESTS FOR RETAINING WALLS AND HE THOUGHT IT WOULD BE A LOGICAL APPLICATION IN THIS ZONING DISTRICT AS WELL. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

**E. DISCUSSION AND ACTION ON DOWNTOWN DIRECTIONAL SIGNAGE CONCEPT. 2008**

R. Dupler explained that to facilitate directions and promote destinations not located on Genesee Street such as retail shops, restaurants, parking locations and civic sites, three intersections (Genesee and Main, Milwaukee, and Wells Streets) had recently been examined and found to be available for placement of directional sign panels. Staff had developed a signage concept that utilized existing light poles on the corners of those intersections. The layout had been created to provide direction with a sign on the east side of the intersection for those destinations east of a driver's location and likewise on the west side of the intersection for those destinations located to the west. A blue and gold scheme had been designated for private business panels and grey panels for civic sites. The signs could be owned and operated by the City with panels leased to businesses. R. Dupler noted DPW was concerned for viewing stop signage in those locations. To that end, at the intersection of Main Street and Genesee Street, the signs could be switched across the intersection to attach to an existing sign pole.

Discussion ensued regarding the best way to attach the signage to poles and how to lease them to business owners.

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Rick Lieblang, 607 Main Street, business owner and resident of Delafield, stated all three intersections had held signage approximately fifteen years ago for this purpose. The problem encountered at that time was that there were businesses located east and west of those intersections desiring inclusion on the street signage. Due to the problematic nature of the signage, the Chamber of Commerce (the previous sign sponsor) had no interest in supporting the requested signage currently. He stated the signs would work well but there will be many more businesses desiring access than can be posted on the signage.

Discussion ensued regarding how to determine the funding, fees, and individual sign placement on the posts. Mayor McAleer stated the Council would be responsible for determining many of those issues.

R. Lieblang cautioned the Commission to include a limit of signage in its potential recommendation to the Council on this issue.

M. Frede suggested signage could be limited to the downtown district businesses and other area businesses located further away from the downtown district (such as Fishbones) could be placed on a monument sign at the edge of the downtown district directing them further down the road.

Discussion ensued regarding requests for signage for non-retail type businesses and inclusion of those businesses on the signposts. Further discussion would be had on this topic at a later date.

**K. ATTWELL MOTIONED TO APPROVE THE ORIGINAL SIGN DETAIL WITH THE SAILBOAT IMAGE AS LONG AS THE LOCATION WOULD NOT BLOCK ANY STOP SIGNAGE.** DISCUSSION ENSUED REGARDING THE NEED TO MAXIMIZE THE AMOUNT OF SIGNAGE TO BE PLACED ON THE SIGN AS WELL AS HAVING THE DEPARTMENT OF PUBLIC WORKS REVIEW THE LOCATION OF THE SIGNAGE AS NOT TO IMPEDE STOP SIGNS FROM MOTORISTS VIEW. **K. ATTWELL AMENDED THE MOTION TO APPROVE THE ORIGINAL SIGN DETAIL WITHOUT THE SAIL BOAT IMAGE TO MAXIMIZE THE NUMBER OF SIGNS ALLOWED ON THE POSTS AND TO MAKE THE LOCATION OF THE SIGNAGE CONTINGENT UPON DPW APPROVAL.** **K. FITZGERALD SECONDED THE MOTION.** B. LEONARD EXPRESSED CONCERN AS SHE THOUGHT THERE WAS EXISTING VISUAL CLUTTER ON THE LIGHTPOSTS DOWNTOWN. M. FREDE THOUGHT IT IMPORTANT FOR GOVERNMENT TO ASSIST THE BUSINESSES IN THIS MANNER. MAYOR MC ALEER STATED HE DID NOT THINK IT LOOKED CLUTTERED AND WITH DPW APPROVAL, HE THOUGHT IT WOULD NOT POSE A PROBLEM. C. SMITH NOTED THERE WERE WAYFINDING SIGNS IN STORES TO DIRECT PEOPLE TO AND WITHIN STORES AND THIS WAS A HELPFUL MECHANISM TO DEFINE LOCATIONS. R.

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DUPLER STATED THERE WAS A GREAT DEAL OF VISUAL INFORMATION FOR MOTORISTS CURRENTLY BUT CLUTTER WAS A RELATIVE AND SUBJECTIVE DESCRIPTOR. **THERE WAS NO FURTHER DISCUSSION. FOUR WERE IN FAVOR. B. LEONARD VOTED NAY. MOTION CARRIED.**

G. Gresch stated she would contact other cities to see how resolution of the issue was handled in other municipalities.

6. PRELIMINARY

There were no preliminary items for consideration this evening.

7. ZONING AND ORDINANCE REVISION

a. DISCUSSION AND ACTION TO RECOMMEND TO THE COMMON COUNCIL TO AMEND CITY OF DELAFIELD MUNICIPAL CODE CHAPTER 23, RELATING TO CONSTRUCTION STORMWATER MANAGEMENT

M. Court questioned whether the Commission had any questions on this matter. B. Leonard questioned whether there was any way to require a landscape buffer around agricultural lands in effort to avoid mud spills in future rain events. M. Court stated this code pertained to construction issues only however, her question was appropriate for another ordinance. R. Dupler noted this buffering could be placed in the Smart Growth planning documents to guide future planning efforts for the City.

Discussion ensued regarding how such an ordinance could be constructed in the future with regard to eminent domain issues, buffering, and retention easements.

**K. ATTWELL MOTIONED TO AMEND CITY OF DELAFIELD MUNICIPAL CODE CHAPTER 23, RELATING TO CONSTRUCTION STORMWATER MANAGEMENT AND RECOMMEND TO COMMON COUNCIL THE SAME. B. LEONARD SECONDED THE MOTION. K.**

**FITZGERALD REQUESTED CLARIFICATION ON THIS AMENDMENT. HE REQUESTED THE FINAL DRAFT BE SUBMITTED TO THE COMMISSION FOR CONSIDERATION AT A FUTURE COMMISSION MEETING FOR A MORE THOROUGH UNDERSTANDING. FURTHER, HE STATED HE WAS DISAPPOINTED A LETTER OF CREDIT WAS THE ONLY FUNDING ALLOWED FOR THE PROJECT. M. COURT STATED THIS WAS THE EASIEST FUNDING FOR THE PROJECT AND THE REQUEST FOR INCLUSION PREDATED THIS ADMINISTRATION. T. SCHUENKE STATED THE DEPARTMENT OF NATURAL RESOURCES (DNR) HAD PROVIDED FLEXIBILITY IN CONSIDERATION OF THIS REQUEST ALREADY. K. ATTWELL STATED HE WOULD LIKE TO VOTE ON THIS**

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MATTER AS IT HAD BEEN RECONSIDERED TIME AND AGAIN. **B. LEONARD WITHDREW HER SECOND OF THE MOTION. K. ATTWELL WITHDREW HIS MOTION.**

Mayor McAleer stated this item would be placed on the next agenda of the Commission for consideration. K. Fitzgerald stated his remaining questions were related to performance and surety bond use. C. Smith agreed. A final version to be submitted to the Commission for the next meeting will show the track changes and decisions made on all other issues.

- b. RECOMMENDATION FROM LAKE WELFARE COMMITTEE TO ADOPT ZONING TEXT AMENDMENT FOR SECTIONS 17.22 AND 17.24 RELATED TO THE BOATHOUSE CODE, AND RECOMMENDATION TO COMMON COUNCIL OF THE SAME

The proposed text amendment reflected the direction of the Commission and the Lake Welfare Committee. R. Dupler explained the most significant changes prohibited toilet facilities, mandated rain gardens, and compliance for any boathouse undergoing renovations that constitute greater than 50% of the market value of the structure.

Mayor McAleer stated he would like to see language allowing flexibility for the rain garden through the use of a French drain. To that end, K. Attwell proposed the following revision to the proposed text amendment. The proposed revision is shown in bold italics.

(2) Lake Protection. All new, or rebuilt boathouses affecting 50% of the structural area or exceeding 50% of the market value, reference 17.55, require that all storm water runoff from the boathouse and impervious surface within 10 feet of the boathouse be directed to a rain garden ***or other water quality device or system, that provides the same level of environmental benefit as a rain garden,*** approved by the City Engineer. Installation of the rain garden...

B. Leonard stated she was very concerned that language had not been added to the proposed text regarding prohibition of obstruction of view. She thought it was wrong to allow a structure to be built that would obstruct the view of the lake from a neighboring homeowner and she questioned why after repeated requests this had not yet been completed.

Mayor McAleer stated he was uncertain how to provide that language within an ordinance as houses could be constructed that would obstruct a view of the lake.

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M. Frede stated he thought the concept would be difficult to define and he questioned what right people had to have a view of the lake that was not part of their property and viewed laterally from a homeowner's vantage point.

B. Leonard stated she thought the City should have tapered setbacks.

R. Dupler noted this concept was referred to a scenic view shed and was not pertinent at this time, but additional discussions could be had at a future time.

K. Attwell stated while this amendment might not be what everyone wanted, it was a great deal better than what existed in the code. In addition, the proposed ordinance amendment had been over two years in the process and he was hopeful it might pass this evening. Further he questioned the issue of market value being replaced within the proposed amendment. G. Gresch explained the City Attorney had recommended inclusion of it within the ordinance.

**K. ATTWELL MOTIONED TO RECOMMEND ADOPTION OF ZONING TEXT AMENDMENT FOR SECTIONS 17.22 AND 17.24 RELATED TO THE BOATHOUSE CODE, STRIKING THE REFERENCE TO 17.55 (EXCEEDING 50% OF THE MARKET VALUE), AND ADDING THE VERBAGE "OR OTHER WATER QUALITY DEVICE OR SYSTEM, THAT PROVIDES THE SAME LEVEL OF ENVIRONMENTAL BENEFIT AS A RAIN GARDEN APPROVED BY THE CITY ENGINEER" AND RECOMMEND TO COUNCIL OF THE SAME. M. FREDE SECONDED THE MOTION. B. LEONARD STATED SHE DID NOT THINK THE COMMISSION SHOULD GO AGAINST THE ATTORNEY'S ADVICE IN THIS CASE. MAYOR MC ALEER STATED HE WOULD CHECK WITH THE CITY ATTORNEY AND PROVIDE FEEDBACK TO THE COUNCIL AT THE TIME OF CONSIDERATION ON THIS MATTER. THERE WAS NO FURTHER DISCUSSION. FOUR WERE IN FAVOR. B. LEONARD OPPOSED. MOTION CARRIED.**

- c. DISCUSSION AND ACTION ON SIGN COMMITTEE SIGN ORDINANCE RECOMMENDATIONS AND RECOMMENDATION TO COMMON COUNCIL OF THE SAME

A summarized history of the actions and recommendations of the Sign Committee were reviewed by R. Dupler. He noted Rick Lieblang, chair of the Sign Committee, and Sarah Binkowski of Yaggy Colby, were present for questions related to the work of the Sign Committee. R. Dupler also recommended the areas of the sign ordinance related to downtown district guidelines or internal lighting of signs and aesthetics be considered for approval at a later date as additional work on the

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Downtown Development Plan was needed for consistent compliance to take place with the ordinance proposed.

The proposed sign ordinance was reviewed. Numerical editing was requested in Section 17.65, as well as several sections and clarifications provided in various parts of the ordinance.

Discussion ensued regarding whether a signage hung in one location with wording rotated on it, either seasonally, by sale, announcement, or rental, constituted a temporary or permanent sign under the proposed code. Options for consideration included approval of these signs as permanent signage, or approval of the signage as temporary with an understanding that the wording would be placed on the sign on a rotating basis with no additional approvals necessary. Discussion ensued.

Mayor McAleer recessed the meeting at 9:34 p.m. and reconvened at 9:44 p.m.

After a brief discussion on the correct amount of foot candles to be noted at the lot line, the Commission indicated consensus for changing Section 17.69 referencing 60 foot candles to be reduced to 40 foot candles.

Discussion ensued regarding sandwich board signs. It was noted various parts of the proposed code were already approved with regard to sandwich board signage.

~~Clarification was provided regarding the size of mounted signage in Attachment 2, subd. 17.30(1)(i). Consensus was heard for reducing the amount of square footage from 25 feet as proposed to 12 square feet as 25 feet was deemed too large.~~

The Downtown District Guidelines were modified with changes to the sub (2) reference in the first paragraph of Section 17.30, which should be 17.29(2). Also, there was a consensus to change the verbiage related to the flush wall mounted sign allowance being increased from 12 sq to 25 sq.

Discussion further ensued regarding how to approve the proposed sign ordinance except the Downtown plan and sections related to backlit signage.

R. Lieblang stated he was concerned that several downtown businesses were closed and he wanted to move forward with approval of the proposed sign code as a whole. Mayor McAleer stated he thought it important to be cautious when considering backlit signage.

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The Commission again discussed whether banner signage would be considered temporary or permanent if the wording was changed on them but the location of the sign remained the same. Consensus was heard for having temporary signage allowed for 90 days with an option to reapply for temporary signage along with submission of fees. Discussion ensued regarding whether certain banner signage would then be allowed under temporary signage guidelines. Without resolution of this issue, G. Gresch requested a process for interpretation and enforcement be created on this topic.

**K. FITZGERALD MOTIONED TO APPROVE ATTACHMENT 1 WITH EDITS RECORDED BY R. DUPLER INCORPORATED AND ATTACHMENT 2 WHERE IT REFERENCED SUBDIVISION 2 LISTED ABOVE AND CHANGING ATTACHMENT 2, SUBD. 17.30(1)(I) FROM 25 SQUARE FEET TO 12 SQUARE FEET AND SAME ATTACHMENT SUBD. 17.30(1)(M) CHANGE 60 FOOT CANDLES TO 40 FOOT CANDLES. C. SMITH SECONDED THE MOTION. CLARIFICATION WAS PROVIDED REGARDING THE REMOVAL OF SNIPE SIGNS. S. BINKOWSKI STATED NEW LANGUAGE WOULD BE PROVIDED REGARDING A PROCESS FOR INTERPRETATION AND ENFORCEMENT FOR TEMPORARY SIGNAGE. G. GRESCH STATED SHE WOULD PROVIDE PROCEDURES FOR CONSIDERATION OF TEMPORARY SIGNAGE AND IF DISPUTED, THE MATTER WOULD COME BEFORE THE COMMISSION FOR ADDITIONAL CONSIDERATION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- d. DISCUSSION AND ACTION ON AN ORDINANCE AMENDING CITY OF DELAFIELD MUNICIPAL CODE CHAPTER 17, SECTION 17.33(5) WHICH ADDS TWO ADDITIONAL CRITERIA BY WHICH THE PLAN COMMISSION CAN EVALUATE PROPOSED BUSINESS PLANS OF OPERATION AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME.

**K. FITZGERALD MOTIONED TO ADOPT AN ORDINANCE AMENDING CITY OF DELAFIELD MUNICIPAL CODE CHAPTER 17, SECTION 17.33(5) WHICH ADDS TWO ADDITIONAL CRITERIA BY WHICH THE PLAN COMMISSION CAN EVALUATE PROPOSED BUSINESS PLANS OF OPERATION AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. K. ATTWELL SECONDED THE MOTION.**

T. Schuenke then read into the record an email from Drew Johnson, representative for Delafield Investments, stating his opposition to the proposed ordinance changes. D. Johnson cited conflict with existing ordinances, creation of special zoning, lack of planning allowed by new businesses, and inconsistencies throughout the City's business district as reasons why he was opposed to this amendment.

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Mayor McAleer stated he thought it important to be consistent with area businesses. He thought this ordinance would be making a subjective determination and it lacked consistency for future Commissions to base decisions upon it.

M. Frede expressed concern about turning businesses away from the City by creating an environment where it was difficult to fund the process for consideration for a business plan of operation.

**K. FITZGERALD WITHDREW THE MOTION.**

K. Attwell stated if the City wanted to set hours as something other than what had been previously established, he thought this amendment was needed. Since existing businesses already had a variety of hours, he thought the hours were already arbitrary.

K. Fitzgerald then read the section of the current code relating the location of the business and its impact on the allowable hours of operation.

M. Frede stated he did not think changing the ordinance was necessary as he thought the Commission had other tools available for consideration of each individual business plan.

**M. FREDE MOTIONED TO LEAVE THE ORDINANCE IN ITS CURRENT STATE WITHOUT AMENDMENT. B. LEONARD STATED SHE THOUGHT OTHER ITEMS WERE NEEDED IN THIS AMENDMENT. MOTION FAILED FOR LACK OF A SECOND.**

**K. ATTWELL MOTIONED TO ADOPT AN ORDINANCE AMENDING CITY OF DELAFIELD MUNICIPAL CODE CHAPTER 17, SECTION 17.33(5) WHICH ADDS TWO ADDITIONAL CRITERIA BY WHICH THE PLAN COMMISSION CAN EVALUATE PROPOSED BUSINESS PLANS OF OPERATION AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. C. SMITH ABSTAINED. K. ATTWELL AND B. LEONARD WERE IN FAVOR. M. FREDE AND K. FITZGERALD OPPOSED. MAYOR MC ALEER VOTED IN FAVOR OF THE MOTION. MOTION CARRIED.**

8. HEARING DATES

A. DECEMBER 17, 2008:

G. Gresch noted the following hearings were slated for consideration on December 17, 2008.

**CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES**

- I. DELAFIELD LAKES GENERAL DEVELOPMENT PLAN (GDP)
- II. TOM ROLFS HOME BUSINESS CONDITIONAL USE

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9. ADMINISTRATOR'S REPORT

T. Schuenke stated he had been notified by Waukesha County Staff that most of the municipalities involved in Smart Growth planning would be done in early spring of 2009. Municipalities not completed with Smart Growth by April 1, 2009, would risk loss of grant monies associated with the project. To that end, he submitted a revised timeline for completion of the Smart Growth planning documents prior to April 1, 2009 for the Commission.

B. Leonard stated she was disappointed the County had taken a very long time to complete their portion of the planning document and now the municipalities were forced to contend with a condensed timeline for completion.

Secondly, T. Schuenke then explained the architects for the Public Safety campus and Civic Center campus projects would be working on refinement of details on design work necessary for allowing the projects to be let for bids in January of 2009 to maintain schedules. Mayor McAleer thanked Marilyn Czubkowski, Kean Kemnitz, T. Schuenke and all City Staff department leaders for helping the process to move along expeditiously in the past to allow the project timelines to be preserved.

10. BUILDING INSPECTOR'S REPORT

T. Maney stated the total number of permits to date were 16, plus 0 occupancy permits. There was 1 permit for new single family homes this month.

11. BOARD OF ZONING APPEALS

G. Gresch noted the following Board of Zoning Appeals and outcomes.

A. OCTOBER 23, 2008 HEARINGS DETERMINATIONS:

- i. DELC 0788.997; APPEAL OF ANDREW & BARBARA JOHNSON (OWNERS) FOR PROPOSED REBUILDING OF SHED AT 1133 MILWAUKEE ST, PERTAINING TO SECTION 17.39(11)(H) REGARDING MINIMUM INTERIOR SIDE YARD REQUIREMENTS - **APPROVED.**
- ii. DELC 0752.022; APPEAL OF MICHAEL SCHUETTE (OWNER) AND JODY RYG (AGENT) FOR PROPOSED ENCLOSING OF 2ND FLOOR DECK AREA INTO MASTER BEDROOM AT 2710 BURRIES RD. PERTAINING TO SECTION 17.39(9)(G) REGARDING SHORELINE SETBACK REQUIREMENTS, SECTION 17.39(9)(I) REGARDING INTERIOR SIDE YARD REQUIREMENTS AND SECTION 17.39(9)(M) REGARDING FLOOR AREA RATIO ALLOWED - **APPROVED.**

**CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES**

12. CORRESPONDENCE

None.

13. ADJOURNMENT

**K. ATTWELL MOTIONED TO ADJOURN THE NOVEMBER 19, 2009, PLAN COMMISSION MEETING AT 10:39 P.M.** . FREDE QUESTIONED WHO CONTROLLED THE CHRISTMAS LIGHTS AND PLACEMENT WITHIN THE CITY. R. DUPLER STATED THE CHAMBER OF COMMERCE WAS RESPONSIBLE FOR THE LIGHTS. M. FREDE STATED HE WOULD LIKE TO SEE MORE CHRISTMAS LIGHTS. **B. LEONARD SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.**

Minutes prepared by:

Accurate Business Communications, Inc.