

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
Michele DeYoe
Kevin Fitzgerald
Chris Smith
Roger Dupler, Planner
Tom Maney, Building Inspector
Tim Schuenke, City Administrator

Absent

Dirilee Curtis Costa
Larry Chapman
Michael Frede

1. APPROVE PLAN COMMISSION MEETING MINUTES OF JUNE 22, 2009

K. ATTWELL MOVED TO APPROVE THE JUNE 22, 2009 PLAN COMMISSION MEETING MINUTES AS PRESENTED. K. FITZGERALD 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

Nathan Schroeder - present on behalf of the Steiner Group to show strong support for the Delafield Hotel expansion project as it would bring much needed traffic to the area and he would be excited to see the project move forward.

Chris Macintosh, 405 Genesee Street, owner of BE FITNESS, stated he was in support of the Delafield Hotel expansion project as he thought it would be good for the City and community as a whole.

Debbie Tomczyk, Attorney from Reinhart, Boerner, and Van Dueren, representing Wal-Mart, stated she was present regarding rezoning items. She noted her client wanted to be cooperative with City requirements and wanted the expansion to move forward. She was hopeful the zoning changes being discussed would not add any additional time to the process or steps to approval.

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K. ATTWELL MOVED TO CLOSE CITIZEN'S COMMENTS AT 7:03 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. CONSENT AGENDA

Mayor McAleer read the items on the Consent Agenda.

K. FITZGERALD MOTIONED TO APPROVE THE ITEM ON THE CONSENT AGENDA AS PRESENTED. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- a. EXTRATERRITORIAL FINAL PLAT FOR PARADISE VALLEY, KENT AND LEWAUNE HANSON, TOWN OF DELAFIELD, AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME.

Approved. See above.

4. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVAL

None.

5. PLANS OF OPERATION, SIGNAGE AND SITE PLAN

- a. **DELCO 0803.988.004, 2566 SUN VALLEY DRIVE, DELAFIELD.**
OWNER: DON KANE, LAKE COUNTRY CIGARS. APPLICANT:
JOHNSON DESIGN, 211 W. SECOND STREET, OCONOMOWOC, WI.
APPLICANT SEEKS APPROVAL OF A PUD AMENDMENT, SITE PLAN AND BUSINESS PLAN OF OPERATION FOR A CIGAR BAR, **LAKE COUNTRY CIGARS**, TO MOVE LOCATIONS WITHIN THE SAME BUILDING AND ADD A PATIO. HOURS OF OPERATION ARE MONDAY THROUGH THURSDAY 9:00 A.M. TO 8:00 P.M., FRIDAY 9:00 A.M. TO 9:00 P.M., SATURDAY 9:00 A.M. TO 5:00 P.M., SUNDAY 11:00 A.M. TO 4:00 P.M., WITH 3 PART-TIME AND 3 FULL-TIME EMPLOYEES.

Kent Johnson and Pete Davis of Johnson Design, as well as Don and Mary Lynn Kane, owners of Lake Country Cigars were present.

K. Johnson shared architectural drawings of the project and noted the retail store would move from the current location to the other end of the Williamstowne Center building. The proposed project included two parts. Interior renovations were being undertaken as part of the move to the new location and included renovation of the 1,600 square foot space with upgrades. An exterior deck was being proposed with a small deck to the north of the building approximately 300 square feet in size and 42 inch high fencing around the perimeter of the deck space with gates that

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closed and locked. Green umbrellas were planned for the deck space and stormwater runoff would be directed to the westerly side of the building into a newly established rain garden. He then explained computerized photographs of the lounge and bar areas included in the renovations, noting all construction efforts in these spaces were believed to be consistent with City Codes.

In response to questions, K. Johnson explained the proposed patio area would be to the side of the building, would be made of colored concrete or cultured stone, and would not extend into the parking area. In addition, the current tree in the patio location would be preserved and discussions were still being had regarding conversion of two existing windows to a "man door" for use.

K. Attwell questioned whether the outdoor patio area would include any planter boxes. K. Johnson stated the space would be very neatly kept with waste receptacles in the fenced area and other plants placed where possible to make the space inviting.

K. ATTWELL MOVED TO APPROVE A PUD AMENDMENT, SITE PLAN AND BUSINESS PLAN OF OPERATION FOR A CIGAR BAR, LAKE COUNTRY CIGARS, TO MOVE LOCATIONS WITHIN THE SAME BUILDING AND ADD A PATIO. HOURS OF OPERATION ARE MONDAY THROUGH THURSDAY 9:00 A.M. TO 8:00 P.M., FRIDAY 9:00 A.M. TO 9:00 P.M., SATURDAY 9:00 A.M. TO 5:00 P.M., SUNDAY 11:00 A.M. TO 4:00 P.M., WITH 3 PART-TIME AND 3 FULL-TIME EMPLOYEES, FOR DELC 0803.988.004, 2566 SUN VALLEY DRIVE, DELAFIELD. OWNER: DON KANE, LAKE COUNTRY CIGARS. APPLICANT: JOHNSON DESIGN, 211 W. SECOND STREET, OCONOMOWOC, WI, AS A MINOR CHANGE TO THE CONDITIONAL USE AND CONTINGENT UPON STAFF APPROVAL OF A RAIN GARDEN DESIGN FOR THE SPACE. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. DELC 0733.996, N47 W31143 HILL STREET, HARTLAND. OWNER/APPLICANT: RENEE M. EVERT, 170 WARREN AVENUE, HARTLAND, WI. OWNER/APPLICANT SEEKS APPROVAL OF A SITE PLAN, ARCHITECTURE AND BUSINESS PLAN OF OPERATION FOR A HUMAN AND PET CREMATORIUM, LAKE COUNTRY CREMATION SERVICES. HOURS OF OPERATION ARE MONDAY THROUGH FRIDAY 9:00 A.M. TO 4:00 P.M., SATURDAY 9:00 A.M. TO NOON, WITH 1 PART-TIME AND 1 FULL-TIME EMPLOYEE AND RECOMMENDATION TO COMMON COUNCIL OF THE SAME.**

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Phil and Jennifer Passen, were present this evening in the absence of partner, Renee Evert, owners of the Lake Country Cremation Services. R. Evert sent her regrets to the Commission for her absence.

P. Passen explained the idea was to purchase the property to provide better quality control for families served for cremation services for humans and pets. If approved, other area funeral homes could be served. The proposed crematorium would be set up as a duplex concept for cremation services for pets and humans. The current building would remain and a 20 foot by 20 foot addition was proposed to serve pet cremation needs. Specific information had been distributed to the Commission via epackets and it was noted there would be no traffic to the site as the service provided included pickup at other funeral homes.

In response to a question by Mayor McAleer, P. Passen explained there was no odor on site as the technology employed would be smoke and odor free. He likened this situation to the crematorium in Brookfield and noted the close proximity to several areas businesses in that location that were without complaint. In addition, he explained a technician from Therm Tech would annually inspect and evaluate the site and unit to ensure all industry standards were being met. P. Passen noted this was a better way to have direct control and high levels of professionalism in taking care of loved ones and pets.

K. Fitzgerald expressed concern for the recommended B-5 zoning and problematic issues associated with the zoning change to P-1 as a result of the Smart Growth discussions. Since P-1 permitted uses had not yet been established, he thought it important procedurally to have this item be discussed as a conditional use and public hearings held in the matter.

A discussion of appropriate zoning designation and process took place.

R. Dupler noted a site plan with six parking spaces had been submitted as well as architectural and construction materials to be utilized.

K. ATTWELL MOVED TO APPROVE A SITE PLAN, ARCHITECTURE AND BUSINESS PLAN OF OPERATION FOR A HUMAN AND PET CREMATORIUM, LAKE COUNTRY CREMATION SERVICES. HOURS OF OPERATION ARE MONDAY THROUGH FRIDAY 9:00 A.M. TO 4:00 P.M., SATURDAY 9:00 A.M. TO NOON, WITH 1 PART-TIME AND 1 FULL-TIME EMPLOYEE AND RECOMMENDATION TO COMMON COUNCIL OF THE SAME FOR DELC 0733.996, N47 W31143 HILL STREET, HARTLAND. OWNER/APPLICANT: RENEE M. EVERT, 170 WARREN AVENUE, HARTLAND, WI AND THAT APPROVAL OF THE PROPOSED ARCHITECTURE, SITE PLAN, AND BUSINESS PLAN OF OPERATIONS BE CONTINGENT UPON CITY COUNCIL CONCURRENCE THAT THE PROPOSED USE IS SIMILAR TO THE

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PERMITTED USES IN THE B-5 ZONING DISTRICT AND WOULD ALSO BE CONTINGENT UPON CHANGING THE LAND USE PLAN. M. DEYOE SECONDED THE MOTION. K. FITZGERALD EXPRESSED CONCERN AS THE LAND USE PLAN HAD BEEN WRITTEN ~~FOR USE~~ (TO REGULATE) AND NOW THE COMMISSION WAS ASKING FOR THE USE TO ~~DESIGNATE~~ (DETERMINE) THE PLAN AND HE THOUGHT THIS A BAD PRECEDENT TO SET TO CHANGE THE LAND USE PLAN TO ACCOMMODATE ~~INCONSISTENCIES~~ (A GIVEN USE). FURTHER HE THOUGHT THE CREMATORIUM WAS MORE LIKE A FUNERAL HOME THAN A HOSPITAL AND IF PERMITTED USES IN A P-1 ZONING DISTRICT COULD INCLUDE FUNERAL HOMES, THEN IT SHOULD BE ZONED P-1. CURRENTLY, CREMATORIUMS WERE NOT PERMITTED IN ANY ZONING DISTRICT AS A USE AND UNTIL THE LAND USE PLAN WAS CHANGED IN THE FALL, THIS ITEM WOULD BE A NON-CONFORMING USE. DISCUSSION ENSUED REGARDING WHEN THE P-1 ZONING LIST OF PERMITTED USES SHOULD TAKE PLACE IN ORDER TO RESPECTFULLY ALLOW THE PETITIONERS TO MOVE FORWARD WITH THEIR BUSINESS DECISIONS. K. FITZGERALD SUGGESTED CONSIDERING REZONING THIS PARCEL SEPARATELY (AND THEN CONSIDER THE REQUEST) AS A CONDITIONAL USE (ON THE) P-1 PARCEL TO ALLOW THE PROJECT TO MOVE FORWARD WITH APPROPRIATE EXPEDIENCE. **K. ATTWELL WITHDREW THE MOTION. M. DEYOE WITHDREW THE SECOND.**

No formal action was taken on this item at this time.

6. PRELIMINARY

- a. **DELC 0793.999.004, 415 GENESEE STREET, DELAFIELD.** OWNER: DELAFIELD HOTEL, INC. APPLICANT: JAMES GRAY, 804 WEST ROBERTS ROAD, TOWER LAKES, BARRINGTON, IL. APPLICANT SEEKS APPROVAL FOR BUILDING EXPANSION AND SITE PLAN MODIFICATIONS FOR THE DELAFIELD HOTEL

James Gray, Petitioner, and Todd Sander, both architects from Cornice and Rose, were present to share conceptual plans for a proposed Delafield Hotel building expansion with site plan modifications. He explained the expansion was being proposed to add more rooms to the hotel and to address some of the sequence of arrival and procession to the hotel. He then reviewed depictions of the site plan including modifications to the main entrance to the hotel, a requested monument sign on Pamela Street, and an additional parking structure. The proposal would include expansion to the north edge of the current hotel and would also include an open parking structure with a green roof atop it. He reviewed elevations and architectural renderings of the buildings that would include similar structure and architecture with elements of Neo-classical, Federal, and Georgian styles.

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With regard to various engineering issues raised in discussions with Staff, J. Gray explained approximately 60 parking spaces were being added due to the number of rooms added to the site. Stormwater issues were to be accommodated within the original engineering aspects of the site and were not perceived to be a problem. Green certification for the project was being pursued. LEED and USGBC components were being utilized throughout the project.

He went on to explain this property was part of a condominium association and because of this, he had been in contact with other condo owners to circulate a letter of intent that was met with favorable responses as evidenced in the public comment section of this meeting. In addition, discussions had been had with Del-Hart Staff regarding the proposal and City Staff had discussed zoning issues with a representative attorney for the project.

R. Dupler explained a warehouse had been converted as part of the original hotel construction project and had invoked a property agreement. Since this project proposed expansion of the same building, the property agreement was revisited and the request was found to be within the realm of the original agreement.

J. Gray also explained a letter had been received from the school district regarding the use of Cushing School's parking lot as overflow parking when needed during the after school hours. He thought this concept was inherent when considered "green building" concepts and this was a great way to continue working relationships with other entities adjacent to the property.

R. Dupler explained the petitioner's attorney had requested consideration be given to considering this project as a minor change as the project was expansion of an existing building in use.

Mayor McAleer stated he thought the request constituted a major change due to the square footage being requested. C. Smith agreed. R. Dupler concurred, noting the components that should be provided as part of the public hearing process.

A discussion of utilizing the green roof on the parking structure as part stormwater runoff calculations was had at this time. J. Gray explained the green roof could be included in these calculations as there was precedent for doing so in the industry. While not as good as soil in slowing the runoff, it did provide some filtration measures. He also noted the elevation of the parking structure with the green roof would be similar in height to the current parking level for the hotel.

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In response to a question, R. Dupler explained the petitioner could work with the Public Works Committee and City Staff to ensure the entrance into the site was appropriately designed. C. Smith suggested reconfiguring the open space on the site with the entrance to provide additional beautification and green space near the front entrance to the hotel and along Pamela Street with placement of parking spaces elsewhere. He expressed concern for the maturing trees in that area. J. Gray stated additional discussions needed to be had regarding pedestrian access to the downtown from the site.

K. Attwell requested information be emailed to all Commissioners regarding the "green" roof for the parking structure.

J. Gray explained LEED certification was always changing but efforts were being undertaken to certify both the existing hotel structure and addition.

K. ATTWELL MOVED TO APPROVE A BUILDING EXPANSION AND SITE PLAN MODIFICATIONS FOR THE DELAFIELD HOTEL FOR DELC 0793.999.004, 415 GENESEE STREET, DELAFIELD. OWNER: DELAFIELD HOTEL, INC. APPLICANT: JAMES GRAY, 804 WEST ROBERTS ROAD, TOWER LAKES, BARRINGTON, IL AS A MAJOR CHANGE AND SCHEDULE A PUBLIC HEARING INCLUDING THE REQUESTED ITEMS SPECIFIED BY STAFF, AS WELL AS A SOLUTION TO THE PEDESTRIAN ACCESS ISSUES AND "GREEN" ROOF INFORMATION. K. FITZGERALD SECONDED THE MOTION. K. FITZGERALD STATED A LETTER FROM A TRAFFIC ENGINEER MAKING THE ASSERTION THAT THERE WOULD BE NO ADDITIONAL IMPACT TO AREA TRAFFIC FROM THE PARCEL WOULD ALSO BE HELPFUL. K. ATTWELL CLARIFIED THE GREEN SPACE PROPOSED ON THE SITE. MAYOR MCALEER STATED IT WOULD BE HELPFUL TO HAVE CALCULATIONS SHOWING THE LOSS OR GAIN OF GREEN SPACE ON THE SITE AS WELL. R. DUPLER STATED THE ITEMS TO BE PROVIDED IN PREPARATION FOR THE PUBLIC HEARING ON THIS MATTER SHOULD INCLUDE: PARKING STRUCTURE ROOF DETAILS, PEDESTRIAN ACCESS TO THE DOWNTOWN AND SCHOOL SITE, PAMELIA STREET ENTRANCE CONCEPT INCLUDING ACCESS, LIGHTING AND SIGNAGE, TRAFFIC ANALYSIS FOR PAMELIA STREET ENTRANCE, RECALCULATION OF THE CAMPUS WIDE GREEN SPACE PERCENTAGE, AS WELL AS ALL COMPONENTS REQUIRED FOR A SPECIFIC IMPLEMENTATION PLAN (SIP) INCLUDING REVISED CONDOMINIUM PLAT, BUILDING ELEVATIONS AND MATERIAL INFORMATION, ENGINEERING PLANS, GRADING PLAN, STORM WATER ANALYSIS, EROSION CONTROL PLANS, LANDSCAPE PLAN, LIGHTING PLAN, AND AMENDED CONDOMINIUM ASSOCIATION DOCUMENTS. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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7. ZONING AND ORDINANCE REVISION

a. DISCUSSION AND ACTION OF PROPOSED LANGUAGE FOR THE CORRECTION OF B-6 TO AMEND PERMITTED USES DESCRIPTION

R. Dupler explained a recent ruling by the State Supreme Court had rendered the City's current municipal code potentially unconstitutional in regard to the permitted uses in the B-6 zoning district. To rectify this situation, draft language had been prepared. The proposed changes were based on B-2 and B-3 Commercial land uses and would ensure reasonable expectations for land use would occur in the future. All other land uses were permitted by conditional use.

Discussion ensued regarding the potential impacts to existing uses and related properties governed by conditional use. Mayor McAleer clarified there was no change to the 35% green space requirements for these districts.

T. Maney explained problems could arise when a property owner such as Wal-Mart designated as a B-6 parcel, now operating under B-3 requirements, wanted to expand. Permitted uses that were not part of planned development would result. A discussion of options for remedy of this situation took place. Mayor McAleer stated he did not want to reduce the 35% green space requirement in this case. R. Dupler noted there were provisions in the text that referenced a different section stating the green space requirements would not be lost.

C. Smith stated it seemed prudent to move the text referencing this issue to this section of the text. R. Dupler agreed.

T. Maney questioned what to do with certain properties, such as the Hillside apartment complex, once this language was adopted as it was listed as commercial in the Master Plan and on the Land Use Map as B-6 zoning. He questioned how the property should be handled if it was not going to fit the B-6 uses listed and once this language was adopted, it would become a permitted use in the B-6 zoning.

T. Maney stated another way to handle the situation was to zone the properties in question as R-5. Discussion ensued regarding why commercial properties should be rezoned to residential zoning. Several other properties were noted to be similar in problematic zoning, including the Geeson parcel along Highway 83.

At the request of K. Fitzgerald and without objection from the other Commissioners, Mayor McAleer move to Item 7d on the agenda for this meeting.

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- b. DISCUSSION AND ACTION OF PROPOSED LANGUAGE FOR THE CORRECTION OF R-5 TO AMEND PERMITTED USES DESCRIPTION.

R. Dupler stated modifications were required due to Court rulings similar to Item 7a.

K. Fitzgerald noted only conditional uses were allowed as planned development and he thought that might make sense for residential zoning; however, home businesses were not allowed in this zoning district unless changed. R. Dupler stated he would make the necessary changes.

- c. DISCUSSION AND ACTION OF PROPOSED LANGUAGE FOR THE CORRECTION OF CBD-3 TO AMEND PERMITTED USES DESCRIPTION.

R. Dupler explained the proposed language was the result of Court rulings similar to Item 7a. This change would create a permitted use to ensure some allowable use and would also secure a property owner's reasonable expectation for land use. In this case permitted uses allowed in the CBD-2 zoning district were allowed. All other land uses were permitted by conditional use.

K. Fitzgerald suggested a list of permitted uses be stated within the ordinance. In addition, it was noted lodging up to 8 units was included. Clarification of 8 units and discussion of same ensued. T. Maney noted "straight" residential was not listed and lodging included a mixed use building with commercial use on the first floor and lodging on the second floor. R. Dupler stated he would find the correct wording for this concept and change the proposed language to include the list as well.

- d. DISCUSSION AND ACTION TO ADOPT ORDINANCE 615, AN ORDINANCE TO REZONE A PORTION OF THE LEUZINGER/MARCUS PLANNED DEVELOPMENT TO B-6 COMMERCIAL HOLDING ZONE AS SHOWN ON THE ZONING DISTRICT MAP, CITY OF DELAFIELD, WISCONSIN (WALMART CENTER AND NEIGHBORING PARCELS), AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME.

Mayor McAleer stated there was an agreement passed in 1998 stating that the Geeson parcel would be B-6 and would develop under B-6 zoning requirements. A discussion of how to remedy situations such as this one took place at this time.

Mayor McAleer went on to explain errors had occurred with the Wal-Mart parcel when it was approved under B-3 zoning in 1993 because B-6 zoning did not exist. A mistake was made when rezoning took place and the Wal-Mart, Ace Hardware, Burger King, and bank parcels were all

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inadvertently zoned B-6. No one knew this was an error because the Land Use map was not changed at that time, and Wal-Mart had been operating under B-3 guidelines since that time. He did not think it was necessary to change it back to B-6 zoning at this time only to change later this year when the permitted uses list was established.

K. Fitzgerald stated there were discrepancies between the map and legal descriptions discovered since that time for the north and south sides of the Interstate 94 intersection with Highway 83. He stated either the map or legal descriptions should be changed for these parcels and whatever was done, it was important to change them all consistently. His recommendation was to redo the legal descriptions and not adopt the proposed ordinance 615. R. Dupler explained some of the legal descriptions had been redone in recent history. He also suggested one option was to redo the legal descriptions on the south side as had been done on the north side of the intersection and then rescind certain ordinances and recreate new ones that were correct.

Attorney Tomczyk stated Wal-Mart representatives had expressed a desire to remain as B-3 zoning. R. Dupler stated he would request clarification on certain issues with Attorney Hammes on this matter.

K. FITZGERALD MOVED NOT TO ADOPT ORDINANCE 615 AND TO INSTEAD DIRECT STAFF TO DRAFT AN ORDINANCE TO AMEND THE LEGAL DESCRIPTION TO MATCH THE ZONING THAT HAD BEEN IN PLACE SINCE 1991 FOR VARIOUS PARCELS NOTED BY STAFF AND THE COMMISSION AND TO RECOMMEND TO COMMON COUNCIL THE SAME. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

K. Fitzgerald suggested listing all definitions found in the B-6 zoning, and add additional uses to the B-3 list with permitted uses and setbacks written into the ordinance with a caveat that if the Commission or Common Council wanted to add more verbiage in the future, that could easily be accomplished. He also suggested referencing 17.40 through 17.49 as part of this ordinance, and also asked Staff to address language needed to amend the P-1 district.

- e. DISCUSSION AND ACTION OF REVISED LANGUAGE FOR PRIMARY ENVIRONMENTAL CORRIDOR (PEC) CONSISTENT WITH THE DIRECTION FROM THE PLAN COMMISSION.

R. Dupler explained changes had been made as directed by the Commission in this section. K. Attwell questioned whether changes had been made to the Land Use Map as part of the Master Plan. R. Dupler explained information presented through the map for this topic was

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depicted as an overlay district and would only confirm where the current primary environmental corridor (PEC) boundaries were located at this time. He noted the boundary lines would fluctuate slightly as wetland delineation would take place for each individual petition for development. There was no updated overlay map for the PEC at this time as it was not yet completed, but would be included in the Smart Growth document as upland PEC for future planning where possible.

The Commission indicated consensus for approval of this language.

f. DISCUSSION OF PROPOSED LANGUAGE FOR IN-LAW SUITES.

R. Dupler explained the proposed language for in-law suites had been utilized from municipal documents in Colorado and was also very similar to language found in the municipal documentation from the Town of Summit. It was noted that the proposed language included consideration of an attached or detached in-law suite.

Mayor McAleer questioned how the issue of sanitary sewers were handled within this language. T. Maney stated the language considered proposing addition of another unit to a single family unit. He further stated the Town of Summit handled each request as a Conditional Use and he thought it should be handled in the same manner within the City of Delafield and if allowed should come to the Plan Commission for consideration and action for approval.

Mayor McAleer stated he would research the Del-Hart ordinances related to this matter and he thought it important to be consistent with past practice.

T. Maney stated he wanted all requests for in-law suites to come before the Plan Commission for approval.

K. Fitzgerald stated he thought definitions related to this matter required revision for clarification purposes.

Discussion ensued regarding whether the in-law suites should be allowed to be detached or required to be attached to a single family dwelling. Concerns were related to having the in-law suite become duplex like housing in the future once the suite was no longer needed and the property was sold.

Mayor McAleer stated there were many aspects to discuss in consideration of this matter, and he thought it prudent to have a public hearing on the topic. A discussion related to the timeliness required for the public hearing was held. T. Schuenke stated it would be wise to have

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the City Attorney present a simple definition on this subject for discussion at the Public Hearing on this topic.

Mayor McAleer recessed the meeting at 9:00 P.M. and reconvened the meeting at 9:03 P.M.

g. DISCUSSION OF PROPOSED FOR WETLAND SETBACKS.

R. Dupler stated these proposed wetland setbacks would be applicable to all zoning districts. The goal was to have separation between buildings and wetlands as mandatory requirements in all zoning districts. Clarification by the Commission yielded the understanding that the wetland setback required was equal to the zoning setback regulations in the district where the construction would take place.

8. HEARING DATES

T. Maney noted there would be four public hearings held at the August 26, 2009, Plan Commission meeting related to expansion of the Delafield Hotel, ~~Permitted Uses in the P-1 district, boundaries for certain zoning districts and~~ (REZONING OF THE PARCEL FOR) Lake Country Cremation Services; (A CONDITIONAL USE PERMIT FOR LAKE COUNTRY CREMATION SERVICES).

9. ADMINISTRATOR'S REPORT

T. Schuenke stated there was nothing to report at this time.

10. PLANNERS REPORT

R. Dupler stated there are number of zoning text amendments in progress and these amendments would be brought forward in upcoming months.

11. BUILDING INSPECTOR'S REPORT

T. Maney stated the total number of permits to date was 26, plus two occupancy permits with one new single family home permit this month.

11. BOARD OF ZONING APPEALS

T. Maney noted there were no hearings scheduled for the Board of Zoning Appeals.

12. CORRESPONDENCE

None.

13. ADJOURNMENT

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C. SMITH MOTIONED TO ADJOURN THE JULY 27, 2009, PLAN COMMISSION MEETING AT 9:05 P.M. M. DEYOE SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes prepared by:

Accurate Business Communications, Inc.