

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 for the Wednesday, February 29, 2012 Plan Commission meeting:

Present

Ed McAleer, Mayor
Michele DeYoe, Ald.
Kevin Fitzgerald
Dan Jashinsky
Matthew Katz
Tony Drake
Roger Dupler, Planner
Tim Schuenke, Administrator
Gina Gresch, Clerk-Treasurer
Scott Hussinger, Building Inspector

Absent

Chris Smith
Kent Attwell

1. Approve Plan Commission meeting minutes of January 25, 2012 meeting.

T. DRAKE MOVED TO APPROVE THE JANUARY 25, 2012 PLAN COMMISSION MEETING MINUTES AS PRESENTED. D. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

2. City of Delafield Citizen's Comments pertaining to subjects on this agenda.

M. DEYOE MOVED TO CLOSE CITIZEN'S COMMENTS PERTAINING TO SUBJECTS ON THE AGENDA AT 7:01 P.M. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. Consent Agenda (Recommended approvals in accordance with the staff report).

- a. **DELC 0793.995, 6 Main Street, Delafield. Owner: Ron Bethia. Applicant: Randy Wright.** Applicant seeks approval of Business Plan of Operation for a window replacement business, R.W. Windows. Hours of Operation are Weekdays and Saturdays, 6AM to 9PM with 1 part time employee.
- b. **DELC 0793.021, 705 Genesee Street, Delafield. Owner/Applicant: Gary Neurenberger.** Applicant seeks approval of a Business Plan of Operation Amendment for the Delafield Convenience for a "Class A" liquor license to allow the sale of beer, wine and alcohol. Number of employees and hours of operation remain the same.
- c. **DELC 0793.001.001, 415 Genesee Street, Delafield. Owner/Applicant: Scott Rookus.** Applicant seeks approval of a Business Plan of Operation for MediSPA services located within the Delafield Hotel, Solstice. Hours of Operation are Weekdays and Weekends from 8AM to 8PM with 3 full time and 2 part time employees.
- d. **DELC 0803.988.005, 2574 Sun Valley Drive, Delafield. Owner: Gary Storts. Applicant: Lake Country Physicians, S.C.** Applicant seeks approval of a Business Plan of Operation for a medical office, Lake Country Physicians. Hours of Operation are Weekdays from 8:30AM to 6:30PM with 4 full time and 5 part time employees.

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- **K. FITZGERALD MOVED TO APPROVE THE ITEMS ON THE CONSENT AGENDA IN ACCORDANCE WITH THE STAFF REPORT AND RECOMMEND ITEM B TO THE COMMON COUNCIL FOR APPROVAL. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

4. Final Consideration, Approvals, Previous Approval.

- a. **DELIC 0793.989.003, 416 Butler Drive, Delafield. Owner: Delafield-Hartland Water Pollution Control Commission. Applicant: City of Delafield.** Applicant seeks final approval of a Certified Survey Map to divide 6.2 acres of the Del-Hart property for the purpose of storage for use by the Department of Public Works and recommendation to the Common Council of the same.

FROM PLANNER DUPLER'S STAFF REPORT: The proposed CSM will create a new 6.2 acre lot at the west side of the Del-Hart campus immediately adjacent to the Cushing Road. This lot will be purchased by the City of Delafield for the purpose of creating cold storage. This simple CSM has been submitted directly to the Plan Commission for final consideration, forgoing the preliminary approval stage. As a measure of quality control this survey document was reviewed for statute and ordinance compliance by another registered Surveyor in the Yaggy Colby office. A memo to that affect is included in the packet. Access will be provided via easement on the Del-Hart property, an easement agreement is in the process of being worked out and finalized.

E. McAleer stated the land is being purchased for Department of Public Works cold storage to make up for the land that was lost when the DPW building was expanded.

M. DEYOE MOVED TO APPROVE THE FINAL APPROVAL OF A CERTIFIED SURVEY MAP TO DIVIDE 6.2 ACRES OF THE DEL-HART PROPERTY FOR THE PURPOSE OF STORAGE FOR USE BY THE DEPARTMENT OF PUBLIC WORKS FOR DELIC 0793.989.003, 416 BUTLER DRIVE, DELAFIELD. OWNER: DELAFIELD-HARTLAND WATER POLLUTION CONTROL COMMISSION. APPLICANT: CITY OF DELAFIELD AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. M. KATZ SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

5. Plans of Operation, Signage and Site Plan.

6. Preliminary

- a. **DELIC 0798.972, 973, 083, 0798.079.001, 002, 003 and 0798.084.001, (extension of Bleeker Street, a.k.a Delafield Woods), Delafield.** Owner/Applicant: Joe McCormick. Applicant seeks preliminary feedback on creating a TIF District.

FROM PLANNER DUPLER'S STAFF REPORT: Delafield Woods returns to the Plan Commission to seek preliminary feedback on creating a Tax Increment Financing District. The proposed district will include the development parcel for the multifamily parcel as well as the single family lots and all infrastructures associated with the development. This proposal is brought forth as an alternative financing opportunity in response to the Plan Commission's direction to "make it work". If the Plan Commission finds this proposal beneficial to the City and wishes to pursue this alternative, the next step will be to schedule a public hearing.

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The role of the Plan Commission in this process is to evaluate the appropriateness of the development proposal as it relates to the statutory requirements that go above and beyond our zoning and comprehensive plan. The criteria for evaluation are as follows:

The “but for” test. The City must determine that development in the described boundary would not take place “but for” the financing options afforded by the TIF mechanism. The developer has demonstrated that lending institutions are not willing to finance the project given the depressed market and realized values of the single family lots within the mixed used plan. An explanation of this situation will be presented by the developer at the Plan Commission meeting and again in the pending public hearing.

Identify the area as blighted or in need of rehabilitation. There are multiple statutory definitions for blighted. The most applicable in this instance is: “An area which is predominantly open and which consists of primarily an abandoned highway corridor, as defined in S.66.1333(2m)(a), or that consists of land upon which buildings or structures have been demolished and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise, substantially impairs or arrests sound growth of the community.”

This definition is applicable in that the area is primarily open, has demolished structures, and has obsolete platting (in the form of mapped rights-of-way that were never implemented), all of which impairs sound community development. It should also be noted that the City Comprehensive Plan encourages development to realize the downtown grid in conformance with the Official City Map.

Criteria for rehabilitation are also explained with multiple definitions, the most applicable here is: *“Installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the objective of the urban renewal project.”* In consideration of the need for rehabilitation, the Plan Commission may wish to consider the storm water management proposed by this development and the designed control which will alleviate flooding conditions in the neighboring properties to the north.

Define the Tax Increment District (TID). The Plan Commission must approve the boundary applicable to the TIF that encompasses all areas of the development, and if desired, any off-site areas of improvement. In this instance the developer has submitted a proposed boundary that defines the on-site requirements and part of the off-site requirements. As designed this project will encompass the undeveloped length of Division Street, and reconstruct the length of Bleeker Street between the extension of Division Street and Wells Street. The approved storm water routing plan and bicycle path extends down the length of Lake Street between Division and Wells Streets, but in addition, the storm water system also needs to be extended westward in the Wells Street right-of-way in order to connect to the existing City storm sewer. The Plan Commission should also consider the extension of the TID to encompass the length of Wells Street from Bleeker Street to Genesee Street, for the purposes of realizing a defined bicycle path that connects the regional trail to the City center. The Wells Street right-of-way appears to be suitable for the necessary widening of the road which would facilitate such a connection. The developer may not be burdened with the widening of Wells Street, but the City should take advantage of this opportunity and proportionally share in the improvements unique to the Wells Street bicycle route improvements.

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At this preliminary stage these three identified items should be discussed by the Plan Commission based solely on the potential neighborhood improvements and the community need for such elements. Further discussions regarding the financial mechanisms are appropriate for the next meeting, should the Plan Commission determine to support the project.

E. McAleer stated for the record, the City has an ordinance that states when projects cost more than \$1 million dollars, the project must go to a referendum. Mr. McCormick has presented the City with a possible TIF that is less than \$1 million dollars. The costs were not scaled back in order to come under the direct legislation rules.

K. Fitzgerald stated there are no local rules on TIFs, only statutes, but since the Plan Commission is not a taxing district, what is the Plan Commission's role in this? R. Dupler stated the Plan Commission determines the boundary and makes a recommendation to the Common Council on it. T. Schuenke stated the Plan Commission holds a hearing on the boundary and a hearing on the project plan, which can also be held in a combined public hearing, but two decisions are required. K. Fitzgerald asked if the plan the Plan Commission already approved could serve as the project plan. T. Schuenke stated yes, unless the Plan Commission wants to add something like a bike path or if anything else comes up during the public hearing.

M. DeYoe asked questions about how Waukesha County's plans for bike trails factor into this plan. R. Dupler stated the City never heard back from Waukesha County on that topic. She also stated she understands the City should consider the extension of Wells Street but who pays for that? T. Schuenke stated the TIF can finance some or all of those improvements.

K. Fitzgerald asked why the roads would be included in the boundary since improving roads won't affect taxes. R. Dupler stated money can be spent on roads up to one-half mile beyond the district. J. McCormick stated there are four lots north of Division Street that should also be included in the project boundary. Kate Crawley, Financial Consultant and TIF Expert with Baker Tilly, stated she put together multiple scenarios for the Plan Commission to review, all of which the TIF option seemed to fit. Between the three scenarios, the longest payback is 10 years, the shortest is seven or eight years. The majority of the apartments will pay back the majority of the TIF, even if the houses are never built.

K. Fitzgerald questioned the project costs list Baker Tilly provided, regarding projected assessments, hard and soft costs that should and should not be included in the costs total. K. Crawley stated the list submitted is not the list of eligible costs; it is a list of costs that are a part of the project. T. Schuenke stated he has the same thoughts as K. Fitzgerald. The City Attorney and financial consultant need to determine what is eligible and what isn't. K. Crawley stated the next step in the TIF process is to have the City's financial consultant, which is Ehlers, review the project plan with the City Attorney. T. Schuenke the Plan Commission submittal has already been sent to Ehlers for their review.

E. McAleer stated this development is a perfect transition for this property and would like to see the TIF go forward. M. Katz and K. Fitzgerald agreed. D. Jashinsky asked when the "but for" question is answered. T. Schuenke stated the "but for" question is answer if and when the Plan Commission approves the project plan. R. Dupler stated the next step is have the Clerk set up the public hearing notices and send letters to the taxing jurisdictions to set up the Joint Review Board (JRB). The JRB has a very active role in this process. They actually meet before the public hearing and give their input at the public hearing. If the JRB doesn't approve of the TIF it doesn't happen. April would be the earliest a public hearing could be held due to all of the

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logistics. T. Schuenke stated there are a number of steps that have to happen in the next month or so. T. Schuenke also asked the Plan Commission if they would prefer combined or separate hearings. Plan Commission members agreed a combined hearing would be the best option. K. Crawley stated the City should speak with Ehlers before scheduling a public hearing since they have to finish the project plan first and they are going to need some time to do that. E. McAleer stated we will tentatively plan for an April public hearing.

7. Zoning and Ordinance Revision.

8. Reports of City Officials:

- a. Administrator
- b. Clerk
 - 1. Public Hearing Dates
 - a. Mar 28 (Meeting); Feb 29 (PH Deadline); Mar 14 (Reg. Deadline)
 - 2. Correspondence
- c. Planner
- d. Building Inspector

S. Hussinger stated the total number of permits to date was 34 with one commercial occupancy permit this month.

9. Adjournment.

M. DEYOE MOVED TO ADJOURN THE FEBRUARY 29, 2012 PLAN COMMISSION MEETING AT 7:35 P.M. T. DRAKE SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes Prepared By:



Gina C. Gresch, MMC/WCPC
City of Delafield Clerk-Treasurer
Waukesha County