

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, March 28, 2012 Plan Commission meeting:

Present

Ed McAleer, Mayor

Kent Attwell

Kevin Fitzgerald

Dan Jashinsky

Matthew Katz

Chris Smith

Tony Drake

Roger Dupler, Planner

Tim Schuenke, Administrator

Gina Gresch, Clerk-Treasurer

Scott Hussinger, Building Inspector

Absent

Michele DeYoe, Ald.

1. Approve Plan Commission meeting minutes of February 29, 2012 meeting.

K. ATTWELL MOVED TO APPROVE THE FEBRUARY 29, 2012 PLAN COMMISSION MEETING MINUTES AS PRESENTED. T. DRAKE 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.

K. FITZGERALD MOVED TO CLOSE CITIZEN'S COMMENTS PERTAINING TO SUBJECTS ON THE AGENDA AT 7:01 P.M. T. DRAKE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

SPECIAL ORDER OF BUSINESS:

- A. Discussion and action to adopt Resolution 2012-04, A Resolution of the Plan Commission Calling for a Public Hearing on Proposed Tax Incremental District No. 4 Creation in the City of Delafield.

T. Schuenke stated by adopting the resolution the Plan Commission formally starts the TIF District process. A public hearing notice will be published next week and the other taxing districts will be notified of the meeting and that they must appoint someone to the Joint Review Board. Between now and the public hearing, the Joint Review Board will hold its first meeting which will be before the public hearing and probably will be the same night. The Joint Review Board's first meeting is to get organized only. Before the public hearing, the Plan Commission and Joint Review Board will be provided with the TIF plan and boundaries. The City Attorney wanted the developer to sign off on a "Terms Sheet" which is a broad outline of what the terms are going to be for this TIF which protects the City if the developer bails on the project in the process, which he signed today. The most important piece of that document is the guarantee from the developer that if the TIF increment isn't sufficient to pay the bonds, the balance is special assessed. Also, if special assessments are levied and the County doesn't collect the special assessments, the developer has agreed to provide a Letter of Credit which can be used to offset any shortfall.

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

C. Smith asked if there is anything else that needs to be included in the resolution about the development. T. Schuenke stated no, the resolution is to only set a public hearing date. K. Fitzgerald stated other things need to happen before the public hearing is conducted. T. Schuenke stated that is correct and those things are already in process.

C. SMITH MOVED TO ADOPT RESOLUTION 2012-04, A RESOLUTION OF THE PLAN COMMISSION CALLING FOR A PUBLIC HEARING ON PROPOSED TAX INCREMENTAL DISTRICT NO. 4 CREATION IN THE CITY OF DELAFIELD, AND SET THE PUBLIC HEARING DATE SET FOR WEDNESDAY, APRIL 25, 2012. M. KATZ SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH ONE NAY BY K. ATTWELL.

3. Consent Agenda (Recommended approvals in accordance with the staff report).
 - a. **DELC 0803.991.003, 2580 Sun Valley Drive, Delafield. Owner: Richard Flath, Marty's Pizza. Applicant: Jody Knoebel.** Applicant seeks approval of a Temporary Business Plan of Operation for a produce stand, Jelli's Market. Hours of Operation are Sunday through Saturday, 11:00 a.m. to 6:00 p.m., June 1 through September 1.
 - b. **DELC 0793.014.023, 623 Genesee Street, Delafield. Owner: Ace Delafield Properties, LLC, c/o Steiner group. Applicant: James L. Allen.** Applicant seeks approval of a Business Plan of Operation for a retail olive oil and vinegar store, Oliva Di Vita. Hours of Operation are Sunday through Saturday, 9:00 a.m. to 11:00 p.m., with 2 full-time employees.
 - c. **DELC 0807.978.002, 407 Austin Circle, Delafield. Owner: Cream City Holdings, LLC. Applicant: Concept Machine Tool.** Applicant seeks approval of a Business Plan of Operation for a machine tool distributor, Concept Machine Tool. Hours of Operation are Weekdays 7:00 a.m. to 6:00 p.m., with 2 part-time and 23 full-time employees.

K. FITZGERALD MOVED TO APPROVE THE ITEMS ON THE CONSENT AGENDA IN ACCORDANCE WITH THE STAFF REPORT. M. KATZ SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

4. Final Consideration, Approvals, Previous Approval.
 - a. **DELC 0793.991.002 and 0793.991.003, 232 Main Street, Delafield. Owner/Applicant: 3N1 LLC, Mark Neuman, Wally Neuman and Dave Nosek.** Applicant seeks approval of the following items for the Main Street Commons Apartments:

FROM PLANNER DUPLER'S STAFF REPORT: The Plan Commission is asked to consider the final approval for Main Street Commons. In January the General Development Plan was approved and the developer was directed to the Public Works Committee. Since that time, all site plan issues have been resolved and most of the recommended revisions have been incorporated into the documents. The only outstanding site issues are tree mitigation and the Wells Street lighting. The site and engineering plans have been reviewed by staff and found to be complete without any further revisions. Reference the March 2, 2012 letter from the City Engineer to the Director of Public Works. In regard to the Wells Street lighting, the Public Works Committee recommended matching the existing light configuration that already exists on the north side of Main Street. However, the petitioner would like to propose an alternate solution for Plan Commission consideration. Replicating the configuration and type of light fixtures already in use on Wells Street will produce an over abundance of light shed throughout the area and into adjacent properties. As an alternate, they will be providing the Plan Commission with an additional design that will match the aesthetics of the existing lights but accomplish the mandatory lighting requirements with less fixtures.

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

The original analysis of existing trees identified 324 caliber inches of existing trees to be replaced. Since that time it has been determined that the 32" Black Cherry in the north central part of the site is dying and therefore replacement will not be mandatory. The resulting mitigation caliber inches are therefore 292 inches. The proposed landscape plan proposes material totaling 287 inches. The petitioner has been advised of the short fall and will bring a revised landscape plan to the meeting for approval. Building plans have not changed since the approval in January. A draft Developer's agreement has been submitted for review but does not conform to the city standard. Proposed revisions have been relayed to the developer for revision prior to the Council action to approve. The proposed revisions are included in the Plan Commission packet. Please review and share with the petitioner any suggestions for modification in addition to staff comments. A Storm Water Maintenance Agreement has also been submitted for review. Staff has coordinated the necessary changes and those revisions have been incorporated into the document included in the packet. The final Certified Survey Map to consolidate the two existing lots is presented to the Plan Commission again for approval. This is a precautionary measure to ensure that the time limit for recordation will not expire prior to the necessary recordation. The signature block and dates may be amended accordingly prior to the Mayor's signature at the next council meeting.

Recommendation: Approval. The development team has demonstrated a willingness to work with the City to resolve the site and procedural issues. Staff will have reviewed the Wells Street lighting plan and landscape plan prior to the meeting and provide a recommendation. Recommend to the City Council accordingly.

1. Specific Implementation Plan

R. Dupler stated there is one unresolved issue which is street lighting. The developer is proposing a few alterations which are for aesthetic reasons. They are also proposing an entrance monument. The Plan Commission can approve both of these items

Dave Koscielniak stated the petitioners are looking to design an entryway to the premise which would include a lantern, which doesn't interfere with the current landscaping plan. They really want to do something to identify their entrance. The first option is to forego the street light on the south side of Main Street which is consistent with other lights heading east on Main Street into the downtown area. The developers took light readings the night before the Plan Commission meeting and received various readings all along Main Street due to the types of lights that are installed. Those light readings are depicted on the site plan that was passed out the Plan Commission before the meeting. They prefer to use lighting that will be installed as a part of the monument entryway which will illuminate the driveway but not the sidewalk and be consistent with the lighting pattern on the street. Option 2 is to add a decorative light post with a lantern style head similar to the downtown lampposts and place it along the sidewalk at Wells and Main Streets to highlight the intersections as there is no light post right now. There was a great deal of discussion among the Plan Commission members about which option is the best for safety and not so much aesthetics. They discussed the amount of lampposts on Main Street, the amount and spacing between, the City's plans for future develop and the desire for street lights, the type of bulb and how/where the light illuminates. Also when the Public Safety Building Campus was developed the City toned down the street lighting and that is what the City would like developers to use from now on. The lampposts look the same but the lights themselves functions differently, by shining the light down, not horizontal. D. Koscielniak stated the

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

developer would also like to have the cobra light on the utility pole removed to improve the lighting pattern.

The Plan Commission also discussed the proposed sidewalk in great detail. The developer is planning to install the sidewalk but would prefer to not install the street lights until they the next property developers since the sidewalk will end at their property line. The developers made a reference to a "sidewalk to nowhere". Plan Commission members agreed that the sidewalk the developer is to install is part of a bigger plan. The Plan Commission continued to discuss the street lighting since the lights should be installed when the sidewalk is constructed. They debated with the developer the current and proposed lighting pattern. K. Fitzgerald thinks the lighting should be consistent with what is currently installed in the area and likes Option 1. M. Katz stated it makes more sense to have lighting on a fencepost if there wasn't a sidewalk. The developers should either install the sidewalk with lights or don't install the sidewalk and have an entry light. M. Neuman asked the Plan Commission if it is possible to escrow the street lights so that they have the money when it comes time to install at a later when then more development occurs rather than installing them during regular construction.

K. FITZGERALD MOVED TO APPROVE LIGHTING PLAN OPTION 1 FOR DELC 0793.991.002 AND 0793.991.003, 232 MAIN STREET, DELAFIELD. OWNER/APPLICANT: 3N1 LLC, MARK NEUMAN, WALLY NEUMAN AND DAVE NOSEK. MOTION FAILED FOR LACK OF A SECOND.

Plan Commission members continued to discuss the possibility of escrowing funds for lighting if they are not installed at the time of construction. M. Neuman stated the lampposts are expensive and they would like to invest money in the lights once the City knows where they want the lights to go.

C. SMITH MOVED TO APPROVE A LIGHTING PLAN THAT IS CONSISTENT WITH PWC THE PUBLIC WORKS COMMITTEE AND CITY STANDARDS, THAT LIGHTS BE INSTALLED ALONG THE SIDEWALK DURING CONSTRUCTION, THAT THREE (3) LAMPOST BE INSTALLED AND THAT THEY BE OF SIMILAR TYPE OF WHAT WAS INSTALLED AT THE PUBLIC SAFETY CAMPUS, FOR THE PURPOSE OF SAFETY AND AESTHETICS AND THAT THE DEVELOPER WORK WITH CITY STAFF ON THE PLACEMENT OF SUCH STREET LIGHTS. ALSO APPROVE THE REMOVAL OF THE COBRA LIGHT ACROSS THE STREET ON THE UTILITY POLE, FOR DELC 0793.991.002 AND 0793.991.003, 232 MAIN STREET, DELAFIELD. OWNER/APPLICANT: 3N1 LLC, MARK NEUMAN, WALLY NEUMAN AND DAVE NOSEK. D. JASHINSKY SECONDED THE MOTION. TIE VOTE WITH NAYS BY M. KATZ, T. DRAKE AND K. FITZGERALD. E. MCALEER BROKE THE TIE AND VOTED IN FAVOR. MOTION PASSED.

R. Dupler stated he needs feedback from the Plan Commission regarding the driveway entrance monument regarding materials and placement. W. Neuman stated the pillars will be made out of old looking stone with a wrought iron look to the bars. It will have a Williamsburg look to it, to be consistent with the plan and what Delafield currently looks like. There might be lamps on top of the posts and if there are, they would be at a reduce wattage. C. Smith asked if there are any plans to hang rental banners on the monument. W. Neuman stated no, but there may be a small entrance name plate or marker saying "Main Street Commons of Delafield" and it will be classy looking.

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

K. FITZGERALD MOVED TO APPROVE THE SPECIFIC IMPLEMENTATION PLAN FOR DELC 0793.991.002 AND 0793.991.003, 232 MAIN STREET, DELAFIELD. OWNER/APPLICANT: 3N1 LLC, MARK NEUMAN, WALLY NEUMAN AND DAVE NOSEK, AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. M. KATZ SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH ONE NAY BY K. ATTWELL.

2. Stormwater Maintenance Agreement and recommendation to the Common Council of the same.

R. Dupler stated the document is in final form and all issues were resolved as of yesterday. K. Attwell asked if the retention basin will be wet or dry. R. Dupler stated it will be dry and planted but not mowed.

K. FITZGERALD MOVED TO APPROVE THE STORMWATER MAINTENANCE AGREEMENT FOR DELC 0793.991.002 AND 0793.991.003, 232 MAIN STREET, DELAFIELD. OWNER/APPLICANT: 3N1 LLC, MARK NEUMAN, WALLY NEUMAN AND DAVE NOSEK AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. M. KATZ SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH ONE NAY BY K. ATTWELL.

3. Conditional Use document to reflect January 25, 2012 Plan Commission approval, as reviewed and approved by the City Planner and City Attorney, and recommendation to the Common Council of the same.

K. Fitzgerald stated the math in paragraph "E" doesn't work. R. Dupler stated it should be one half space per unit, not one quarter. K. Fitzgerald stated the word "materials" should be removed from paragraph "O".

C. SMITH MOVED TO APPROVE THE CONDITIONAL USE DOCUMENT TO REFLECT THE JANUARY 25, 2012 PLAN COMMISSION APPROVAL, AS REVIEWED AND APPROVED BY THE CITY PLANNER AND CITY ATTORNEY AND WITH THE CORRECTIONS AS NOTED ABOVE, FOR DELC 0793.991.002 AND 0793.991.003, 232 MAIN STREET, DELAFIELD. OWNER/APPLICANT: 3N1 LLC, MARK NEUMAN, WALLY NEUMAN AND DAVE NOSEK AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH ONE NAY BY K. ATTWELL.

4. Final Certified Survey Map to consolidate two parcels and recommendation to the Common Council of the same.

K. FITZGERALD MOVED TO APPROVE THE FINAL CERTIFIED SURVEY MAP TO CONSOLIDATE TWO PARCELS FOR DELC 0793.991.002 AND 0793.991.003, 232 MAIN STREET, DELAFIELD. OWNER/APPLICANT: 3N1 LLC, MARK NEUMAN, WALLY NEUMAN AND DAVE NOSEK AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. M. KATZ SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH ONE NAY BY K. ATTWELL.

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

5. Developer's Agreement and recommendation to the Common Council of the same.

K. Fitzgerald asked for confirmation that the Plan Commission should be reviewing the document they received the day before the meeting. R. Dupler stated that is correct. C. Smith stated there is a typo in Section 8's heading. K. Fitzgerald stated the proposed Developer's Agreement was copied from another development, Carriage Hills. There are quite a few provisions that reference homeowners associations, selling lot and deed restrictions, none of which are applicable and should be removed. W. Neuman stated none of those items are applicable and they eliminated those references in the first draft, but were instructed to put them back in.

K. FITZGERALD MOVED TO APPROVE THE DEVELOPER'S AGREEMENT FOR DELC 0793.991.002 AND 0793.991.003, 232 MAIN STREET, DELAFIELD. OWNER/APPLICANT: 3N1 LLC, MARK NEUMAN, WALLY NEUMAN AND DAVE NOSEK, SUBJECT TO FIXING THE ERROR IN SECTION 8'S HEADING AND ELIMINATING VERBIAGE RELATING TO HOMEOWNERS ASSOCIATIONS, SELLING LOTS AND DEED RESTRICTIONS, AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. M. KATZ SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH ONE NAY BY K. ATTWELL.

5. Plans of Operation, Signage and Site Plan.

6. Preliminary

- a. **DELC 0622.999.001, 2777 Mission Road, Nashotah.** Owner: Nashotah House Theological Seminary. Applicant: Mark Powers, Lake Country Engineering. Applicant seeks preliminary feedback on a proposed cemetery concept plan which requires a Conditional Use amendment, Plan Commission to set public hearing date for the same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: The Seminary wishes to establish a cemetery on the south portion of their property. The campus is governed by a conditional use, approved in 1983. In the existing document a very detailed explanation of site amenities and redevelopment plans are presented in a Long Range Master Plan. To date, any development or improvements have been performed in compliance with this approved document. Unfortunately there is no mention of a cemetery in the text or on the plans. Therefore the Plan Commission may request the Seminary to prepare a revised conditional use agreement and campus master plan that reflects this proposed change. A cemetery plat is a legal division of property not unlike a subdivision. The City will be required to review and approve a Cemetery Plat. It is permissible to waive the Preliminary Plat and proceed directly to a Final Plat if the use is approved and the campus master plan is updated accordingly. **Recommendation:** Share with the petitioner any concerns or comments, schedule a public hearing accordingly.

R. Dupler stated the Seminary should update their campus master plan and the Conditional Use since they want to expand the cemetery. M. Powers, Engineer, stated the property is going through a corporate restructuring and it is in the Seminary's best interest to transfer the lot the cemetery is on into a subunit of the corporation. He asked the Plan Commission if a Conditional Use public hearing is the best way to do the proposed Certified Survey Map. There was discussion about possibly requiring a cemetery plat. M. Powers stated the cemetery currently only occupies three or four acres and they would like to expand that to 14 acres. R. Dupler stated the Conditional Use public hearing is required because there is no identification in the

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

current Conditional Use that even states a cemetery exists. M. Powers stated there is no hurry in getting this items accomplished.

K. ATTWELL MOVED TO SET A PUBLIC HEARING DATE OF WEDNESDAY, APRIL 25, 2012 FOR DELC 0622.999.001, 2777 MISSION ROAD, NASHOTAH. OWNER: NASHOTAH HOUSE THEOLOGICAL SEMINARY. APPLICANT: MARK POWERS, LAKE COUNTRY ENGINEERING, TO AMEND THE CONDITIONAL USE TO ALLOW A CEMETERY. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

7. Zoning and Ordinance Revision.

8. Reports of City Officials:

a. Administrator

b. Clerk

1. Public Hearing Dates

a. Apr 25 (Meeting); Mar 28 (PH Deadline); Apr 11 (Reg. Deadline)

2. Correspondence

c. Planner

1. Update on windmill legislation.

R. Dupler stated SB263 was voted down so they are back to using home rule and possibly creating an ordinance, stricter than a state statute to regulate windmills. E. McAleer stated the League of Wisconsin Municipalities stated in the publication that the setback is two times the height to the top of the propeller plus 20 feet. R. Dupler stated no matter what zoning district is it a Conditional Use and public hearing is required.

d. Building Inspector

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

9. Adjournment.

D. JASHINSKY MOVED TO ADJOURN THE MARCH 28, 2012 PLAN COMMISSION MEETING AT 8:17 P.M. M. KATZ SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes Prepared By:



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