

## 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, April 20, 2011 Plan Commission meeting:

#### Present

Ed McAleer, Mayor  
Michele DeYoe, Ald.  
Kevin Fitzgerald  
Michael Frede  
Matthew Katz  
Chris Smith  
Roger Dupler, Planner  
Tim Schuenke, Administrator  
Gina Gresch, Clerk-Treasurer  
Scott Hussinger, Building Inspector

#### Absent

Dan Jashinsky  
Kent Attwell

1. Approve Plan Commission meeting minutes of March 30, 2011 meeting.

K. Fitzgerald stated there is a typo on page 4 of 7, in the motion to approve the minutes, take out "all were in favor."

**M. DEYOE MOVED TO APPROVE THE MARCH 30, 2011 PLAN COMMISSION MEETING MINUTES WITH CORRECTIONS. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH ONE ABSTENTION BY C. SMITH.**

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 7:03 P.M. M. DEYOE 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 0798.107.001, 500 Genesee Street, Delafield.** Owner: City of Delafield. Applicant: Diane Basting, on behalf of the Delafield Public Library. Applicant seeks approval of a Temporary Business Plan of Operation to allow a series of outdoor events as a part of the summer reading program. Events include musical performances and outdoor movies. Musicians: July 1, 8 and 22 from 5:30 p.m. to 9:00 p.m. Outdoor Movies: June 24, July 15 and 29 from 5:30 p.m. to 10:00 p.m.
  - b. **DELC 0793.020.003, 527 Milwaukee Street, Delafield, WI 53018.** Owner: ACE Delafield Properties, LLC, Steinergrupp Commercial Real Estate. Applicant: Shoot the Moon Photography, Tim Vertz. Applicant seeks approval of a Business Plan of Operation Amendment to relocate the business, Shoot the Moon Photography. Hours of operation and number of employees remain the same.
  - c. **DELC 0793.014.003, 505A Wells Street, Delafield, WI 53018.** Owner: ACE Delafield Properties, LLC, Steinergrupp Commercial Real Estate. Applicant: Jeffree Nelson Custom Homes, LLC. Applicant seeks approval of a Business Plan of Operation for a general contractor/home builder, Jeffree Nelson Custom Homes, LLC. Hours of operation are Weekdays 7:00 a.m. to 6:00 p.m. with two full-time employees.
  - d. **DELC 0804.994.017, 2820 Heritage Drive, Delafield, WI 53018.** Owner: Kensington Development Corp. Applicant: River Jordon, LLC, d/b/a Verlo Mattress Delafield. Applicant seeks approval of a Business Plan of Operation Amendment to relocate the business, Verlo Mattress Delafield. Hours of operation and number of employees remain the same.

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

4. Final Consideration, Approvals, Previous Approval.

- a. **DELCO 0798.973 & 0798.972, Delafield.** Owner/Applicant: Joe McCormick. Applicant seeks final approval of Delafield Woods Specific Implementation Plan and recommendation to the Common Council of the same. Applicant also seeks preliminary feedback for the Developer's Agreement, Deed Covenants and Restrictions, and Storm Water Maintenance Agreement.

R. Dupler stated Delafield Woods returns to the Plan Commission this month with their Specific Implementation Plan. Staff has reviewed the documents and found them to be substantially complete, however there are a large number of items that need to be addressed before the plans may be considered fully complete and before the Plan Commission may grant approval and recommend them to the City Council. In the SIP process, all items relating to site development and infrastructure are expected to be construction-ready documents. Architecture is accepted as preliminary, with the knowledge that the construction ready documents are far too detailed for the Plan Commission's concern. The primary concern with the architecture is reaching an agreed-upon commitment to materials, colors and products used in the aesthetic presentation of the building. It is also expected that the three legal documents, Developer's Agreement, Storm Water Maintenance Agreement, and the Deeds Covenants and Restrictions are available in final draft to afford the Plan Commission an opportunity to review and comment upon prior to the City Council approval. At the time of this packet issuance, the petitioner has not been able to respond to the recommendations of the staff review. If the petitioner is able to provide resolutions to all of the staff review comments before the Plan Commission meeting, this petition may move forward. Refer to the Yaggy Colby review letter dated April 14, 2011 for detailed descriptions of the outstanding items. A necessary part of this development approval will be the vacation of the Bleeker Street right-of-way that exists within the subject property. Historically the street was not constructed in the mapped right-of-way. With the recordation of the Delafield Woods Final Plat, a new right-of-way may be correctly recreated. In order to allow that correction, the City must first vacate the subject right-of-way. To initiate that process, the Plan Commission must request that the City Council conduct a public hearing and take the appropriate action. Vacation of the land may be approved by the City Council contingent upon the completion of the SIP and associated documents. To protect the City's interest, the lands should not be vacated until the proposed development is approved, agreements signed, and the letter of credit posted.

R. Dupler stated the petitioner has responded to some of the items. They added rain gardens, yet the City still needs a commitment from the developer that a synthetic liner in the stormwater pond will be used. Also, the street trees' proximity to the sidewalk is too close; there needs to be at least six feet in between. Also, elm trees cannot be used in the right-of-way. If the Plan Commission elects to move these items forward, they should make a recommendation to the Common Council. E. McAleer questioned the presentation of architecture and materials and which phase those pertain to. R. Dupler stated those pertain to Phase 2. Those particular items are very well written in the documents and the developer will stick with architectures. R. Dupler stated the developer will also be requesting a vacation of a portion of Bleeker Street, which will be done by the Common Council. Once that vacation is complete, Yaggy Colby will complete the rest of the vacation to Bleeker Street north, one that need to be corrected.

K. Fitzgerald stated he is not sure what the Plan Commission should be approving. R. Dupler stated all of his concerns were addressed late today. The Plan Commission can give a recommendation on the draft documents to the Common Council and the Common Council will take the final action. E. McAleer stated the documents should be in final form for the Plan Commission to approve and recommend to the Common Council. He stated he is very uncomfortable taking any action on these items tonight; in the meantime, the developers can move forward with the street vacation. Engineer Rob Davy asked if the developer will have to use a synthetic liner or will they be approved to use something else. M. DeYoe stated the City has had bad luck with clay liners. E. McAleer stated he wants the Public Works Committee to give their opinion on this topic. R. Davy stated he has seen clay liners fail, but would still like to use a clay liner. R. Dupler reviewed the revised landscape plan

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and stated all the obligations for tree mitigation have been satisfied. Also, in Phase 2, there is a well house that will be installed on the southwest corner of the lot which will need vehicle access and more tree mitigation. R. Davy stated the intent is to install a 10 foot wide access path and to remove trees no larger than four inches. R. Dupler stated he recommends that language be included in the tree survey.

5. Plans of Operation, Signage and Site Plan.
6. Preliminary
7. Zoning and Ordinance Revision.
8. Reports of City Officials:
  - a. Administrator
  - b. Clerk
    1. Public Hearing Dates.
      - a. Next Public Hearing: May 25, 2011; Deadline: April 27, 2011.
    2. Board of Zoning Appeals Minutes (if applicable)
    3. Correspondence
  - c. Planner
    1. Architectural changes to the Steeple building.

R. Dupler stated the he included in the packet a response to the Plan Commission's inquiry regarding the architectural changes to the church building at Genesee and Wells. The building owner is Ace Properties (Steiner Group); the current tenant is Unique Of Delafield. The petition appeared before the Plan Commission in January 2011 for a Business Plan of Operation. As part of their petition, they requested the addition of windows to the front elevation. In such cases, architectural changes are reviewed by the planner and building inspector and, if they are found to be designed in the appropriate architectural character, they are placed on the agenda for approval.

2. Bleeker Street right-of-way corrections

R. Dupler reviewed this item briefly in the Delafield Woods discussion as it relates to that topic.

- e. Building Inspector

S. Hussinger stated there were 16 total permits this month, none of which were occupancy or single family homes.

9. Adjournment.

**M. DEYOE MOVED TO ADJOURN THE APRIL 20, 2011 PLAN COMMISSION MEETING AT 7:25 P.M.  
K. FITZGERALD SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.**

Minutes Prepared By:



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