

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 May 25, 2011 Plan Commission meeting:

Present

Ed McAleer, Mayor

Michele DeYoe, Ald.

Kent Attwell

Kevin Fitzgerald

Michael Frede

Dan Jashinsky

Chris Smith

Roger Dupler, Planner

Gina Gresch, Clerk-Treasurer

Scott Hussinger, Building Inspector

Absent

Matthew Katz

PUBLIC HEARING #1: ZONING CODE TEXT AMENDMENT – TREE MITIGATION – REMOVAL OF ASH TREES FROM THE PROTECTED TREE SPECIES LIST.

APPLICANT: City of Delafield

MATTER: An Ordinance repealing and recreating Section 17.29(5)(a)(1)(a) of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin related to the removal of Ash trees from the protected tree species list.

E. McAleer called the public hearing to order at 7:01 p.m. P. Dupler stated Waukesha County is soon to be inundated by the Emerald Ash Borer, which will lead to the decline of Ash trees. In the interest of the current and future developments, he recommends that Ash trees be removed from the protected species list due to the declining number of trees.

PUBLIC COMMENTS: None.

K. ATTWELL MOVED TO CLOSE CITIZEN'S COMMENTS PERTAINING TO THE PUBLIC HEARING AT 7:02 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

1. Approve Plan Commission meeting minutes of April 20, 2011 meeting.

K. FITZGERALD MOVED TO APPROVE THE APRIL 20, 2011 PLAN COMMISSION MEETING MINUTES AS PRESENTED. M. DEYOE 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.

None.

M. DEYOE MOVED TO CLOSE CITIZEN'S COMMENTS PERTAINING TO SUBJECTS ON THE AGENDA AT 7:02 P.M. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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3. Consent Agenda (Recommended approvals in accordance with the staff report).
- a. **DELT 0825.989 and 0828.998, W302 N898 Maple Avenue, Waukesha.** Owner/Applicant: Michael Southard. Applicant seeks approval of an Extraterritorial Certified Survey Map in the Town of Delafield, subject to the City Engineer's review and recommendation to the Common Council of the same.
 - b. **DELC 0807.978.006, 355 Austin Circle, Delafield.** Owner: Enterprise Opportunities, LLC, Scott D. Miller. Applicant: Shawn MacDonald and Tamara MacDonald. Applicant seeks approval of a Business Plan of Operation Amendment to relocate the business from 2420 Milwaukee Street to 355 Austin Circle, Suite 130, for Skye Financial Services. Hours of operation are weekdays 8AM to 8PM and Saturday 8AM to 3PM with 2 part-time and 5 full-time employees.
 - c. **DELC 0793.020.001, 719 Genesee Street, Delafield.** Owner: Ace Delafield Properties, LLC, Steiner Group Commercial Real Estate. Applicant: Amy Stigler. Applicant seeks approval of a Business Plan of Operation for a stationery and gift store, Monograham. Hours of operation are weekdays 10AM to 5:30PM, Saturday 10AM to 5:30PM and Sunday 11AM to 3PM with 2 part-time and 1 full-time employee.
 - d. **DELC 0793.014.023, 515 Wells Street, Delafield.** Owner: Ace Delafield Properties, LLC. Applicant: Randall L. Piering. Applicant seeks approval of Business Plan of Operation Amendment for Tony & Mia's to allow outdoor dining. Hours of Operation and number of employees remains the same. ***Approval of premise description to allow alcohol in the outdoor dining area will be on the June 6, 2011 Common Council agenda***
 - e. **DELC 0804.994.017, 2738 Heritage Drive, Delafield.** Owner: Kensington Development. Applicant: Brian McKittrick. Applicant seeks approval of Business Plan of Operation Amendment to relocate the business to 2738 Heritage Drive, for Great Clips. Hours of Operation are weekdays 9PM to 9PM, Saturday 8AM to 5PM and Sunday 10AM to 4PM with 8 part-time and 2 full-time employees.
 - f. **DELC 0803.006, 20 Crossroads Court, Delafield.** Owner: D. K. Hankel. Applicant: Jerome Fabray. Applicant seeks approval of Business Plan of Operation for a hair and wig salon, Nouveau Hair Designers. Hours of Operation are weekdays 10AM to 3PM and Saturday 9AM to 3PM with 1 part-time employee.

K. ATTWELL MOVED TO REMOVE ITEMS #3C AND #3F FROM THE CONSENT AGENDA, AND APPROVE ITEM #3A, #3B, #3D and #3E IN ACCORDANCE WITH THE STAFF REPORT. D. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

K. Attwell stated he voted to remove these items from the Consent Agenda in an effort to communicate to these businesses that are probably interested in installing a sign. The Clerk has a copy of the sign ordinance that they can pick up tonight before they leave.

K. ATTWELL MOVED TO APPROVE ITEMS #3C AND #3F 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. **DELC 0798.973 & 0798.972, Delafield.** Owner/Applicant: Joe McCormick. Applicant seeks final approval of the following for Delafield Woods:
 - 1. Specific Implementation Plan and recommendation to the Common Council of the same.

R. Dupler stated Delafield Woods returns to the Plan Commission this month with their final Specific Implementation Plan. This month the SIP covers the entire project and does not break it into separate phases. Staff has reviewed the documents and found them to be substantially complete and consistent with the approved General Development Plan. Items identified last month for correction have been addressed, with

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the exception of one item: The retaining walls greater than 3' height must be approved by a structural engineer. Typically, the wall manufacturer will provide this certification free of charge to ensure purchase of their product. Three technical issues have been identified by the engineering review for correction. These modifications will be communicated electronically to the City Engineer to garner staff approval prior to the Plan Commission meeting date. Specific Plan of Implementation approval includes: Site Plan, Tree Inventory, Erosion Control Plan, Grading Plan, Engineering Details, Streets Plan and Profile, Lighting Plan, Landscape Plan, Multi-family Architecture, Single Family Architectural Guidelines, Storm Water Maintenance Agreement, Covenants and Deed Restrictions, and Developer's Agreement. 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. Approval by the Plan Commission will establish the colors, materials and appearance of the building. The resubmitted landscape plan introduces a large quantity of landscape material that addresses the previously cited shortages. With the installation of the proposed landscape plan, all tree mitigation requirements are satisfied. The developer has appeared before the Public Works Committee as requested by the Plan Commission to address the water barrier for the pond. The Public Works Committee will allow a clay liner as designed to satisfy the engineering aspects of storm water management. Last month the Final Plat was submitted with the SIP documents. This document is not a mandatory part of the SIP. While it is an integral part of project completion, approval of this document may be conducted on a separate track. Further review and approval is contingent upon the proposed right-of-way vacation. The 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. The latest versions of these documents are responsive to Staff's comments. Any proposed changes suggested by the Plan Commission may be incorporated prior to the review and approval by the City Council. The mandatory process of right-of-way vacation has been initiated. The City Council will consider this topic at their June meeting. 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. This sequence of events is beyond the purview of the Plan Commission once the SIP is approved and recommended to Council.

R. Dupler stated there is also a discrepancy in the street names. The developer would like to name the extension of Bleeker Street "Lakewood Boulevard." He recommends it remain as "Bleeker Street" for continuity and safety reasons for the Police and Fire Departments. Developer Joe McCormick stated he prefers "Lakewood Boulevard" as "Bleeker Street" isn't upbeat, and it doesn't tie the two developments together. M. Frede stated it is very frustrating when a street changes names. Plan Commission would like the name to remain "Bleeker Street." R. Dupler stated the developer should change the street name back to "Bleeker Street" and resubmit the plans.

E. McAleer stated he has read many developer's agreements over the years, and this is one of the clearest. R. Dupler stated all items on the SIP have been addressed. They are waiting on one structural certification for the retaining walls. Plan Commission can approve the SIP subject to the submittal of this item.

C. SMITH MOVED TO APPROVE THE SPECIFIC IMPLEMENTATION PLAN, SUBJECT TO THE FOLLOWING CONDITIONS: OBTAINING THE RETAINING WALL ENGINEERING STRUCTURAL CERTIFICATION AND THAT THE STREET NAME REMAIN AS "BLEEKER STREET" AND RECOMMENDS TO THE COMMON

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COUNCIL OF THE SAME. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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

K. Fitzgerald asked why the words "if required" are in Section 11A, which refers to curb and gutter. R. Dupler stated he is not sure; it could have been in there from a previous agreement. K. Attwell asked for clarification on what material the curb and gutter should be made out of. D. Jashinsky stated Public Works Committee requires it to be concrete and it states that in the minutes.

K. FITZGERALD MOVED TO APPROVE THE DEVELOPER'S AGREEMENT SUBMIT TO REMOVING THE WORDS "IF REQUIRED" IN SECTION 11A, AND RECOMMENDS TO THE COMMON COUNCIL OF THE SAME. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. Deed Covenants and Restrictions and recommendation to the Common Council of the same.

M. DEYOE MOVED TO APPROVE THE DEED COVENANTS AND RESTRICTIONS AND RECOMMENDS TO THE COMMON COUNCIL OF THE SAME. D. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

4. Storm Water Maintenance Agreement and recommendation to the Common Council of the same.

D. Jashinsky stated if the pond line fails, it is up to the developer to fix it, which is why we have a Developers Agreement.

M. DEYOE MOVED TO APPROVE THE STORM WATER MAINTENANCE AGREEMENT AND RECOMMENDS TO THE COMMON COUNCIL OF THE SAME. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

5. Landscaping Plan and recommendation to the Common Council of the same.

R. Dupler stated this is on the agenda specifically for the mitigation approval. Additional materials were added and would more than meet the mitigation requirements. K. Attwell stated he will vote no because he can't read the plan and they are normally in color, so he wasn't able to see what the landscaping will look like. It also looks like a very cluttered plan.

M. DEYOE MOVED TO APPROVE THE LANDSCAPING PLAN AND RECOMMENDS TO THE COMMON COUNCIL OF THE SAME. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH ONE NAY BY K. ATTWELL.

5. Plans of Operation, Signage and Site Plan.

- a. **DELC 0787.076, 601 Milwaukee Street, Delafield.** Owner: Cornerstone Investments, LLC. Applicant: CMJS Enterprise, Mazatlan. Applicant seeks approval of an awning that illustrates signage.

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E. McAleer stated the applicant is not present, and the Plan Commission should follow prior procedures and not act on the request. There was discussion about the difference in awning between Mazatlan and Kowalske Kitchen and Bath across the street. R. Dupler stated the awning is the only sign the kitchen and bath business has. K. Fitzgerald stated Mazatlan has also painted on their windows. R. Dupler stated yes, they have but they removed it. Now they have signs on the inside of the windows, which is allowed as long as it takes up no more than 25% of the window. R. Dupler stated the restaurant wishes to install awnings on the south and west façade of the building. These awnings are also intended to display signage. The petitioner has been notified in advance that the awning signage cannot be approved because the allowable amount of sign area is already used in their existing building-mounted sign. In addition, colors must be identified for the awnings and the overall dimensions must be clarified.

M. DEYOE MOVED TO DENY THE REQUEST FOR DELC 0787.076, 601 MILWAUKEE STREET, DELAFIELD. OWNER: CORNERSTONE INVESTMENTS, LLC. APPLICANT: CMJS ENTERPRISE, MAZATLAN, FOR AN AWNING THAT ILLUSTRATES SIGNAGE, AND REQUEST THAT PETITIONER TO SUBMIT ALL MANDATORY INFORMATION AND RETURN NEXT MONTH FOR APPROVAL. K. ATTWELL SECONDED THE MOTION. M. DEYOE WITHDREW HER MOTION, THE SECONDED AGREED. MOTION WITHDRAWN. NO ACTION WAS TAKEN.

- b. **DELC 0807.987.5577, 3558 Hillside Drive, Delafield.** Owner: Isler Investments. Applicant: Norman Hanson – Grace Church. Applicant is appealing the sign permit application denial by the City Planner.

Norm Hanson of Grace Church stated they want to place a free-standing sign near the road since their church doesn't look like a church. R. Dupler stated Grace Church leases space in the Hotsy Building. The building was designed as a multi-tenant building; the developer/owner also operates Hotsy. The allowable building signage is taken entirely by Hotsy, leaving no allowable sign area for tenants. As a result, the church is not afforded any permanent signage other than window signs. The proposed sign location does not conform to the required front setback of 50'. The existing building also encroaches upon the front setback. Rather than the required 50', the building appears to be only 10' from the right-of-way. This may be a result of additional right-of-way dedication after the building was constructed. The proposed sign size is 42sf, less than the allowable sign area of an individual sign in the district. The colors and presentation are appropriate and is similar to other signs in the City. There is no proposed lighting on the sign.

There was discussion that the building owner, which owns Hotsy, takes up all the allowed square footage. Plan Commission asked if the building owner would relinquish any signage. N. Hanson stated no, the building owner will not do that. There was discussion about other signage options, like a sandwich board sign. There was more discussion about how the signage area is calculated. R. Dupler stated there are three components that make up the Hotsy sign that are calculated into one amount. M. Frede stated if one of the three Hotsy sign components were removed, it could free up some space for Grace Church. Plan Commission suggested that Grace Church talk to the building owner.

K. ATTWELL MOVED TO DENY THE REQUEST FOR DELC 0807.987.5577, 3558 HILLSIDE DRIVE, DELAFIELD. OWNER: ISLER INVESTMENTS. APPLICANT: NORMAN HANSON – GRACE CHURCH, FOR AN AWNING THAT ILLUSTRATES SIGNAGE, DUE TO NOT ENOUGH ALLOWABLE SQUARE FOOTAGE. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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- c. **DELC 0807.978.009, 3700 Hillside Design Mart, Delafield.** Owner: Robert Tobe. Applicant: John Detoro – Design Mart. Applicant seeks reconsideration of the minor change to the sign program to allow both the electronic reader board and premise sign.

R. Dupler stated the applicant is not present. K. Attwell stated if he understands this right, the sign Design Mart agreed to and suggested to remove is the one they are asking to be left up. R. Dupler stated that is correct. Administrator Schuenke also sent them an enforcement letter giving them 30 days to remove the signs, which was the end of April. Design Mart contacted the Administrator requesting to be on the May Plan Commission agenda. This property is under a Conditional Use and it would be appropriate for the applicant to apply for a public hearing for a minor change to the Conditional Use, as they did the last time.

6. Preliminary

- a. **DELC 0804.993.003, 3030 Golf Road, Delafield.** Owner: Tirama, LLC. Applicant: Holiday Inn Express – J. Randy Bruce. Applicant seeks preliminary feedback for architectural modifications and schedule Conditional Use Public Hearing for the same.

Holiday Inn owner Jack Weissgerber stated the hotel is being redone, inside and out, getting a new look and feel. The inside work will be completed this week. His daughter and managing partner, Christine, will explain more of the project. E. McAleer stated this is a preliminary discussion only and the Plan Commission will give feedback to prepare them for the public hearing.

R. Dupler stated the Holiday Inn wishes to modify and upgrade their existing building. This project was approved as a Planned Development and is therefore governed by a Conditional Use. The architectural modifications are proposed for preliminary feedback, there is no action to be taken at this meeting, and the Plan Commission should take advantage of this opportunity and share with the petitioner comments in preparation for the pending public hearing. The most notable change is exhibited in the roof color. Staff has directed the petitioner to maintain some of the original green roof so as to remain consistent with the other buildings in the developments that all exhibit some green roof detailing. Other changes are the addition of cornice detailing and façade fenestration.

The Holiday Inn architect showed the Plan Commission what the Holiday Inn currently looks like and the proposed changes. There was discussion about the history of green-colored roofs and why the City will require Holiday Inn to maintain the green colored roof. They also discussed the change in signage and the design of the entrance to the building. There was further discussion about the brick, brick colors and painting the roof. R. Dupler stated if the Plan Commission is concerned about these items, the Plan Commission can approve an addendum to the Conditional Use and add language about standards they are to adhere to. As for the signage, the roof sign will be removed and will instead have a sign on three sides of the tower. In lieu of the roof sign Holiday Inn Corporate would like a 200 foot tall pole sign that can be seen from the freeway. The applicants are hoping the Plan Commission will deny the 200 foot pole pylon sign. R. Dupler stated this type of sign is allowed; however, this type of sign will serve no purpose since it will block the tower signage. They are not entitled to the sign, and Plan Commission can deny it.

K. ATTWELL MOVED TO SCHEDULE A CONDITIONAL USE PUBLIC HEARING FOR WEDNESDAY, JUNE 29, 2011 AT 7PM, FOR DELC 0804.993.003, 3030 GOLF ROAD, DELAFIELD. OWNER: TIRAMA, LLC. APPLICANT: HOLIDAY INN EXPRESS-J. RANDY BRUCE. FOR ARCHITECTURAL MODIFICATION. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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- b. **DELC 0798.026.090, 617 Wells Street, Delafield.** Owner/Applicant: Raul Perez. Applicant seeks preliminary feedback on a Certified Survey Map to combine two lots into one. Final approval will be on the June Plan Commission agenda.

R. Dupler stated the owners of the Lumber Inn wish to consolidate their two existing lots into one. The lot that the restaurant sits on is zoned CDB-1 while the lot to the east is zoned CBD-2. This is not an issue as long as the building does not encroach into the CBD-2 district. In the future, if the building were to be enlarged the zoning district boundary may be modified. In the current condition there is no need to modify the boundary. Included in the packet is the surveyor's review letter. The petitioner should correct these technical issues prior to final approval.

7. Zoning and Ordinance Revision.

- a. Discussion and action to adopt Ordinance No. 656, An Ordinance Repealing and Recreating Section 17.29(5)(a)(1)(a) and Related Protected Tree Species Table, of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin Related to the Removal of Ash Trees from the Protected Tree Species List and recommendation from Common Council of the same.

R. Dupler stated Ordinance 656 will amend the Protected Tree Species Table to remove Fraxinus (Ash) from the identified desirable trees list. This is in response to the recognized deterioration and reliability of the Ash trees due to the infestation of Emerald Ash Borer.

K. FITZGERALD MOVED TO ADOPT ORDINANCE NO. 656, AN ORDINANCE REPEALING AND RECREATING SECTION 17.29(5)(A)(1)(A) AND RELATED PROTECTED TREE SPECIES TABLE, OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN RELATED TO THE REMOVAL OF ASH TREES FROM THE PROTECTED TREE SPECIES LIST AND RECOMMENDATION FROM COMMON COUNCIL OF THE SAME. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED WITH ONE NAY BY K. ATTWELL.

8. Reports of City Officials:

- a. Administrator.

E. McAleer stated the Administrator is at an award dinner because Bray and Mortenson won an award for our new buildings. He is there to help them accept the award.

- b. Clerk

G. Gresch stated she and Alderperson Michele DeYoe have been working on the "New Business Application Packet." This is a booklet which outlines all of the steps one must go through to obtain a Business Plan of Operation approval at the Plan Commission, as well as how to apply for a sign and a liquor license, if necessary. They also updated the Plan Commission agenda and signage application, which have been updated on the website. The booklet is almost ready to be finalized.

1. Public Hearing Dates. June 29, 2011 meeting deadline is June 1, 2011
2. Board of Zoning Appeals Minutes (if applicable)
3. Correspondence

- c. Planner

1. Report on adopted Resolution 2011-06, A Moratorium on Windmills.

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R. Dupler stated windmills have been referred back to the Plan Commission and the Common Council gave the Plan Commission until November 30 to make a recommendation. This is being deliberated by the legislature so until we receive feedback from Madison, this is no need to discuss it at Plan Commission.

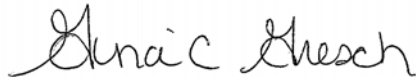
d. Building Inspector

S. Hussinger stated the total number of permits to date is 28 with one residential occupancy permit this month.

9. Adjournment.

C. SMITH MOVED TO ADJOURN THE MAY 25, 2011 PLAN COMMISSION MEETING AT 8:15 P.M. M. DEYOE SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes Prepared By:



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