

**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  
Dirilee Curtis Costa  
Larry Chapman (arrived 7:01 p.m.)  
Michael Frede  
Kevin Fitzgerald  
Beth Leonard  
Roger Dupler, Planner  
Gina Gresch, Clerk-Treasurer  
Tim Schuenke City Administrator

Absent

Kent Attwell  
Chris Smith

**PUBLIC HEARING #1: ZONING TEXT AMENDMENT:** CONSIDERATION OF A ZONING TEXT AMENDMENT AMENDING CITY OF DELAFIELD MUNICIPAL CODE CHAPTER 17, SECTION 17.14(6), SETBACK AND YARD REQUIREMENTS, RETAINING WALLS. WITH THIS NEW LANGUAGE, AFFECTED NEIGHBORS WILL RECEIVE NOTICE WHEN A PROPOSED RETAINING WALL REQUIRES SPECIAL CONSIDERATION FOR IMPLEMENTATION WITHIN THE REQUIRED DISTRICT SETBACK.

Mayor McAleer opened the Public Hearing at 7:01 p.m.

There was no one present wishing to speak on this matter.

**D. CURTIS COSTA MOTIONED TO CLOSE THE PUBLIC HEARING AT 7:02 P.M. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

**PUBLIC HEARING #2: ZONING TEXT AMENDMENT:** CONSIDERATION OF A ZONING TEXT AMENDMENT AMENDING CITY OF DELAFIELD MUNICIPAL CODE CHAPTER 17, SECTION 17.88(2), PUBLIC HEARING NOTICE AND PUBLICATION. WITH THIS NEW LANGUAGE, FUTURE NOTIFICATION REQUIREMENTS WILL CAPTURE ALL NEIGHBORS WITHIN 300' OF AN ORIGINAL DEVELOPMENT BOUNDARY.

Mayor McAleer opened the Public Hearing at 7:02 p.m.

There was no one present wishing to speak on this matter.

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**D. CURTIS COSTA MOTIONED TO CLOSE THE PUBLIC HEARING AT 7:03 P.M. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

**PUBLIC HEARING #3: ZONING TEXT AMENDMENT:** CONSIDERATION OF A ZONING TEXT AMENDMENT AMENDING CITY OF DELAFIELD MUNICIPAL CODE CHAPTER 17, SECTIONS 17.65 THROUGH SECTION 17.75, SIGNS AND EXTERIOR LIGHTING AND SECTION 17.30, DESIGN GUIDELINES FOR SPECIAL DESIGN REVIEW DISTRICTS. WITH THIS NEW LANGUAGE, THE ORDINANCE WILL PROMOTE PUBLIC SAFETY, WELFARE, CONVENIENCE, AND ENJOYMENT OF TRAVEL AND THE FREE FLOW OF TRAFFIC WITHIN THE CITY BY REDUCING DISTRACTIONS AND OBSTRUCTIONS FROM SIGNS THAT ADVERSELY AFFECT TRAFFIC SAFETY; ALLOW FOR AN UNDERSTANDING OF THE RIGHTS, REQUIREMENTS, AND APPLICATION PROCESS NECESSARY FOR THE APPLICATION AND MAINTENANCE OF THE SIGNAGE IN THE CITY; DISCOURAGE EXCESSIVE VISUAL COMPETITION PER THE EXISTING SIGN CODE; PRESERVE OR ENHANCE THE NATURAL BEAUTY AND UNIQUE PHYSICAL CHARACTERISTICS OF THE CITY OF DELAFIELD BY PROMOTING COMPATIBILITY WITH THE SURROUNDINGS WHILE ALLOWING THE EXPRESSION OF THE IDENTITY; PROTECT PROPERTY VALUES WITHIN THE CITY AND ENSURE THE SIGNS ENABLE THE PUBLIC TO LOCATE GOODS, SERVICES, AND FACILITIES WITHOUT DIFFICULTY OR CONFUSION.

Mayor McAleer opened the Public Hearing at 7:03 p.m.

There was no one present wishing to speak on this matter.

**K. FITZGERALD MOTIONED TO CLOSE THE PUBLIC HEARING AT 7:04 P.M. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

**PUBLIC HEARING #4: CONDITIONAL RE-ZONE DELC 0742.990:**

**APPLICANT/AGENT:** MLG DEVELOPMENT. 13400 BISHOP'S LANE, STE 100, BROOKFIELD, WI 53005; **OWNED BY:** BRADLEY BINKOWSKI & MARY SLEPEKIS, 1307 MARINER DR., HARTLAND, WI 53029. APPLICANT REQUESTS A CONDITIONAL RE-ZONE IN COMPLIANCE WITH THE CITY OF DELAFIELD COMPREHENSIVE LAND USE PLAN. A MAP OF THE AFFECTED PROPERTIES MAY BE OBTAINED FROM THE CITY COUNCIL. **\*\*A CONDITIONAL REZONE WILL ALLOW SEQUENTIAL REZONING AS THE DEVELOPMENT IS PHASED.** THESE PROPERTIES ARE CURRENTLY ZONED AGRICULTURAL A-1. APPLICANT PROPOSES A CONDITIONAL RE-ZONE TO CHANGE THE ZONING FROM A-1 TO R-3 (SINGLE & 2 FAMILY RESIDENTIAL).

**PUBLIC HEARING #5: CONDITIONAL RE-ZONE DELC 0743.999.003:**

**APPLICANT/AGENT:** MLG DEVELOPMENT. 13400 BISHOP'S LANE, STE 100, BROOKFIELD, WI 53005; **OWNED BY:** WILLIAM & BARBARA KNOFF, 345 NASHOTAH RD., NASHOTAH, WI 53058. APPLICANT REQUESTS A CONDITIONAL RE-ZONE IN COMPLIANCE WITH THE CITY OF DELAFIELD COMPREHENSIVE LAND

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USE PLAN. A MAP OF THE AFFECTED PROPERTIES MAY BE OBTAINED FROM THE CITY COUNCIL. **\*\*A CONDITIONAL REZONE WILL ALLOW SEQUENTIAL REZONING AS THE DEVELOPMENT IS PHASED.** THESE PROPERTIES ARE CURRENTLY ZONED AGRICULTURAL A-1. APPLICANT PROPOSES A CONDITIONAL RE-ZONE CHANGE THE ZONING FROM A-1 TO RE-2 (2 ACRE RURAL ESTATE).

Mayor McAleer questioned whether Public Hearings 4 and 5 could be heard together and public comments gathered for both hearings at one time. R. Dupler responded affirmatively. Mayor McAleer opened the Public Hearing at 7:04 P.M.

K. Fitzgerald stated he thought the landowners owned multiple parcels in the Northwest Quadrant and only one tax code number was shown in this Agenda and this was not consistent with the amount of acreage purported to be rezoned. R. Dupler explained that while there were multiple parcels, he was not aware only one tax key had been listed in the notice. G. Gresch stated only one tax key had been supplied in this matter. K. Fitzgerald expressed concern that perhaps some people had not been noticed for the hearing as a result of this error. R. Dupler understood the concern; however, a second public hearing could be held on the other parcel.

Mayor McAleer then invited representatives from MLG Development to make a short presentation at this time. Randy Bruce, of MLG Development, declined noting a longer presentation would be made during this item on the Agenda.

Jenny Pope, 1236 Mill Road-“Good evening. My name is Jenny Pope and I’d like to talk about the MLG Development and I feel that there are some major issues of concern with the MLG Development and the blending of densities. A blended average of a half acre and the resulting density would not be in keeping with the principles embodied with our proposed Smart Growth Plan which states that neighboring densities should be compatible with neighboring borders. For example, neighboring Oconomowoc Lake has 1 unit per 5 acres. Even within the City of Delafield this higher density is not compatible with RE-2 developments along Mission Road to the south of this proposed development. This tells me that any adoption of a conceptual plan for MLG’s development should be postponed until our Smart Growth Plan is adopted. Furthermore, it tells me that the designation of RE-2, or one unit per two acres, should be the minimum standard for this entire A-1 land area and makes no sense in terms of compatibility with our surrounding communities. Finally blended zoning and the increased density it brings, I think, sets a dangerous precedent for how other A-1 land will be developed in the future and I think that should be taken into consideration. What does this higher density away from our city center mean for Nashotah Road? In scenario A in the proposal, there are only two entrance points to this development; one to the north of Nashotah Road and one to the south of Nashotah Road. This means that all traffic coming in and out of this development will be dumped out onto Nashotah Road increasing that road’s congestion. Access to Highway P which would be one way to alleviate some of this congestion is highly unlikely to be approved by the residents of Oconomowoc and is therefore untenable. Therefore it is unclear how this increased traffic will affect currently designated Rustic Roads like Mill Road, where I live, and Mission Road to the south of this proposed

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development which is also designated as a Rustic Road. No doubt they will receive more traffic to alleviate the congestion on Nashotah. Why is this a potential problem? Because according to the Wisconsin Department of Transportation, a Rustic Road should “be a lightly traveled access road” and secondly, be “a road not scheduled nor anticipated for major improvement which would change its rustic characteristics.” It is conceivable though that these Rustic Roads, like Mission Road and Mill Road, where I live, might potentially lose their Rustic Road status in the future and the City could be sacrificing the reason that people came to it here in Delafield in the first place-the natural beauty, the tranquility, and the space in place for higher density and more traffic. In addition, to potentially affecting Mission Road and Mill Road, Highway C, I believe, will also be prone to increased traffic as people either travel north on C to get to Highway 16 or south to get to the downtown area from the Nashotah Road. Is this progress or is this what we residents tried to escape when we moved here from more congested area and saw Delafield as a gem unplagued by the problems of congestion brought by a higher density development? I believe that the MLG development requires further scrutiny and review in regard to its real impact and the impact it will have on the traffic, the quality of life in this area, and the compatibility with our surrounding communities, and so I urge you to take the time to make sure that your decisions do not violate the principles of Smart Growth that you have all worked so hard to achieve up to now. So those are my comments. Thank you.”

Peter Bardes, 3854 North Hickory Lane -“I am Peter Bardes and I own property, roughly 20 acres just to the west of the proposed development, and being in the Town of Summit I am governed by the laws of Summit and certainly my restrictions are 2 acre minimums. I believe the Waukesha County set this zoning not frivolously, but had a fairly careful land use plan developed and I see this plan flying right in the face of that and I think it is not in the interest of the community as the first speaker said. Rather than reiterating what she said, which I believe entirely is true-if you look at the numbers, 180 home sites and lets say conservatively you have two cars per homesite-that is 360 cars that are using that access on this little beautiful country road. I hope you take that into consideration. I’d also like to just say that zoning is for the protection of not, just the people building, but for the other people that the building affects. I mean that is what zoning is all about. Why do you want to fly in the face of what is already established, the 2 acres minimum zoning? One other point I’d like to bring out, this is in the far northwest part of the City of Delafield-very remote from the City itself-which means that your fire and police protection now is going way out to the extremes. If this development was contiguous to the City of Delafield, it would probably make more sense but its in this remote enclave way in the northwest corner and I think you have to take that into consideration. I have been to some of your planning meetings before and I’ve seen you vetoing signage requests. Somebody wanted to paint a brick building on his hotel and I think you very responsibly and conservatively acted to veto these proposals and I would hope that you would treat this project with the same care and take into consideration what is an already established precedent. Thank you.”

Edward Salmon, Junior, 2777 Mission Road, -“I am Edward Salmon, I don’t have much of a voice tonight but I would like to take just a minute. I am the acting dean of

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the Nashotah House Seminary. We've been here in this area since 1842 and I've been on the Board since 1993 and I am currently living there. I come here from 19 years in Charleston, South Carolina, where we have suffered from what I would call a population explosion that was not appropriately managed, and because it wasn't appropriately managed, the beautiful City and the area has suffered because our roads were not adequate and our population exploded, and we were not ready for the explosion. When I think of Nashotah House having been there since 1842, we have a pristine piece of land which we have developed a little bit, so some of the lots around the lake which they restricted in size. The thing that concerns us is we have a significant amount of farm property there which we have chosen not to develop and woods which we have chosen not to develop because we want to bless our setting and the community with the proper use of the land. So our concern is the density of the development and how it fits into a long range plan to protect what I would call the wonderful ambience of this community which I have experienced since 1993. We are not opposed to legitimate development but we believe that we can't see how it fits, as it is currently presented in terms of the density, and we worry about the effect that it will have on the ethos of this area and our place which we worked so hard to protect. So I just wanted to come and say what a privilege it is to be living here for a short period of time and hope that you all will consider the issues of density and the protection of the property here in this area. Thank you very much.

Steve Traudt, N41 W33435 Nashotah Road-“Hi everyone. My name is Steve Traudt. I am a resident of Nashotah and I live about a hundred yards away from the Knoff farm. I'm coming here to speak against the proposed plan and talk about my concerns for the Knoff and Binkowski properties. First of all, I agree with everything that has been said so far so I don't need to restate some of those things, but I really don't think that this plan is good for the property nor do I think its is good for the community. I've lived in the area since about 1980 so I've seen a lot of the growth occur. I think it is very important to preserve the rural character of our community and I don't think this plan takes that into consideration. I think it too flies in the face of the Smart Growth standards that the city is planning on adopting gin the near future. The areas that I think it challenges there are -how this development would impact neighboring communities. It just doesn't' conform to the zoning around it and the densities around it. The clustering, which I know there is, some comments in the Smart Growth Plan and standards about clustering, and I really don't think this plan with 182 lots, 20,000 square foot parcels really takes into consideration some of the grade differentials that exist on this site and I don't think it is practical. If you look at the plan and the "topos", I really don't think it makes sense to cram all of the lots in. I am also a little concerned about the 4 unit per acre density that keeps coming up that the Binkowski parcel is entitled to. I question that and I think that whenever the land use plan is reviewed again that it should be that that land use should be amended to match the densities of the neighboring communities around it and that of the Knoff parcel that is contemplated at 1 unit per two acres. So then, I would recommend that we deny the request for the rezoning based on the plan not meeting the minimum standards of our community and thank you for your time.”

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Tim Neubert, 40 Nashotah Road- “Good evening, everybody. Again, my name is Tim Neubert and my home is located directly behind the St. Joan of Arc Church which is directly next to the Knoff farm that we are here to talk about today. I again will have to concur with everything that has been said so far with a tremendous amount of passion. Our home sits on 5.4 acres so I am sure that you can appreciate when we look at the densities that we are talking about here that without question really does not, there is no continuity with what is currently in place. I have spent a lot time and paid a lot of attention to what is going on and I think we have to realize that the Northwest Quadrant is going to be developed. I am not questioning that whatsoever. As a selfish person, I would love to be able to see it remain farmland forever. I think we all would, but at the same time I don’t know if that is a realistic expectation. Again, really, what we have on the table today, just does not lend itself to the current culture that Delafield is known for. We specifically moved out here because of the property and many times I will look at my wife and say ‘Why did we buy this home for the property? Why didn’t we just buy a nicer home?’ Unfortunately, the price point is what it is and for us, we couldn’t have both, so truly I am a very passionate person when it comes to our landscape and the wooded nature that we have. We can only do it one time and this is our one chance, and just because someone is bringing together a proposal that may make sense for them, it does not make sense for us. So, again, without question, I highly encourage you to look at this-to really take a step back and say that no it does not work with what we currently have in place. On a good note, I am in favor of the park. I do like the park-the fact that it is located next to the church. I actually participated in some of those meetings and I think it does make sense, but again the densities that we are talking about here are just way too high for us. Our home overlooks the entire homestead as it stands today and to think of 180 homes in that area is, unfortunately I’ve got to be honest, is quite depressing, so again I don’t want to reiterate everything. Again, I think that the speakers that have come here today have done a phenomenal job of putting it all down and I know I am sure that you are going to hear a lot more, but I did feel that it was very important for me to come before you as a citizen and as a taxpayer of this City to state without question and object to what is in place right now and hope that you look and make the right decision, so thank you.”

Warren Weaver, N42W33420 Glenview Court, -“My name is Warren Weaver. I live off Nashotah Road in the Glen Park subdivision on the lower level about a hundred yards from the Bill Knoff (Bil Bar) farm and one of the reasons I’ve lived out here all my life. I have been here forty years and the reason I moved and stay in this area is because it is not packed like the cities-like the City of Milwaukee and Waukesha and all that. You know everybody has big lots, plenty of room, and I think this plan is irresponsible. I think you are packing a bunch of houses in there like a bunch of sardines and you know it going to be out of place, it is going to have too much traffic down that road and it’s going to be out of place for our community. I am very concerned because I have two young kids and I am really concerned where all the additional traffic is going to be on Nashotah Road, and I just think it is a very poor plan. You know I am not against development but I think it should fall under the same restrictions that all the other homes and all the other subdivisions around it have gone under, so just take

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that into consideration as you are trying to come up with your decision on this. Thank you.”

Tom Casper, N43W33450 Glen View Court-“My name is Tom Casper and I live right next to Warren so you know the proximity where I live. I would first of all like to commend all the...(gave address) instead of reiterating what the other people said here, I’ve had some experiences visiting family that moved into developments that looked a lot like this. One is 45-50 miles outside the Chicago suburbs and one outside of Minneapolis-approximately the same distance that we are from Milwaukee and the homes are on top of each other. It is one after another with the homes crammed onto little lots and you really don’t realize what you’ve got until you go see that and then when they come here to visit us, they say “You don’t know how lucky you have it.” So, I just wanted to build a picture of what we are looking at here in this development and as everybody has said we are not against development we are against irresponsible development. So that’s all I have to say, thank you.”

Chip Rowedder, N43W33480 Glen View- “My name is Chip Rowedder. I had prepared a bunch of comments but I will skip those because other people have said them much more eloquently than I could but my property is directly adjoining the west end of the Knoff property. I have a 2 ¾ acre lot. Before I purchased that lot, I contacted the Planning Commission because I was worried about things like this and I was told that it was planned for two acre lots and unlikely to change and here we are eight to nine years down the road. On a personal level, my property value will take a huge hit if this goes through as planned. On the bigger level, you have got people here from a lot of areas, Delafield, Nashotah, Oconomowoc Lake, Summit, but the one thing in common is that we all came out here to get away from development like that and I feel like it is following us now. It is completely out of character with everything else that is up in that area and I would just like to urge you to have them go back to the drawing board. Thank you.”

Brad Binkowski was called and deferred comment until later in the meeting.

Marty Wiley, 493 Lillian Court- “Good evening, my name is Marty Wiley. I’m here this evening in support of the Northwest Quadrant. Living on the southeast quadrant we have had our share of fights with developers and I feel this is not an area issue, it is a Delafield issue and it affects all of us living in Delafield. It was almost three years ago that Bob Lang thrust his lifestyle center concept on our City and a group of us organized a unit called CARE (Conserving a Rural Environment for Delafield) and we aggressively educated the community about its numerous negative effects. It was through total citizen support, not just the Southeast Quadrant, and Council vigilance that reason prevailed and this monolith to be built, far behind design codes, never came to fruition. Now fast forwarding, the City again faced a second challenge to approve a project on that Southeast Quadrant by some of the same developers this past year. Though that threat never materialized, while we wait, and this is the point on becoming proactive, for developers to come again for concepts, not even close to zoning code on this parcel of land. It seems the wolf is knocking at the back door of the Northwest Quadrant, realizing that these three projects are akin to comparing

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apples and oranges, they do maintain sufficient similarities. In general, it is the threats to ecology, aesthetics, and far exceeding the intent of Delafield's Master Plan. Giving developers the reins to grow larger, but not better, to fatten their pockets is not Smart Growth. Adherence to Delafield's zoning code is restrictive only in the sense that it allows us to responsibly control our growth and that's an enviable position for residents of New Berlin and other communities that have lost that right and they look it. This is not the way of Delafield, skewing and misinterpreting the zoning code on the two parcels in question on the Northwest Quadrant would not bear fruit. Delafield needs to be steadfast in following its own direction. Anything else will just be bananas."

Ron Miskelley, 172 Laurel Court—"Good evening, I am Ron Miskelley and I'm also the alderman for the 7<sup>th</sup> District representing the Northwest Quadrant. I've been involved in this project for the last two years, meeting with people inside my district. Last fall, MLG asked to meet with me about the same subject. When I met with the folks at MLG, I expressed to them the same concerns that I heard from other people about the density of the lots and the traffic on Nashotah Road, and I expressed to them how concerned people were. I also expressed to them my problems with the development and my problems and my issues had to do with the expectations of the people that live there. The people living south of Nashotah Road were living in areas where people were living in houses with 2 to 5 acres. I thought it was only fair to those people that live south of Nashotah Road that they would not have a higher density in those particular areas. I did not have the same concerns with the people living north of Nashotah Road because their expectations are going to be what their expectations are when they build those houses. If you look at the zoning, south of Nashotah Road, it's RE-2(one house per 2 acres). North of Nashotah Road, I think it calls for up to 4 units per acres. If you built out that entire property, what it could potentially be built at, and I'm not saying anybody is ever going to propose that, you could get up to 385 houses on those combined Binkowski/Knoff properties. Obviously, that is totally unacceptable. The people at MLG have come back, after several negotiations, and came back with a proposal that reduces that to 185 units over the entire property. South of Nashotah Road there is 32 acres. They were going to put in 16 houses over those 32 acres, which included an 8 acre park. They will tell you again, that they are going to reduce that density even more. Further, I will let them present their own program to it, but I do realize there are some issues there, I think this is a good quality development for the Northwest Quadrant and I think it is good for the City of Delafield. But I do appreciate the concerns of the people that live in Summit, in Nashotah, in Oconomowoc Lake. I think I have only heard two people from District 7 offering comments on this thing. You know there is not that many people living in the Northwest Quadrant and I understand that. So what I am saying is that this is not a perfect plan, but I think it is a good plan for that area, and I think we are protecting the people on the south side of Nashotah Road with this development, and keep in mind, this is going to be a five phase development over a ten year period, so that also will give us some time to look at some of these special traffic issues. Thank you."

Tim Aicker, 211 E. Laurel Circle—"I am Tim Aicker and I am just here to express some concern about the development and my objection to it. Concern for a few reasons; the

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primary one is how it deals with the Master Plan as it exists today and as it was amended over the last few years and as it exists from my knowledge. From 1991 when we first, well, prior to when I moved here, but believe it or not, people do look at the plans and that of the community before they buy the property to get a good look at how things are going to pan out. There are several things I think it flies in the face of in the existing spirit of the Master Plan and in particular elements that are called out specifically. A couple of those highlights are: encouraging development that incompatible with neighboring land uses and preserving the character of existing neighborhoods. Someone already stated that. Encouraging new development to locate in areas where it can be efficiently and economically served by existing planned streets and public utilities, the statement that is far away from the central service area of Delafield was made as well. A big one I am really concerned about is how we are perceived as good neighbors to surrounding communities, especially in the face of all the efforts that the State mandate has put on every municipality for Smart Growth plans to provide a cohesive plan that overlaps from one town border to the next, and I don't think this necessarily makes us good neighbors if we were to approach that density. Also in looking at the plan, I think it is well put together and it is well documented but I do take issue of the timing of some of the statistics presented and whether this is actually an economic "win-loss" to the City or even break even. I think that the plan as its presented paints a clear blue sky sunny day scenario for whether or not it is a surplus to the City or not. In particular the population estimates-in the subdivision I live in is Valley Road farms and the subdivision directly south of me is Valley Road place. In our 2006 phone directory for the community, there are about 200 homes and we've got 165 people that responded. In there, there are 322 children in 165 homes. The plan as it's presented and the tables projected in the fiscal financial plan state that there is somewhere in the neighborhood of 95 -110 school age children in the neighborhood. I project that that is grossly off and it ought to be at least double that and even in our Master Plan the medium density specification anticipates a high population of children per capita in the area. These are not, you can't take a Delafield average and say it applies to this type of development, these are more affordable homes. They are not on lakes, they are not downtown, they are not apartment complexes. A big one is the traffic-that's been stated. I think that the people that put together the traffic study really documented it well and acknowledged that they did the study in August of 2008 when St. Joan of Arc school was not in session and they put together good numbers to simulate what type of traffic impact that would have if it were in session and I trust their judgment. They are accurate to reflect that the school there does let out before 3:00, but they did not take into account any of the after school activities that occur there. They have school year long athletic programs and Christian formation programs that run from 3:00 to 8:00. There are 120 kids enrolled there now and I would expect that if they'd probably develop that school at capacity it would be closer to 200 students and their athletic programs are often combined with other churches in the area, and that is all drop off/pick up traffic starting at 3:30 running until 8:00, so the less than 4 cars per hour estimate there during the evening peak should probably be revisited. At full build out the peak traffic situation projected for the afternoon and the pm rush hour is moving us from a Level C at the intersection of Nashotah and Highway C, to a Level D and that's with the understated population and after school activities in the afternoon. A level of service D is described as

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“creating substantial delays and approaching instability”. Anyone that is turning left onto Highway C from Nashotah Road right now knows what instability is. While I am not anti-development, I think it is reasonable to expect that given the density of this plan, an alternative traffic route should be considered what has always been on the books for the Master Plan for that Northwest Quadrant area where they show the higher density in that one specific corner, and its been amended in 2006, and I am sure a lot of effort and time and money was put into that. It always showed a road accessing Highway P and that is the logical way for that dense of a community to get out of that neighborhood and rightly so. The traffic study shows that a large proportion of those people will be commuters to get onto Highway 16 and go east. It is putting all that pressure on that one small intersection. Also, I think there is a distinction to be made against a Land Use Plan and the existing zoning plan. It is my understanding that the hearing here tonight is to change the zoning from agricultural to something different. Right now it is zoned as agricultural in the Master Plan and anywhere I’ve been. The Land Use Plan is there as a long range plan for the City; it is not zoning. There is no medium density zoning dictated in our zoning map right now and there doesn’t have to be. It is a recommendation and the Land Use Plan even says is that what gives it teeth is the zoning and it’s up to you guys to decide. As far as being good neighbors to Summit, Village of Oconomowoc Lake and Nashotah, I think it is disingenuous on Monday to shake hands and enter into a fire merger and a public utility resource agreement with one neighboring community and then hold a deaf ear to their concerns about having 14 abut up against what is now four homes in the backyard of neighboring Nashotah. So anyways, in summary, I think without a major change on how to alleviate the traffic situation or getting Highway P access from the subdivision, I don’t think it is in the City’s best interest based on what it is going to do to the character of the area and I think the best chance at getting the area to sustain that kind of density in that one small corner if that is the landowner’s wishes is to work with the Smart Growth Plan and try to coordinate a serious effort with the Village of Lake Oconomowoc and see if it meshes with their plan and generate that interest and do it in a combined way because it does butt right up against them. Again, thanks for hearing me and I appreciate the chance to speak.”

Heidi Walsch, W333N4384 Parc Way-“My name is Heidi Walsch. My concern here tonight is exactly what everyone has been saying. I was the first house in Glen Park and we also looked at all the land maps on this and said that in our section was an acre and that was the smallest lot availability in our subdivision and that was the smallest lot availability in the entire area so my thinking was to move out here from a very heavy populated area. My reason was to move out here to live in an area that I could have more land. I am not against development. My husband has been a builder for many many years and I think everybody should have the chance to live where they would like to live and build where they like to live. I just am against the highly populated area, and I have a daughter who takes the bus and has to go on Nashotah Road to catch the bus, and that is where the bus picks her up everyday. We have a lot of children in our subdivision. We are extremely populated with little children and if they are out going on Nashotah Road to catch the bus everyday with all the traffic leading to Nashotah Road instead of maybe perhaps another exit leading off onto P, because it’s a highway, I don’t know the situation there also with road development,

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but if they had alternative ways of traffic. With the high density, it is unrealistic in our area with as many children as we have. I know that I am speaking as a parent in knowing that traffic concerns are the main issue with young children going to school and on the bus routes. I just can't see it happening, and I hope everybody here tonight, speaking as a parent and hopefully seeing it that way also, can't have that much traffic, and I appreciate you letting me speak this evening. Thank you."

Bambi Butzlaff Voss, N43 W33272 Glen Parc-“Thank you for allowing me to speak, I am a resident of Nashotah and I live in Glen Parc not as close as some of the other neighbors that have spoken before and in the interest of time, I will keep my comments short. I appreciate having the opportunity to voice my opinion. I unlike some of the other people who talked about getting away from high dense living areas, I grew up on a farm and actually owned some farmland and was attracted to this area because of the rural feeling that it has. I like lots with larger acreage and I feel this development is too dense for the area. I ask that you consider the people's opinions tonight and thank you.”

Tom Shriner, 3301 Seminary Ridge Lane-“Good evening, I am appearing on behalf of the Mission Woods Homeowners Association and also on behalf of the Mission Prairie Homeowner's Association. A few years ago, some friends of mine and I developed those areas. We built them with a minimum two acre under that notion and complied with it and assumed that was what was going to be applied here. They are very nice. We would like the area to stay nice. I was glad to hear the alderman say a while ago that he isn't interested in imposing this new dense zoning south of Nashotah Road. That's good, but I don't know if you noticed or not, but there is not a big wall running down the middle of Nashotah Road. North of Nashotah Road is in our neighborhood too, and how that area is developed is going to have an effect on people who have bought and developed land all around, not only in the Northwest corner of the City but in the neighboring communities. I don't even understand the argument why this Commission and the Common Council ought to allow the kind of dense zoning that is proposed here. It just doesn't make any sense and I hope that you will recommend against it.”

Angie Schlossberg, 34012 Valley Road, Oconomowoc -“My house is at the intersection of Mission Road, Mill Road, Oakwood and Valley Roads. That intersection has become increasingly busy so that I have concern for the safety of my children who cross that road daily to catch the bus. As has been previously stated, two of these roads are designated as Rustic Roads and I fear with this high density development, the charming nature of these roads will be lost as people use these roads as shortcuts to other destinations. I can tell you from my experience living in Fairfax, Virginia for twelve years that the serene nature of a community can be completely changed in just a matter of a few years. I saw very similar roads to the ones around here change from two lane roads to four lane roads, six lane roads, and in areas where they weren't able to expand, there was bottleneaking and what would normally take 15 minutes to get somewhere increased to an hour or more. That was in just a matter of a few years, so this kind of thing has to be watched carefully. One of my biggest concerns; however, is for Nashotah House Theological Seminary. My husband is Communications

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Director there but before that he was a student and I can tell you that there are quite a number of Episcopal seminaries around the country but none of them have the setting of the Nashotah House Theological Seminary which has for the last 160 years tried to maintain a Benedictine philosophy and training. It would directly affect our business there and our ability to practice or train our students in the manner that we are used to, because it requires the solitude that can be found on our campus. This increased traffic would change the nature of that incredibly. It would directly influence something that has been an institution in this state for over 160 years, so I hope that you will take that into consideration also. Thank you for your time.”

Jerry O’Neil, 320 Copperfield Drive—“My name is Jerry O’Neil. It’s pretty easy to be negative about these proposals and I am concerned primarily with if the Plan Commission and the Council are going to deal with the City’s Comprehensive Plan. Chapter 5 of the housing element makes two real clear points that if in the future we want a range of housing choices for persons of all kinds of income levels, we don’t have much low income housing in this City. Everything is built on large acreage and big houses, you can run up close to a million dollars in buying a lot and building a house in this City right now and there are not too many people that can do that. Now, that is my concern is—are we going to have any affordable housing in our City. Now in the Northwest Corridor, the Binkowski property’s 76+ acres out there with four units per acre that’s still, you can’t just straight do the math and say well, that means 300 units. The sewer force main that runs through that property is restricting that to about 195 units according to calculations from a few years ago. So it’s a lot less than the 300 acres or whatever it would look like on a piece of paper. See? That many units-4 per acre. Still to me and my way of thinking, I would agree with a lot of what has been said so far, that it is still too dense of a population to even throw 195 units on that 76 acres up there. On the other hand, I go back to what I said before, if you go to the Knoff property which is 140 acres, close to it you get 69 or 70 houses on that property, putting them on large acreages, and that again, I think you are dealing with a situation where not a lot of people can afford to do that anymore. The current proposal, blending the two properties as I understand it, MLG wants to blend the two properties and come up with about 180 housing units on the two pieces of property in the neighborhood of ½ acre parcels. If you don’t allow the blending then, you could end up with over 250 units on those two pieces of property. If you do allow it, you are down to 180. I know it is going to increase the traffic, I understand what people are saying, but again, you can’t stop development. I think beyond making it real reasonable, you also have to be very considerate of the cost of housing in this community and if you can go with the smaller lots, you probably could have more affordable housing.”

David Barta, 3758 North Hickory Lane—“Ladies and Gentleman, my name is David Barta, and I live in the town of Summit, but I am also the current President of the Upper Nashotah Lake Association. One half of the shoreline property on Upper Nashotah Lake resides in the City of Delafield and as such, I am offering the opinions of our association related to the rezoning of the Knoff and Binkowski properties to the east and north of Upper Nashotah Lake. Our association has met and discussed this project. We have major concerns related to this project. In summary they are: 1) The

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projected rezoning is far too dense. The blended density proposed creates far too many homes in the development and will have a negative impact on the area. 2) The fact that the only access to this proposed development is restricted to Nashotah Road is completely unacceptable. The impact to the surrounding neighbors, institutions and communities will be profound and very negative. 3) The proposed development comprises a major portion of the watershed of Upper Nashotah Lake. As many of you know; Upper Nashotah is the primary headwater for the chain of lakes including Lower Nashotah, the Nemahbins and the Crooked and Rock rivers, we are very concerned that the increase of hard surfaces, (roofs, driveways, roads, and landscaping) and the increase use of fertilizers within the development will have a dramatic affect on the type and concentration of effluents that will reach this waterway system. I want to be clear that we are not attempting to prevent the applicants from developing their properties; that is their right. We simply feel that the proposal is too aggressive in its density goals and does not adequately take into consideration the community as a whole. When the applicants are finished collecting their monies for this development and have moved away, we as a community will be forced to live with it forever. The community is truly the concerned party here and the Upper Nashotah Lake Association asks that this Plan Commission consider our interests and the interests of the surrounding residents in your deliberations in this matter. Respectfully.”

Ken Schlager, N42 W33401 Glen View Court—“Good evening, I am Ken Schlager-part of the Glen Parc Homeowners Association. You have heard from a lot of my neighbors. We make up about 43 homes. I do believe you have a consensus here of what we feel and what the neighbors feel should be done with this proposed development. I am not going to be repetitive. I agree with what everyone has said. I guess first off, one has to ask themselves why one would increase the density of the development. Certainly, I can understand the short term for the money and the revenue per unit, but long term what’s the benefit for the community? The other point is I think that the request for a rezoning should at a minimum be postponed until the Smart Growth Plan is completed. My understanding from this plan as it was chartered back in 1928 by the Department of Commerce was that it was a Land Use Plan so it should be in line with that Land Use Plan. I personally think this development if it goes through as is will be a scar on the blemish of Lake Country. Anyone coming in here and seeing this plan would know it’s not in line with the other neighborhoods surrounding us. The other thing is that, I don’ know this is a fact, but the traffic study does not accurately reflect the traffic impact on the new subdivision -that the new subdivision commuters would have on the traffic on Nashotah Road. As the other gentleman pointed out this was done in the summer and I believe that Nashotah Road at the intersection of C, scored a grade D, so imagine what the traffic would be like when school is in session, especially when considering that St. Joan of Arc, there is no bus service there so...The other thing is that the general atmosphere, and I live right on Nashotah Road, and the amount of cyclists that come through there, it really makes up the ambience. You put a subdivision with only access on Nashotah Road and it will really ruin the look and feel of the area, especially since this is in the northwest part of the City of Delafield. I think your decision should be made collectively with the surrounding communities being Nashotah, being Summit, and Oconomowoc because they are going to bear the

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brunt of the traffic and most of the communities that reside around here will have the major impact of this development. Thank you for your time.”

John Casey, N43 W33157 Glen Parc Circle—“Good evening Ladies and Gentleman, I am the President of the Glen Parc Homeowners Association. Before we begin an alderman from Delafield came and made a statement I am going to take exception to. He stated that all the properties north of Nashotah Road were, and this is my recollection here, were ½ acre. No. Glen Parc is minimum one acre all the way up to three acres. If you go west of Glen Parc you have Bil Bar Farms, and if you go the next road that I believe is Mission, you have got Oconomowoc lake and if you head north, you pass over Highway C and that is by the railroad and there is different you know business and other types of projects there. There is not a single half acre lot in Glen Parc, many of them are one and one-half to two to three acre lots. I am on a 1.3 acre lot and I am one of the smaller lots in the middle of the subdivision. Anyway, I have a prepared statement that I had drafted for me. As president of the Glen Parc Homeowners Association and on behalf of our members we are submitting our concerns, and remember we have 47 houses here, regarding the development of a new subdivision on Nashotah Road in the City of Delafield. The proposed rezoning to allow smaller lot sizes resulting in higher densities is in direct contrast to the lots sizes in neighboring Glen Parc and the lots in other neighboring communities. Also considering the proximity and access to this property from neighboring communities the rezoning decision should be made collectively amongst Nashotah, Delafield and Summit. Also we request that the rezoning be postponed until the new Smart Growth Plan is completed to make sure this development is in compliance with the Smart Growth Land Use Plan itself. Ken Schlager, the gentleman who spoke right before me talked a bit about the traffic study and I won’t restate what he said, but I am here to tell you, Ladies and Gentleman, as the President of this organization, we are against it wholly. Now, set that aside, I am going to talk a bit about my personal feelings, that part of Lake Country, all of Lake Country is a very special area. We have all moved here, or we are life long residents or have moved from different areas, we’ve got something special here and in that corner of Nashotah and Delafield. Deliberate carefully, be careful with your decision because once that first shovel is made and that ground is broke, it will be hard to turn us back. That zoned development, or that proposed development, is much more dense than the surrounding area regardless of the representations made today. Let’s take out time and do this right, let’s wait for the Smart Growth. Thank you.”

Gerry Holton, 485 Lillian Court—“Good evening, first I would like to begin by complimenting the Mayor, Staff and this Plan Commission for their hard work, attention to detail and common sense approach I have witnessed over the last year. I am here tonight as the spokesperson for CARE- a group that was formed to help conserve the rural environment in lake Country. It is our goal to achieve reasonable development that respects the concerns of our citizens and protects the value and character of Delafield. Public Hearing numbers 4 and 5 on tonight’s agenda request a rezoning for The Colonies, as a P.U.D. This proposed development brings to light several issues C.A.R.E. has concerns about. We have made a point to monitor this development since its inception and would like this body to consider the following

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points. First, the original documents-the sanitary sewer agreement (1987) and the Welch-Hanson letter (1991) do not grant any number of housing units to the Binkowski land. The easement grants sewer access in the future and the engineering letter simply states an opinion of availability. Neither guarantee density. Two, The Master Plan (1991) does show an intention of medium density for the Binkowski land but states "no greater than four per acre." Four is the maximum and again is no guarantee. The number per acre is a determination that is left to the Plan Commission and the zoning place at the time of development. Therefore the "giving up" of density attributed to the Binkowski land and referred to in the Staff Report is not a real number to begin calculations. Three, it is our understanding that the public hearings necessary to change the Master Plan and adopt the Northwest Quadrant Study did not occur therefore the reference in the Northwest Quadrant Study to "TDR's (Transfer of Development Rights) would not be applicable. Fourth, which brings us to the Zoning Code. In the Staff Report you are pointed to section 17.75 Under Planned Development as Conditional Use. The first sentence states that the underlying zoning cannot be exceeded. The underlying zoning of this development is A1. Fifth, the second sentence states that if two different zoning categories are encompassed in a P.U.D. then an averaging could occur. This sentence does not apply unless you decide tonight to grant the Binkowski land a zoning change in Public Hearing Number Four. It is our strong belief and fear that if you allow a change of zoning for these parcels you will set a precedent that will effect A-1 throughout the entire City. Section 17.77 does grant this Plan Commission the ability to make exceptions and set standards outside of conventional zoning regulations by recommending to the Common Council a specific resolution for this planned development. We strongly urge you to take into consideration the impact blended zoning will have on the future of this City. The last Plan Commission meeting covered most of Chapter 7 (Land Use) for the soon to be adopted Smart Growth Plan. In the discussion at that meeting, it was determined that the Plan Commission would prohibit and recommend the elimination of all language making any reference to "blending zoning" or "density blending" in Rural Estate. The intent is clear to prohibit this practice. This fact can be found in the minutes under Item 3, Rural Estate. Why would this body, tonight, grant approval of a land use option they have so recently agreed to remove from future Rural Estate land-use? In closing, I've got to ask you to consider one more issue that is sorely lacking in this proposed use of A-1 land-compatibility. As proposed, it is not compatible with properties within the City or with its neighbors in Nashotah or Village of Oconomowoc Lake, or Summit. If this development is allowed as proposed, how will you or future Plan Commissions make the case for respect of the surrounding areas, which is a common requirement through out the zoning code? These are not the only concerns in regards to this development as proposed, there are others, such as traffic, road layout and school tax burden. Please consider all of them in your determination and do what is right for Delafield, its citizens, and our neighbors in Lake Country. Thank you."

Dick Schwab, 3701 Trinity Lane- "Ladies and Gentleman, My name is Richard Schwab, and I am here to speak tonight in several different capacities. First of all, as a resident of the City of Delafield in the community of Mission Woods which sits "kitty corner" to the land that has been proposed for redevelopment and secondly as part owner of the

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farm that my family has owned since 1851 which is located immediately adjacent to the west of this property that is proposed for rezoning. Thirdly, as a developer for the Mission Woods and Mission Prairie, which include a total of 66 acres of land that lie directly adjacent and south of the proposed development. And four, as a concerned citizen of our unique and very special Lake Country/ Kettle Moraine area in which we live. I oppose the rezoning of the approximately 75 acre Binkowski parcel of land to any category that would permit a density of more than one dwelling unit per two acres, for a number of reasons and many of those overlap with comments that have already been made so I will confine my comments to some of the reasons. The inclusion of the 75 acre parcel on the Master Land Use Plan at medium density is nothing more than a historical artifact from 1991, for which there is no justification under the circumstances as they exist today in 2009. The medium designation was given in 1991, solely on the basis that, unlike any other land in the Northwest Quadrant, this parcel had access to sewer. It was in the sewer district and none of the other land was and this was rather exceptional for 1991. The Staff Report states that the medium density has not been addressed in the interim, but this is not the case. At informal meetings conducted in 2005 to review the Northwest Quadrant Plan, which I attended, nearly all members of the public and neighboring communities who spoke expressed the view that medium density was inappropriate for this land in this very isolated location. However, the 75 acre parcel was left on the Master Plan at medium density at that time, in my view, it was based on incorrect factual premise. It was explained in the Final Report regarding the Northwest Quadrant that and I quote "that because of an existing agreement between the City and the owner...(with some additional language left out), an achievable density of 195 units had already been established." (This you will find on p. 15 of that report). A certain density for that area has now been determined to be incorrect, as explained in the letter of the City Attorney included in the packet for this meeting. The city's own Land Use Plan states that the category Medium Density is intended for near the town center or on major arterials with stores, banks, schools, or other amenities. This land fails to meet any of those criteria. As many people have pointed out it is isolated from the remainder of the City, it is totally surrounded by neighboring communities and it has very poor access to roads and no stores, or any other amenities there. The proper solution to solve any discrepancy between the different land use densities of the Binkowski and Knoff parcels to permit fewer homes on the Binkowski parcel, not increase to increase the number of homes on the Knoff parcel, and thereby create a bigger problem of density imbalance with the entire surrounding community, in other words, there should be no blending of densities as has been proposed. The proposed density, as has been mentioned by many, is much greater than all of the neighboring communities around it and also, with respect to the land that lies to the south in the City of Delafield. The land between these two parcels that are the subject of the hearing tonight and downtown Delafield is all designated and in part already developed at a two acre density or less. Mission Woods, with eight homes on 45 acres, and Mission Prairie, with nine homes on 21 acres are both developed at a density less than that permitted under the RE-2 zoning. In each development, half of the land is dedicated to open space and woods have been planted along the entire extent of Mission Road to preserve the rural character of the area. Sure we did this in this way because we live in this area and we like it, but isn't this the standard that the City should be applying

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to all new developments in the future? If we allow dense suburban development, if we turn Delafield into another Brookfield, on the remaining land that exists and do not leave the unique natural beauty and rural nature of lake Country to our grandchildren, when we have failed to be good stewards of what has been given to us. Higher density belongs near the center of the City or on major highways, not in the far corners of the City. I will skip the comments, a number of comments, but I will point out that I agree with a number of comments made by those opposing and simply point out that St. Joan of Arc is a private school; there is no bussing there. It is pretty much and no carpooling there, and I can attest to that having lived on Nashotah Road for approximately four years. This traffic creates a major coming and going. There are 2 trips for every student for that school coming down Nashotah Road, beginning of the day, end of the day and this is poses a very significant issue that has been ignored or overlooked in the study. In summary, I am strongly opposed to any zoning category in the Northwest Quadrant that would provide a density of any greater than one dwelling unit per two acres, and I am also opposed to blending of densities particularly on agricultural land for the purpose of simply maximizing the number of homes that can be built. I would point out that the comments before with regard to the calculations on sewer availability of 195 units that was a number that was intended to apply to the entire land south of the railroad tracks, so that included not only the Binkowski property but also the Knoff property. It was not a 195 units on Binkowski but what would be available for those two parcels of land and I think that needs to be understood with respect to some of the arguments made justifying what a great deal it is to only ask for 182 homes in this area today. Blending of densities is an extraordinary remedy that the City can grant in some circumstances but I don't believe it has any proper application to the facts that present themselves tonight, so I encourage you to recommend to turn down the request for rezoning. I have no problem with rezoning the Knoff land under a density of two acres with one unit, but I do not approve of the blending on that land. Thank you very much."

Brad Binkowski, 611 Farwell Drive, Madison—"Thanks. My name is Brad Binkowski. My family has lived in the City of Delafield for 55 years. My sister and I own one of the parcels that you have before you tonight as a subject of a public hearing. My father, actually, we have a long history with the City. My dad helped incorporate the City of Delafield and served as an alderperson, ran for Mayor, and cared very deeply about this community. I think it is pretty evident by his history. Four or five years ago, we were approached by people in the City saying that the Northwest Quadrant in the City of Delafield was going to be the next area that was going to be, you know, developed, and the City had an interest in seeing that developed. My sister and I had owned the property for a long time and we didn't have any active plans to do anything with it, but the City said, you know, it's time that this quadrant got developed, so we said okay, we are interested in looking at what might be possible. Now, back in 1986, when the City of Delafield approached my parents about granting an easement running across the property to create a sewer line that would cross Highway 16, and serve part of the Village to the north, Dad cooperated. Again, you know, you'd ask him to do something and he felt that it was in the best interest of the City and he granted it, subject only to one agreement that a sewer capacity would be available when the project was developed, and the City Attorney is absolutely right, that isn't zoning.

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That isn't a legal, you know, legal agreement that requires the City to give any kind of specific density. I'd point out that in 1991, the City's land use Plan did designate that area as mid density residential. In large part, because it is a buffer. It's a buffer between the traffic on Highway 16, and the railroad tracks and the property to the south, and there was a full public hearing before that was granted that it went through a number of different points and the mid-density residential has existed on that property for the last 18 years. We were told by the City, and yet we aren't proposing to develop it at close to the maximum density, we were told by the city and Roger Dupler that as we talked and went through some of the meetings on the Northwest Quadrant that the City really wanted to create a neighborhood-that they didn't want to see the development of one parcel independent of you know another adjoining parcel and that anything that was done should be done with a neighborhood plan in place and involve the development of more than one property. So, we suggested, we started looking for people that might have an interest in developing it and we talked to people that had a fair amount of credibility and a fair amount of experience and a fair amount of successful track record in the City of Madison, er, in the City of Delafield. And we picked somebody that we thought would do particularly well who has developed in the City, who has high standards and who would be an asset to the area. The plan that you have tonight, you know, is a result of their efforts and a three year process of engaging in discussions with planning Staff, the Plan Commission and with the group of people who attended the meetings in the Northwest Quadrant three years ago about the Northwest Quadrant. I think what you've got is a very responsible plan in the overall, our parcels of property some almost 80 acres is proposed to have 60 homesites on it, which is a density of about 1.2 acres per site. The Knoff parcel is proposed at a different density and I'm not going to speak to the Knoff parcel because it is really not my job to do that, and I think that MLG will do that well. You heard somebody say tonight that they were concerned about affordability. We are in a different time today, then we were five years ago, ten years ago, or fifteen years ago. Every newspaper article that you pick up talks about affordable housing and people who can afford to live in a community, if you have a two acre sewered lot minimum development standard are going to represent a very shrinking pool of people. I think a 1 ½-2 acre development standard for the property that we own is in fact a very good development proposal for that site, and I would urge that you consider it and that you move to implement it. There has been a lot of discussion about 4 acre maximum density. We are not proposing a four acre maximum density, we are proposing something that we consider far more responsible, far more beneficial, and far more desirable. Thank you."

Mayor McAleer stated he had one more card remaining for the Public Hearings and should anyone wish to speak on these matters, the cards be brought forward at this time.

Jim Ziebart, W334 N4357 Parc Way—"Good evening, my name is Jim Ziebart and I live in the Glen Parc subdivision. My back yard abuts to this property that we are looking at. I am against the rezoning. I do believe it is way too dense as everybody has mentioned. The Rustic Roads is something that we moved out here for, approximately eight years ago. I do believe you should really think of the child safety concerns and

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the roads and all the children that are on the roads in that area. It's true that this development would be unlike anything around it whatsoever, way too dense. I am against any proposal with more than one dwelling per two acres. I ask you to please wait for the Smart Growth Plan to take effect. Just to put it into perspective, my backyard and my neighbor's backyard, would have nine other backyard abutting it and it would be out of character along with the deer and the turkey and all the beautiful wildlife. Thank you."

John Macy, 720 N. East Avenue, Waukesha, from the law firm of Arons, Walter, Macy and Ripple-"I appear this evening as the Village Attorney for the Village of Oconomowoc Lake. Appearing with me is Don Wiemer, the Village Administrator, and I thank you for this opportunity to speak. Mr. Mayor, I did ask to speak late in the hearing so that I might address any concerns or comments that might come up that you might want the Village's position on and I thank you for that courtesy. As you know, it is very atypical to formally appear in another jurisdiction and make comment. To the best of our knowledge, we have never appeared in the City of Delafield at anything else. But apparently there has been some confusion, and I know this because I spend a lot of time listening to your June 25, 2008 Planning Commission tape of that meeting several times, and I know that there was some confusion as to the Village Board's position. There are two topics the Village wishes to address tonight and go on the record officially for. One is the access to County Trunk Highway P and two is the serious safety concerns regarding the proposed adjacent residential development to our Village owned lands. As you know we are a neighbor to this development also. As to the access to County Trunk Highway P, just so there is no confusion whatsoever, the Village of Oconomowoc Lake does not want, will not accept, a public or private road or driveway over the 66 foot strip of land from the City of Delafield to County Trunk Highway P. It is not an issue as far as the Village is concerned, it is not negotiable according to the Village Board and as I understand it, it is not being proposed by the developer. I have to comment that very few people even brought it up tonight so it shouldn't be an issue because it is not going to occur. That is the Village of Oconomowoc Lake. Neither the City of Delafield or the developer as you know can dedicate a public or private road without the Village of Oconomowoc Lake's permission. The City of Delafield has no jurisdiction over Village of Oconomowoc Lake lands. The Village of Oconomowoc Lake has never recognized the strip of land as a potential public road from the Binkowski property to County Trunk Highway P, and just so its clear the Village of Oconomowoc Lake procedures were never followed by the property owner to create this parcel, there fore, the Village of Oconomowoc Lake actually considers this an illegal land transfer in violation of state law and Village ordinances as I am sure you would here in the City of Delafield. I don't believe you have any parcels that are stand alone parcels of that length that are 66 feet wide and it just doesn't meet any zoning classification or any, you know, requirements for a lot at all. The issue of higher density was talked about a lot tonight and at your meeting on June 25<sup>th</sup>. The Village of Oconomowoc Lake obviously was not a party to any prior agreement or discussions as to what the tradeoff might be for the sewer easement. As the property owner himself indicated to all of you, and you listened intently that night, access to County Trunk Highway P was not a reason, had nothing to do with the higher density or sewer easement for that reason. There was a

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representation here tonight that the road has been shown on your Master Plan, or this strip on your Master Plan, I don't know how that is possible, you have absolutely no jurisdiction in the Village of Oconomowoc Lake. You can't plan in the neighboring towns, you can't plan in the Village of Oconomowoc Lake. That is not possible as a part of your Master Plan and the state laws in regards to Master Plan, so we just want to make sure there is not a question, there is no confusion. I am here tonight to make sure it is very clear as to the Village Board's position as to access to County Trunk Highway P. What has not been discussed, and we do want to put on the record additionally, is three points about the safety concerns regarding an adjacent residential development to our Village owned lands. We have an existing shooting range there, an existing brush/leaf/grass clipping/landscaping material drop off site that is used by the entire Village of Oconomowoc Lake residents and existing dumpster drop-off site and all we ask is that you understand what the current situation is and what it has been for a number of years. The existing shooting range is used on a regular basis by approximately ten local police departments including as you know, the city of Delafield and the Village of Oconomowoc Lake departments. We are protected under state law to the best of my understanding as an existing shooting range and we strongly recommend that the City require safeguards under any approval including, but not limited to fencing and signage, and we also request that the developer be required by the City of Delafield to give written notice to all lot owners that this subdivision abuts an existing shooting range and drop off site. The shooting range is the most serious. The existing brush/leaf/ material drop off site, you will probably get complaints only once a year and that is when we do the tub grinder on the premises and you will probably hear about and you will probably get complaints. As to whether you want to give notice to these people also of that activity we defer to you. But we want to make sure that the record is clear that we have that activity going on at that site and that is an existing drop off site. The dumpster? There is a lot of traffic, it won't affect you. It's our property and the traffic comes in and that is done approximately eight times a year and again, we merely wish to put that on the record. The problem as we see it, is that no one ever asked the Village of Oconomowoc Lake's permission when this strip was acquired, no one asked if the Village was willing to accept a road when this was acquired, no one can force the Village of Oconomowoc Lake to accept a road. The shooting range is a preexisting and generally does not make a good neighbor to residential development. In conclusion, again, the Village was never a party to any agreement regarding the use of the strip as an access to the Binkowski property. The Village could come in and could ask that you keep the density at five acres to match our density, but we believe density is the City of Delafield's decision and we respect that that is your decision and you get to make that decision, so similarly we ask that you do the same. The issue of whether there is going to be a road to County Trunk Highway P or driveway is a Village of Oconomowoc Lake decision, not a City of Delafield decision. So just like the City of Delafield has control over what happens in the City limits, the Village of Oconomowoc Lake has control over what happens in our limits. We wish to thank you and thank the City and in particular the developer for respecting the Village's wishes in this regard. I was asked to ask one question, hopefully it will come up under their presentation, and that is how they provide if there is a water tower and/or well being proposed for this part of the project. The Village Board will be monitoring that and wanting to follow that. We

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did not see it in any of the materials presented so far, but if one of you as a courtesy for us, could ask that at the regular session, we would appreciate if that could come out in the record, so with that, unless there is any questions, we thank you for your time and we thank you for the courtesies tonight.”

**CLERK’S NOTE:** *In addition to the verbal public comments, there were written comments submitted to the Clerk’s Office. These comments are from the following people and are on file in the Clerk’s Office:*

- **Jon and Jennifer Klett, 3450 Red Chapel Court, Nashotah, WI 53058.**
- **Darrell Pope, 1236 Mill Road, Delafield, WI 53018**
- **Kean and Susan Kemnitz, 3733 Nagawicka Road, Hartland, WI 53029**
- **Ron Miskelley, 172 Laurel Court, Delafield, WI 53018**
- **St. Joan of Arc Church, 120 Nashotah Road, Nashotah, WI 53058.**

Mayor McAleer questioned whether anyone further wished to speak on Public Hearings 4 or 5 this evening. He then thanked everyone present for helping to have a very orderly Public hearing and stated he appreciated it.

**D. CURTIS COSTA MOTIONED TO CLOSE THE PUBLIC HEARING AT 8:37 P.M. L. CHAPMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

1. APPROVE PLAN COMMISSION MEETING MINUTES OF JANUARY 14, 2009 MEETING

**K. FITZGERALD MOTIONED TO APPROVE PLAN COMMISSION MEETING MINUTES OF JANUARY 14, 2009 AS AMENDED ON PAGE 9, ITEM 3A, SECTION RURAL ESTATE, PARAGRAPH 1, SENTENCE 2, OMIT THE CURRENT SENTENCE 2 AND INSERT “IT WAS THE CONSENSUS OF THE COMMISSION THAT IF LAND CURRENTLY HAD A LAND USE OF RURAL ESTATE, BUT WAS ZONED AGRICULTURAL THEN THE LAND USE WOULD BE CHANGED TO AGRICULTURE.” IN ITS PLACE, AND ON PAGE 10, ITEM 3A, SECTION INSTITUTIONAL, BULLET POINT 1, ADD “LAKE COUNTRY SCHOOL” TO THE LIST OF INSTITUTIONS LISTED. D. CURTIS COSTA SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FOUR WERE IN FAVOR. D. CURTIS COSTA ABSTAINED DUE TO ABSENCE AT THAT MEETING. MOTION CARRIED.**

2. DELAFIELD CITIZEN’S COMMENTS PERTAINING TO SUBJECTS ON THIS AGENDA

**D. CURTIS COSTA MOTIONED TO CLOSE THE CITIZEN’S COMMENTS PERTAINING TO SUBJECTS ON THE AGENDA AT 8:39 P.M. B.LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

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3. CONSENT AGENDA

G. Gresch read the items on the Consent Agenda. D. Curtis Costa requested Item A be removed from the Agenda for further review and consideration.

**D. CURTIS COSTA MOTIONED TO APPROVE ITEMS B AND C ON THE CONSENT AGENDA AS PRESENTED. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FOUR WERE IN FAVOR. B. LEONARD ABSTAINED. MOTION CARRIED.**

- a. **DELC 0804.994.017, 2738 HERITAGE DRIVE, DELAFIELD, WI 53018.** OWNER: KENSINGTON DEVELOPMENT CORP C/O CAPSTONE REALTY ADVISORS. APPLICANT: LORIANN KNAPP. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION AMENDMENT TO RELOCATE HR HAIR DESIGNERS FROM 2742 HERITAGE DRIVE TO 2738 HERITAGE DRIVE.

D. Curtis Costa noted there was no business plan of operation attached to the information received on this item, so she was uncertain as to the hours and number of employees for the business.

G. Gresch explained neither the hours nor number of employees was changing in this matter; the business was simply moving one door down from its current location.

**D. CURTIS COSTA MOTIONED TO APPROVE THE REQUEST FOR A BUSINESS PLAN OF OPERATION AMENDMENT TO RELOCATE HR HAIR DESIGNERS FROM 2742 HERITAGE DRIVE TO 2738 HERITAGE DRIVE, FOR DELC 0804.994.017, 2738 HERITAGE DRIVE, DELAFIELD, WI 53018. OWNER: KENSINGTON DEVELOPMENT CORP C/O CAPSTONE REALTY ADVISORS. APPLICANT: LORIANN KNAPP. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. **DELC 0807.978.002, 407 AUSTIN CIRCLE, DELAFIELD, WI 53018.** OWNER: JEFF SENGLAUB. APPLICANT: LAKE COUNTRY POOLS. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION AMENDMENT TO RELOCATE LAKE COUNTRY POOLS FROM 2725 HILLSIDE DRIVE TO 407 AUSTIN CIRCLE. HOURS OF OPERATION ARE WEEKDAYS 10:00 A.M. TO 7:00 P.M.; SATURDAY AND SUNDAY 10:00 A.M. TO 5:00 P.M. WITH 2 PART-TIME EMPLOYEES AND 3 FULL-TIME EMPLOYEES.

Approved. See above.

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- c. **DELC 0793.020.001, 719 GENESEE STREET, DELAFIELD, WI 53018.** OWNER: ACE DELAFIELD PROPERTIES, LLC., STEINERGROUP COMMERCIAL REAL ESTATE. APPLICANT: SHOOT THE MOON PHOTOGRAPHY, TIM VERTZ. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR A PORTRAIT STUDIO, SHOOT THE MOON PHOTOGRAPHY. HOURS OF OPERATION ARE WEEKDAYS 9:00 A.M. TO 5:00 P.M., SATURDAY 9:00 A.M. TO 3:00 P.M., WITH 4 PART-TIME EMPLOYEES AND 2 FULL-TIME EMPLOYEES.

Approved. See above.

Mayor McAleer recessed the meeting at 8:42 p.m. and reconvened at 8:49 p.m.

4. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVAL

- a. **DELC 0798.965.003, GENESEE STREET, DELAFIELD.** OWNER/APPLICANT: DELAFIELD LAKES; AGENT: JOE MCCORMICK. OWNER/APPLICANT SEEKS APPROVAL OF THE FOLLOWING ITEMS:

- I. CONDITIONAL USE FOR A MIXED USE OFFICE AND MULTI-FAMILY COMPLEX AND RECOMMENDATION TO COMMON COUNCIL OF THE SAME.
- II. SITE PLAN TO INCLUDE LANDSCAPING, SITE LIGHTING AND STORM WATER MANAGEMENT.
- III. BUSINESS PLAN OF OPERATION FOR AN OFFICE/OUTPATIENT CLINIC, WALDEN. HOURS OF OPERATION ARE WEEKDAYS 8 A.M. TO 6 P.M., SATURDAY AND SUNDAY 9:00 A.M. TO 6:00 P.M. WITH 8 PART-TIME EMPLOYEES AND 5 FULL-TIME EMPLOYEES.

J. McCormick was present with Rob Davy of Lake Country Engineering. J. McCormick stated he believed all engineering issues of concern were settled at this time. R. Davy agreed, noting a resubmittal could be brought forth if needed; however, a recommendation on the responsibility of removing the planter box on the sidewalk just to the south of the proposed Genesee Street access would be helpful.

B. Leonard stated she was concerned about the poor visibility for motorists entering Genesee Street from the development. She did not think one access would be adequate in this case and she did not think it was the City's responsibility to remove the planter box since the need was spurred by the development being placed on that site. In addition she was concerned about the traffic analysis for the site and how it addressed the commercial development

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aspects of the project. Mayor McAleer noted the Department of Public Works Committee held several traffic engineers and they had reviewed the analysis for the site and made a recommendation in this matter. R. Dupler also explained additional parking spaces had been added to the site plan for the commercial demand.

R. Davy stated he would confirm the appropriate analysis was completed with the traffic engineer responsible for generating the analysis. Mayor McAleer stated he was comfortable with the study completed at this time and suggested this item could be reviewed by Staff.

R. Dupler further explained the operating levels designated for Genesee Street would not change and the delay for the driveway entrance would be on the development property. J. McCormick stated he had received approvals to work with the Town Bank for the development and its access to the site.

R. Dupler stated the project could be reviewed and approved by the Commission this evening with the remaining issues of concern to be reviewed and approved by Staff upon completion.

R. Davy began to review the list of items that had been resolved since the most recent review of the Plan Commission. Remaining concerns to be addressed included a sewer connection to Genesee Street, a design for remediation of the planter box, confirmation of the traffic analysis, removal of duplex designations on the proposed overall site map that included phases 1 and 2, as well as shifting the retaining wall and possible tree replacement if needed.

D. Curtis Costa also requested with laundry facilities in each apartment that J. McCormick request laundry not be placed on the balconies to dry. She also requested the word "commercial" on the site plan designating the office space be changed to "office" since that was its intended purpose. In addition, she also requested additional landscaping materials be added to the parking lot island.

In response to a question, J. McCormick confirmed there would be no need to designate office parking spaces from residential parking spaces as there would be an excess for either motorist. In addition, he explained he was uncertain at this time whether the office entrance would continue to have its own separate entrance to the building; however, the entire building would be built to ADA accessible standards.

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**AFTER CONSIDERATION OF THE ENUMERATED FACTORS IDENTIFIED IN S.17.42.(3)(A), INCLUDING COMPATIBILITY WITH EXISTING USES, K. FITZGERALD MOTIONED TO RECOMMEND TO COUNCIL FOR APPROVAL THE CONDITIONAL USE APPLICATION FOR MULTI-FAMILY HOUSING KNOWN AS DELAFIELD LAKES, LOCATED AT DELC0798.965.003, AS A CONDITIONAL USE SUBJECT TO THE FOLLOWING CONDITIONS: 1) RESOLUTION WITH STAFF PRIOR TO REFERRING TO COUNCIL, THOSE ITEMS IDENTIFIED IN THE CITY ENGINEER'S LETTER, SPECIFICALLY PLANTAR BOX REMEDIATION, SEWER HOOK UP, AND COMMERCIAL TRAFFIC STUDY; 2) THAT THE USE APPROVED SHALL, ACCORDING TO S.17.43(1), BE SUBJECT TO THE REQUIREMENTS OF CHAPTER 17. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

**B. LEONARD MOTIONED TO APPROVE A SITE PLAN TO INCLUDE LANDSCAPING, SITE LIGHTING AND STORM WATER MANAGEMENT FOR DELC 0798.965.003, GENESEE STREET, DELAFIELD. OWNER/APPLICANT: DELAFIELD LAKES; AGENT: JOE MCCORMICK, SUBJECT TO ALL OTHER CONSIDERATIONS BROUGHT FORTH BY STAFF AND THE PLAN COMMISSION ON THIS MATTER. D. CURTIS COSTA SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL IN FAVOR. MOTION CARRIED.**

With regard to the business plan of operation, D. Curtis Costa expressed concern for any potential late night hours associated with receiving patients at the office on site as submitted in the hours of operation for the business plan.

Dr. Ted Weltzin explained his patients were occasionally, but very infrequently, in need of services until 10:00 p.m. He noted the hours requested certainly would not occur five days a week and appointments typically lasted an hour. He thought the space provided to him would yield enough for four offices as needed for his business.

D. Curtis Costa questioned the parking needs of the residents and patients utilizing the building. J. McCormick explained Staff would be gone at night and since the majority of the apartments were "singles," parking had been allotted to excess of the standard parking ratios utilized for construction.

**K. FITZGERALD MOTIONED TO APPROVE THE BUSINESS PLAN OF OPERATION FOR AN OFFICE/OUTPATIENT CLINIC,**

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**WALDEN. HOURS OF OPERATION ARE WEEKDAYS 8 A.M. TO 6 P.M., SATURDAY AND SUNDAY 9:00 A.M. TO 6:00 P.M. WITH 8 PART-TIME EMPLOYEES AND 5 FULL-TIME EMPLOYEES. B. LEONARD SECONDED THE MOTION. D. CURTIS COSTA CONFIRMED THIS MOTION INCLUDING LEAVING THE BUSINESS PLAN OF OPERATIONS AS PRESENTED. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. **DELCO 0742.990**, OWNER: BRADLEY BINKOWSKI & MARY SLEPEKIS, 1307 MARINER DR., HARTLAND, WI 53029. APPLICANT: MLG DEVELOPMENT. 13400 BISHOP'S LANE, STE 100, BROOKFIELD, WI 53005. APPLICANT SEEKS APPROVAL OF A CONDITIONAL REZONE IN COMPLIANCE WITH THE CITY OF DELAFIELD COMPREHENSIVE LAND USE PLAN, FROM A-1 TO R-3 (Single and 2 Family Residential).

Randy Bruce, of MLG Development, stated while he had heard concerns this evening related to density and traffic, he wanted to point out that MLG Development was not new to the City as it had been the developer of the Carriage Hills subdivision in the City. He noted that project was similar to the proposed Colonies project with regard to density although it had slightly smaller lots and houses than was found in this project.

In response to a question, R. Dupler explained the tax key number identified is the only one requested and was a result of the applicants filling out the application for that tax key number. The same process would need to be followed with the remainder of the tax key numbers at a future date.

R. Bruce stated he was present this evening to propose rezoning of the two parcels, and he wanted to point out that in doing the rezoning, they had been presenting conceptual plans as part of the P.U.D. aspects and many modifications had been made, such as access, reduction of lots, etc. However, he wanted to note that they were presenting a high quality development community. The zoning being proposed and adhered to the Comprehensive Plan and the neighborhood plan. In addition, this proposal proposed far lower density than shown in the plan, as well as two park dedications, delineated environmental features that were both enhanced and avoided in the project as well as many trail pathways had been added.

With regard to the density, he noted there was a lot of confusion created about density and what was allowable. Based on the Comprehensive Plan, one concept could be to place 306 units on the Binkowski land and 69 units on the Knoff land for a total of 375 units as an extreme number. In this proposal, only 180 units were being proposed. A second way of examining the information was to add up the sewer capacity allowable on

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the Binkowski/Knoff parcels, and that would add up to 264 units. He then noted the difference in the Site Plan map submitted in packets and demonstrated the difference in lot size depending on whether the lot was located north or south of Nashotah Road. The plan submitted showed 16 lots on 32 acres of land, all bigger than an acre. South of Nashotah Road, less than one lot for every two acres and lots of minimum size of an acre were shown. Also, an eight acre park dedication had been submitted as part of these plans. If that park was removed and recalculated, then the one lot per two acres was not correct in the land south of Nashotah Road. He also noted there is a transition density south of Nashotah Road as there were lots with an area of development that would be closer to Mission Prairie and south of the Church/ School. North of Nashotah Road would be where the blended densities were going on as they utilized a clustered concept with a great deal of open space. The overall density for this project would be .84 units per acre or 1.2 units per acre. He offered to take questions from the Plan Commission.

K. Fitzgerald questioned what conditional rezoning was. R. Dupler explained this was an issue of the "cart before the horse" and the ordinance did allow the Commission to make special considerations in this regard. He noted the request included a commitment in accepting the rezoning that the Commission would be willing to consider the rezoning and make a recommendation to the Council on this matter. Council could then act by resolution to accept the terms of that agreement. The request would still have to return to the Plan Commission for discussion on the merits of the General Development Plan and other tax parcel's public hearing. K. Fitzgerald noted there were two different ordinances related to this request and he requested clarification on which one should be utilized. R. Dupler explained the Commission was acting prematurely on a rezoning for a planned development, and the applicant was seeking a commitment that the City would accept the concept of density blending.

R. Bruce stated this project was unique in that it proposed a sewer development that was now being proposed because there was sewer land. There was sewer in this land because the Binkowski family agreed to have it there about 20 years ago and really set up a situation where the land was designed to be sewer development. Sewer development is not five acre density, or two acre lots, it needed to be feasible.

Mayor McAleer stated it typically was in other parts of the City. He noted many comments had been heard from people that were sewer with one unit per two acres, and sewer developments with those types of densities could be found in Valley Farms. They had gone through this process twelve years ago and they went through it twice and were denied both times. He noted he had received a letter from a previous applicant

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asking “to not give more density than what he was allowed.” Typically the City had sewer on two acre lot subdivisions.

K. Fitzgerald questioned whether the land would be rezoned if the Commission approved the request this evening. R. Dupler explained that if the Commission agreed to rezone it would not be effective until the plat was in hand and recorded. That process could afford the rezoning to occur sequentially as the phases were actually developed and would allow the parcels to be farmed in the areas where the development was not taking place. The rezoning would only be activated with the filing of the plat and within the bounds of that plat. K. Fitzgerald noted land use would be changing to match zoning as a result of the Smart Growth Plan in the next 90 days, and if phases would remain agricultural and would no longer be medium density, there would be discrepancy. R. Dupler explained that if the Commission chose to act as presented with a conditional rezone, a legal agreement would be had with the developers that they would have the right to pursue the conditions of that agreement.

D. Curtis Costa clarified that if the Commission agreed to this request, it was essentially agreeing to be obligated to the concept of conditional rezoning and agreement with blending and development would result. The Commission could not do one without the other in this case.

Mayor McAleer noted the only instance that he could recall where zoning had been blended and that had taken place was at Waters Edge condominiums where two zoning districts that had been zoned that way forever. A Master Plan designation had not created that situation, as it was actual zoning and the developer wanted to put in the number of units the zoning district would allow. After negotiations, the City ended up with 16 high quality condos and tremendous value for the City. R. Dupler also noted Blue Spruce condominiums utilized blended zoning with three zoning districts. Mayor McAleer noted that was similar to the Water’s Edge development because of the zoning districts. In this case, two different Master Plan designations were shown with only one zoning of A-1.

D. Curtis Costa stated the Commission had been working hard on the Smart Growth Plan and the Master Land Use Plan was in dire need of updating as there were a large number of inaccuracies on it that had been there for several years. Further, she explained that because this issue had been overlooked for quite some time it simply indicated it was time to update the plan and the City was in the midst of doing so. Also, discussions were had regarding how to deal with agricultural land in the future. She stated she would prefer to finish the Smart Growth Plan and was reluctant to rush into any conditional rezoning of agricultural land that is left within the City.

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B. Leonard stated she wished to provide a bit of history. Four years ago, the City did a Northwest Quadrant Plan and update of a subarea plan of the current Comprehensive Plan. That planning process was very flawed as the only people that came were two or three major landowners to those meetings. No one from the Village of Nashotah came and she believed notice was not given to many people surrounding this area as was done a few years later when discussing the Northeast Quadrant. The Northwest Quadrant Plan was done with a minimum of participation with people living in or around the area. This plan had clearly talked about transferring development rights or transferring density, but it also very clearly showed the flow of access to and from this area, and it clearly showed access to Highway P. She explained that while the Village of Oconomowoc Lake attorney made it very clear that access was not going to take place through their easement property, it was made clear that the Northwest portion of this site or this development plan is going to be developed, and she thought the City was pushing for a plan that really in order to happen had to involve some cooperation and coordination with land owners in the Village of Oconomowoc Lake. Having this kind of development without two points of access should not occur as it was terrible planning and it went against what the City had repeatedly required of major development within the City, such as Village Square, Hirschman Lane, Delafield Lakes, etc. She did not see a conclusion of this issue until that section of the site on the far northwest side had two points of access. Secondly, the existing zoning is A-1 and there was nothing that allowed or no inherent right, there would be 380 units on this site as this was a "fictitious" zoning that was not there yet. Also, the Comprehensive Plan was old and was being updated so the new plan may or may not speak to higher or lower densities along Nashotah Road as the plan was still being developed. To that end, she thought the whole idea of this concept plan presented was premature; however, she believed it was imperative to have intergovernmental cooperation as it was a component of the Smart Growth Plan. She liked the idea that sensitive areas would be preserved, and while she questioned whether the City would require another park site, she thought it was irresponsible to go down this road without the cooperation of the neighboring communities. While she thought it was appropriate to be proactive, she thought the previous method of getting landowners together to discuss planning, was not handled correctly.

Mayor McAleer agreed; however, he confirmed with Staff that the Commission was obliged to approve or deny this request presented. R. Dupler stated the petition presented was for a rezoning for pieces of property that was in conformance with the recommendations of the existing Master Plan. Without that issue of the Master Plan recommending these sorts of densities and appropriate zoning associated with those densities, no action would be unnecessary. B. Leonard

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questioned whether this negated the right to reserve approval as the plan was being updated. R. Dupler stated the City did have that right; however, the developers also had the right to ask the City for consideration at this time as everything done to date had been in conformance with the ordinance and requirements for the Master Plan. To ask them to come back in a couple months after the Smart Growth Plan was completed was within the City's prerogative as well.

B. Leonard questioned why Staff could not have done that six months ago. R. Dupler stated this property and project had been underway for three to four years and they had come before the Commission many times. B. Leonard questioned why then an access out to Highway P had not been required thus far. R. Dupler explained the access to Highway P was part of the Northwest Quadrant study when both the Village President and Village administrator came to the studies and announced that they did not oppose that connection as long as the use was residential. Policies change, their Board changed and it was now no longer acceptable to the Village of Oconomowoc Lake to have that connection, and there had been no reason to revise the Northwest Quadrant Plan until this time.

Mayor McAleer stated his main issue was about blending as he thought it inappropriate for this particular situation because he thought higher density was being given to the Knoff parcel shown on the Master Plan and was RE-2. When the two parcels were combined, Knoff was being given more density and he thought this would set a precedent. To do so would have the remaining agricultural land in the City examining this precedent and noting this would be greater than the designation from the Master Plan of RE-2. R. Dupler stated this was the only place in the City where there was agricultural zoning that had anything other than RE-2. Mayor McAleer stated he thought a precedent was still being set in allowing densities higher than the RE-2 zoning. It could be argued that other agricultural land owners could ask for the same zoning because of this request, because of that he believed strongly the Commission should deny this request and recommend to Council the same. He stated Council may not want to agree with that and they might ask the Commission to wait until Smart Growth is finished; but he thought the City owed an answer to the applicant tonight of either approval or denial.

M. Frede stated he did not think the City needed to be governed by what may happen, or a precedent, if the Commission had specific reasons why the request should be either approved or denied and that should be the focus. He noted confusion regarding two access points to the road as requested. R. Dupler confirmed they were there but on a collector street. R. Bruce stated this was the case, and a traffic study and analysis had been submitted stating that there would be safe and efficient traffic

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operations in this area. The study accommodated for the timeline of the study being conducted when school was out.

B. Leonard stated this proposal goes against official mapping on the Northeast Quadrant where the City did require through traffic between Highway 83 and Nagawicka Road.

M. Frede stated there was nothing that could be done about that. B. Leonard disagreed, noting intergovernmental cooperation would be appropriate at this time. Mayor McAleer requested clarification from M. Frede on his comment that nothing could be done as he thought the Commission could approve or deny and based on the City Attorney's opinion the City had the right to deny as there was no guaranteed density on any of these issues because of the Master Plan.

M. Frede stated he was trying to address the issue of having two access points for this development. If he understood it correctly, there was nothing that could be done to get an access point onto another road. B. Leonard stated she disagreed, because she thought in the future when future landowners in the Village of Oconomowoc Lake that own property east of Highway P develop, that is when joint planning and intergovernmental cooperation will take place regarding how to develop this far northwest segment along Highway 16 because it is a major corridor in Waukesha County and she thought cooperation in development along the highway would require additional planning between neighboring municipalities. M. Frede stated he did not think the City's plans should be delayed because of what another governmental body wanted to do on their land at this point in time. He thought it important to move forward with the City's land.

Mayor McAleer stated part of that movement should be reducing the density significantly so it would not impact on Nashotah Road as proposed.

M. Frede stated he was not sure denial should be made in this case because access onto Highway P was not allowed. B. Leonard stated that having the shooting range near a residential district had been a very difficult problem to deal with and she was not in favor of creating another situation in a different part of the City with the same conflict. As such, agricultural use might be the best use of the land currently. While she was not advocating for that position, she acknowledged because of the adjacent land uses and incompatibility this proposal did not seem to be a good solution at this time.

M. Frede questioned whether the developers could develop the land in question without having access on to Highway P. Mayor McAleer stated he did not believe so at this density proposed. M. Frede stated a

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contingency was provided for in the proposed plan; if in the future the Village of Oconomowoc Lake wanted to provide an opportunity for that roadway access. He further stated, since that contingency was provided in this case, the developers needed to be able to move forward assuming that access would not be provided.

**D. CURTIS COSTA MOTIONED TO DENY APPROVAL OF A CONDITIONAL REZONE IN COMPLIANCE WITH THE CITY OF DELAFIELD COMPREHENSIVE LAND USE PLAN, FROM A-1 TO R-3 (SINGLE AND 2 FAMILY RESIDENTIAL) FOR DELC 0742.990, OWNER: BRADLEY BINKOWSKI & MARY SLEPEKIS, 1307 MARINER DR., HARTLAND, WI 53029. APPLICANT: MLG DEVELOPMENT. 13400 BISHOP'S LANE, STE 100, BROOKFIELD, WI 53005 AND RECOMMENDATION TO COUNCIL OF THE SAME. B. LEONARD SECONDED THE MOTION.** MAYOR MCALEER CLARIFIED THIS MOTION INCLUDED A RECOMMENDATION TO COUNCIL. D. CURTIS COSTA STATED THE ISSUES OF DENSITY, ACCESS ONTO NASHOTAH ROAD AND ALL THE HARD WORK PUT INTO SMART GROWTH MADE HER THINK THIS WAS IN THE CITY'S BEST INTEREST.

M. FREDE QUESTIONED THE APPROPRIATE LEVEL OF DENSITY FOR THIS SITE. MAYOR MC ALEER STATED THAT WOULD BE A DISCUSSION TO BE HAD WHEN DISCUSSION CHAPTER 7 LAND USE IN THE SMART GROWTH DOCUMENT. M. FREDE QUESTIONED WHETHER SOME INFORMATION SHOULD BE PROVIDED TO THE DEVLOPER AS TIME AND MONEY HAD BEEN WASTED TO THIS POINT AS THEY HAD BEEN MOVING ALONG UNDER THE UNDERSTANDING THAT THE COMMISSION WOULD SUPPORT THIS AND IT SEEMED AS IF EVERYTHING WAS BEING CHANGED NOW. D. CURTIS COSTA STATED THE PROPERTY WAS ZONED AGRICULTURAL. R. DUPLER STATED THE APPLICANT HAD BEEN BEFORE THE COMMISSION THREE OR FOUR TIMES WITH A CONCEPT PLAN THAT HAD BEEN MOVED ALONG BY THE COMMISSION. DISCUSSION ENSUED REGARDING WHETHER THIS MATTER HAD BEEN MOVED ALONG BY THE COMMISSION. M. FREDE STATED HE HAD BEEN A MEMBER OF THE COMMISSION FOR TWO YEARS AND IN THAT TIME WHEN THE APPLICANT HAD APPEARED, THEY WERE NEVER TOLD THEY NEEDED TO HAVE ACCESS TO HIGHWAY P OR SHOULD PLAN FOR THAT AS IT HAD ALWAYS BEEN CLEAR TO HIM THAT ACCESS TO HIGHWAY P WAS NOT A POSSIBILITY. IT SEEMED TO HIM THAT THE COMMISISON HAD BEEN TRYING TO WORK WITH THE DEVLEOPER IN THIS MATTER IN THE PAST, AND IF THAT WAS GOING TO CHANGE NOW, SOME DIRECTION SHOULD BE PROVIDED TO THEM, AND HE THOUGHT THE REPUTATION OF THE COMMISSION WAS AT STAKE.

MAYOR MC ALEER STATED HE HAD BEEN CLEAR SINCE HIS CAMPAIGN FOR MAYOR THAT HE WAS AGAINST BLENDING

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DENSITIES ON THIS PARTICULAR PROPERTY AND HE WAS CONSISTENT WITH HIS STANCE FROM THE LAST YEAR ON THIS ISSUE. HE STATED HE WAS AGAINST BLENDING DENSITIES WHERE IT WAS CREATED, WHAT SHOULD BE RE-2, AND A DENSER SITUATION WAS CREATED. M. FREDE QUESTIONED WHAT WOULD BE ACCEPTABLE. MAYOR MC ALEER REITERATED THAT DISCUSSION SHOULD TAKE PLACE WHEN GOING THROUGH SMART GROWTH. THE COMMENTS HEARD REGARDING FINISHING SMART GROWTH WERE LEGITIMATE AND THAT SHOULD BE THE PROCESS RATHER THAN DEFINE IT AT THIS TIME. L. CHAPMAN QUESTIONED THE DENSITY OF THE LOTS. R. BRUCE STATED THE DENSITIES AVERAGED ONE LOT FOR EVERY 1.2 ACRES. L. CHAPMAN CONFIRMED IT WAS ZONED AGRICULTURAL AND WAS SHOWN IN THE CURRENT PLAN AS POSSIBLY BEING RESIDENTIAL. MAYOR MC ALEER STATED THE KNOFF PROPERTY WAS DESIGNATED AS 2 ACRE RURAL ESTATE ON THAT 140 ACRES. B. LEONARD STATED IT HAD TO BE CONSIDERED THAT 1.2 ACRES WOULD BE VERY MISLEADING AS THERE WAS A LOT OF OPEN AREAS THAT WAS NOT BEING DEVELOPED THAT WAS FACTORED INTO THAT NUMBER. THE ACTUAL LOT SIZES WERE NOT GOING TO BE 1.2 ACRES. B. LEONARD NOTED THAT COMPATIBILITY WITH SURROUNDING SUBDIVISIONS WAS ALSO ANOTHER FACTOR TO BE CONSIDERED. L. CHAPMAN NOTED IF THEY CAME IN AT 2 ACRES THERE WOULD BE MORE TO DISCUSS THAN 1.2 ACRES IN THIS MATTER.

M. FREDE QUESTIONED THE HISTORY ON HOW HIGH DENSITY WAS PLANNED FOR THAT LOCATION. K. FITZGERALD EXPLAINED IT WAS MEDIUM DENSITY AND IT WAS BASED ON THE 1991 PLAN'S "SEWER AGREEMENT." BASED ON A PRE-EXISTING SEWER AGREEMENT, K. FITZGERALD EXPLAINED, THEY WOULD GET MEDIUM DENSITY RESIDENTIAL DEVELOPMENT ON THAT PROPERTY. MAYOR MC ALEER CLARIFIED THAT THE AGREEMENT NEVER STATED THAT WOULD BE THE CASE. A LETTER IN 1987 GRANTED EASEMENT FOR A SEWER LINE AND THEN IN 1991 A LETTER FROM FRED WELCH SAID THAT THERE WAS A CAPACITY FOR 195, NOW THE ARGUMENT WAS MADE IN 1991 WHEN THE MASTER PLAN WAS DONE THAT THAT MEANT THERE WAS A GUARANTEE OF 195 UNITS. THAT STATEMENT WAS MADE AND THE PLAN COMMISSION VOTED TO APPROVE THAT AS MEDIUM DENSITY IN 1991 AS PART OF THE MASTER PLAN. M. FREDE CLARIFIED THAT IT WAS ZONED AGRICULTURAL.

B. LEONARD STATED SHE BELIEVED WHAT WAS IN EFFECT WAS THE NORTHWEST QUADRANT PLAN BECAUSE THE CITY ADOPTED THIS PLAN AS AN UPDATE TO THE 1991 COMPREHENSIVE PLAN. MAYOR MC ALEER STATED HE THOUGHT IT WAS INVALID BECAUSE IT WAS ADOPTED WITHOUT A PUBLIC HEARING. B. LEONARD STATED IT STILL REQUIRED THE CITY TO HAVE CIRCULATION OUT TO HIGHWAY

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P AND DID NOT SHOW THIS AS HAVING HIGH DENSITY RESIDENTIAL AND SHUTTLING TRAFFIC DOWN TO NASHOTAH ROAD.

B. BINKOWSKI STATED ACCESS TO HIGHWAY P WAS NEVER AN ISSUE. IT WAS NOT MENTIONED AT ANY OF THE MEETINGS WHEN HE WAS PRESENT. FURTHERMORE, THE GOVERNMENTAL AGENCY THAT IT SHOULD SERVE WOULD NOW NOT GIVE APPROVAL TO DO IT. MAYOR MC ALEER STATED THERE MUST HAVE BEEN AN IDEA AS MR. BINKOWSKI HAD PURCHASED THE STRIP. B. BINKOWSKI AFFIRMED THAT THAT PURCHASE WAS MADE, BUT IT WAS NOT A CONDITION OF ANY LAND USE PLAN. B. LEONARD STATED IT WAS PLACED THERE ON THE CONCEPT PLAN AND SHE THOUGHT B. BINKOWSKI SHOULD HAVE REQUIRED THE CITY TO REMOVE THE ARROW AT THAT TIME. MAYOR MC ALEER NOTED THERE WERE SEVERAL THINGS THAT SHOULD HAVE BEEN DONE. **THERE WAS NO FURTHER DISCUSSION. FOUR WERE IN FAVOR. M. FREDE VOTED NAY.**

- c. **DELIC 0743.999.003, OWNER: WILLIAM & BARBARA KNOFF, 345 NASHOTAH RD., NASHOTAH, WI 53058. APPLICANT: MLG DEVELOPMENT. 13400 BISHOP'S LANE, STE 100, BROOKFIELD, WI 53005. APPLICANT SEEKS APPROVAL OF A CONDITIONAL REZONE IN COMPLIANCE WITH THE CITY OF DELAFIELD COMPREHENSIVE LAND USE PLAN,A-1 TO RE-2 (2 ACRE RURAL ESTATE).**

See the above motion.

5. PLANS OF OPERATION, SIGNAGE AND SITE PLAN

None.

6. PRELIMINARY

There were no preliminary items for consideration this evening.

7. ZONING AND ORDINANCE REVISION

- a. DISCUSSION AND ACTION TO ADOPT ORDINANCE NO. 603, AN ORDINANCE REPEALING AND RECREATING SECTIONS 17.14, 17.30, 17.65, 17.66, 17.67, 17.68, 17.69 17.73 AND 17.88 OF CHAPTER 17 OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME.

**B. LEONARD MOTIONED TO APPROVE THE ADOPTION OF ORDINANCE NO. 603, AN ORDINANCE REPEALING AND RECREATING SECTIONS 17.14, 17.30, 17.65, 17.66, 17.67, 17.68,**

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**17.69 17.73 AND 17.88 OF CHAPTER 17 OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. D. CURTIS COSTA SECONDED THE MOTION.**

**NO ACTION WAS TAKEN ON THE MOTION.**

K. Fitzgerald questioned the need for making changes to the City code when things could potentially be changed in the next 60 days with regard to the Smart Growth planning process.

T. Schuenke explained with regard to Section 17.69 of the ordinance that he had been asked by Staff to enforce the sign ordinance for a local business with a sign hanging securely above the sidewalk at a height of ten feet not ten as shown in some copies of the draft ordinance.

Discussion ensued regarding the need to remove the sign or allow it to remain at its current height. Discussion also ensued regarding the actual wording in the ordinance proposed and related safety issues associated with leaving the sign at its current height. G. Gresch confirmed the height listed in the proposed ordinance was listed at 8 feet.

**K. FITZGERALD MOTIONED TO APPROVE THE ADOPTION OF ORDINANCE NO. 603, AN ORDINANCE REPEALING AND RECREATING SECTIONS 17.14, 17.30, 17.65, 17.66, 17.67, 17.68, 17.69 17.73 AND 17.88 OF CHAPTER 17 OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

8. HEARING DATES

G. Gresch noted there were no new hearing dates required to be scheduled at this time.

9. ADMINISTRATOR'S REPORT

a. PRESENTATION BY ANGELA CURTES, MID-KETTLE MORaine PARTNERS GROUP, PROTECTING THE MID-KETTLE MORaine.

Angela Curtes, co-chair of Mid Kettle Moraine Partners Group, explained the group was simply a coalition for representatives of city officials, public and private individuals, farm groups, etc., whose main purpose was to inform and educate others on the Mid Kettle Moraine Partners Group and the Mid Kettle area and to request this area be acknowledged in the community and when planning for the future.

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She then shared a presentation of the Mid Kettle Moraine area, noting it included a 40 mile gap of unprotected kettle areas between Waukesha and Washington counties. She then noted the crucial aspects of the area and noted the Wisconsin DNR (Department of Natural Resources) had given the area high priority in planning.

A. Curtes thanked the Commission for its attention to this matter and noted the Common Council had passed a resolution on this matter previously; however, there was no record of it and thus, she wanted to renew communication and requested another resolution be passed in support of joining the group.

Mayor McAleer stated this item would be placed on the next Common Council meeting agenda for consideration.

Without objection, Mayor McAleer moved to Item 9C at the request of R. Dupler.

b. DISCUSSION OF SMART GROWTH SURVEY RESULTS.

R. Dupler explained the Smart Growth survey results yielded an overwhelming majority that recommended that agricultural land should be part of the long range goals. He also noted survey results indicated support for clustering of homes as well and was somewhat in conflict with the next question's results where people also wanted open spaces preserved for private ownership

Further Smart Growth discussions would continue at the next Plan Commission meeting due to the lateness of the hour. R. Dupler stated he would modify the maps to be utilized in Chapter 7 at the request of K. Fitzgerald.

c. DISCUSSION AND ACTION ON FINAL DRAFT OF CHAPTER 5 - HOUSING.

R. Dupler noted changes had been noted and the text modified as requested at previous Commission meetings. He noted technical difficulties had been suffered in the distribution of the charts and maps associated with this Chapter. He shared a map and Table 5-21 for additional discussion.

Discussion ensued regarding possible opportunities for housing growth within the City and related impacts to density as shared in the map presented. R. Dupler also noted the information presented in Table 5-21 anticipated potential development with a range of high to low densities

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depicted. He noted this information excluded those that had single family designations with the possibility to subdivide into four lots or less.

Further discussion ensued regarding subdivisions that had been excluded in the table. K. Fitzgerald requested additional maps be provided for the other column headings in Table 5-21 for clarification purposes. R. Dupler noted it was the charge of this group to look at other options for residential development and the anticipate increasing density within the City.

B. Leonard stated she attended recent planning seminars that included a philosophy of “backcasting” that suggested the use of setting a City’s vision of where it wanted to be with regard to future planning endeavors and then working backward to provide structures that would ultimately lead to future growth as planned.

R. Dupler stated the goal of the Smart Growth deadline should be viewed as a beginning point for the process rather than the end of the project related to future planning.

R. Dupler also explained that if the Commission desired changing the land use within the City to reintroduce agricultural land by reducing the ability to increase density in those agricultural areas, then the Implementation Chapter should include modification of this information again to reflect that direction.

Without objection, Mayor McAleer moved to Item 9b on the Agenda at the request of R. Dupler.

d. DISCUSSION AND ACTION ON FINAL DRAFT OF CHAPTER 7 – LAND USE.

Given the lateness of the hour, this item would be discussed at a future Plan Commission meeting.

e. DISCUSSION AND ACTION ON FINAL DRAFT OF CHAPTER 9 – INTERGOVERNMENTAL COOPERATION.

Given the lateness of the hour, this item would be discussed at a future Plan Commission meeting.

10. BUILDING INSPECTOR’S REPORT

In the absence of T. Maney, G. Gresch stated the total number of permits to date were 14, plus 1 occupancy permit. There were no permits for new single family homes this month.

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11. BOARD OF ZONING APPEALS

G. Gresch noted there had not been a meeting of the Board of Zoning Appeals since the most recent Plan Commission meeting, thus there was nothing to report at this time.

12. CORRESPONDENCE

A. LETTER FROM ATTORNEY HAMMES REGARDING THE COLONIES OF DELAFIELD DEVELOPMENT.

This item was noted on the Agenda but was not discussed.

13. ADJOURNMENT

**B. LEONARD MOTIONED TO ADJOURN THE JANUARY 28, 2009, PLAN COMMISSION MEETING AT 10:57 P.M. D. CURTIS COSTA SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.**

Minutes prepared by:

Accurate Business Communications, Inc.