

CITY OF DELAFIELD PLAN COMMISSION MINUTES

PUBLIC HEARINGS

1. CONSIDERATION OF CONDITIONAL USE FOR A SELF-STORAGE FACILITY AT THE CUSHING PARK BUSINESS CENTER AND CONSOLIDATION INTO ONE PARCEL VIA CERTIFIED SURVEY MAP.

There were no comments.

T. AUL MOTIONED TO CLOSE THE PUBLIC HEARING. K. STREGE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE PUBLIC HEARING CLOSED AT 7:13 P.M.

2. CONSIDERATION OF AMENDMENT TO THE EXISTING CONDITIONAL USE FOR 415 GENESEE STREET TO ALLOW FOR THE OPERATION OF PHYSICAL THERAPY SERVICES FOR THE FITNESS CENTER.

There were no comments.

T. AUL MOTIONED TO CLOSE THE PUBLIC HEARING. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE PUBLIC HEARING CLOSED AT 7:15 P.M.

3. CONSIDERATION OF A ZONING TEXT AMENDMENT 17.42 OF THE MUNICIPAL CODE CONDITIONAL USE REVIEW, DETERMINATION, APPROVAL AND AMENDMENTS.

Linda Holton, 485 Lillian Court – Objected to the amendment because she felt it was more than a text change and that it was a modification of the existing zoning code. She questioned the reasoning and timing of the ordinance. She discussed her understanding of the present code and proposed amendment. She felt that the justification for this amendment was for the sake of convenience, to speed up the process of petitions, and to lessen the number of public hearings. At a previous meeting she did not recall any discussion taking place on the integrity or intent of the existing code. R. Dupler explained that the intent of this is to allow the City's own citizenry who operate under a conditional use to come back to the Plan Commission with a more streamlined resolution to their issues; they are typically projects that have pre-existing approvals and the petitioners are asking for minor modifications. Mayor Schuman stated that there was no pressure brought by anyone about to appear before this body for this particular item. This item has been reviewed by the City Attorney. L. Holton asked how this would affect public and future conditional use permits that will be applied for and approved. She requested that to prevent future complaints, resentment, and distrust, the City should involve the

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public more and not less. It was her feeling that this amendment did not allow for that. She requested a definition of what a "minor change" would be.

Mayor Schuman asked if there were any other citizens who wished to comment on this item. There were none.

T. AUL MOTIONED TO CLOSE THE PUBLIC HEARING. K. STREGE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE PUBLIC HEARING CLOSED AT 7:26 P.M.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

Mayor Phil Schuman
Thomas Aul
Christopher Smith
Chrys Mursky
Roger Dupler
Tom Maney
Matt Carlson (entered at 8:05 p.m.)
Marilyn Czubkowski

Absent

Ron Miskelley
Dick Kuchler

1. APPROVE PLAN COMMISSION MEETING MINUTES OF MAY 31, 2006 MEETING

T. AUL MOTIONED TO APPROVE THE MAY 31, 2006 MINUTES. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

Without objection, Mayor Schuman changed the order of the agenda to Item 3, Item 6e, Item 2 in regards to Item 6e, and then Item 2 again for all other items.

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

Comments by Citizens regarding items on the agenda regarding Item 5e:

Robert Coon, 498 S. Lapham Pike Rd. – Compared the development to a strip mine. Was concerned about older malls and the risk associated with. Questioned the tax advantage of having condominiums. The Plan Commission

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needs to envision the area 35 years from now. He was not in favor of this project. This would not preserve the natural beauty.

Brad Hoffman, 498 Lillian Court – Has lived in his home since 1993. He attended the private viewing of the project, thought that it was absurd, and felt that it was an anti-life style complex. It would negatively affect the quality of life present now. Many of their friends and neighbors were attracted to the area because of the charm, tranquility, quietness, natural beauty, and lack of congestion. Felt that many adverse consequences would take place because of this project and asked for consideration of: economic interest of the few versus the quality of life of the many; the necessary significant deviations that will be required from the City's Comprehensive Master Plan; and the very dangerous precedent that would be set for future development projects in the community if indulgences and zoning changes are enacted for this project. Strongly encouraged the Plan Commission members to carefully consider this project and understand the adverse consequences on the entire existing resident population of Delafield from its adoption. He also asked to preserve the tranquil quintessential nature of the community that makes this area special.

Gerry Holton, 485 Lillian Court – Was present on behalf of an organization formed to communicate the serious concerns that Delafield residents have with this project, Conserving a Rural Environment (CARE for Lake Country) has been formed. They oppose this project. A plan of this magnitude has no place in the area that it is proposed. Felt that there was no public necessity for this project, and the general welfare will not be harmed if this did not proceed. He asked that the Master Plan not be altered to accommodate this request. Asked for denial of the rezoning or other action which would permit this to alter their life styles. Would like communication from the Plan Commission and City Staff on the scheduled approach that will be taken on this proposed development. Would like all project details, the scheduling of multiple public hearings, and the allowance of sufficient time for public comment on the proposal. Asked the Plan Commission to identify at the outset all direct and indirect public subsidies that this project will require including the impact this will have on the City, school district, Del-Hart, and other entities to include infrastructure costs (roads, sewer, water, and related environmental impacts). Urged consideration of outside consulting services to assess these impacts. The residents want to be involved in the process.

Lynda Holton, 485 Lillian Court – A development of this magnitude is dramatic and has potential to dramatically impact the use of the City's infrastructure and will have a result on property taxes. Del-Hart presently does not service this area. She asked what the cost would be to increase the sewer capacity required to serve this development. How will this affect other developments that may occur in the City? She discussed the necessary wells and the aquifer's level, and the capacity of the fire department. She was concerned about the lanes by the parking area. She asked for an increase in the studies.

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Dan Wiley, 493 Lillian Court – Moved here from West Allis 10 years ago for the country, lakes, rural environment, and the quality of life. The Master Plan is a promise to the citizens of Delafield and quoted from page 36. He asked if the proposal would meet the general practices of zoning as stipulated in the City of Delafield's Master Plan. He strongly opposed this development and asked the Plan Commission to stop this plan from moving forward.

Marty Wiley, 493 Lillian Court – They chose to live here, Mr. Lang did not. Some of the Lang projects are beneficial, but none bore the threat of devastating the landscape and destroying the balance of the ecosystem. This development will have significant impact on Delafield's environment. The proximity to Lapham State Park is an additional concern. Asked the City to get all of the answers before proceeding.

Julie Duwe, S445 Indian Spring Dr. – Stated that this was not an expansion of downtown Delafield. Her thought of Delafield included quiet rural neighborhoods, not condominiums and townhomes stacked closely together. When she thought of Delafield's shops, she thought of independent, locally owned stores; not national retail chain stores. When she thought of Delafield streets, she thought of scenic roads; not congested, busy highways. This development does not make sense at this location. This proposal does not represent the Delafield described in the Master Plan. She asked the Plan Commission to listen to the residents. This development was not compatible with neighboring land uses.

Scott Esser, 1646 Brookside Court – Was opposed to the plan. The current zoning and Master Plan are reasonable and work well with the area. He asked to consider the reasons why people live in Delafield. Asked not to cave into the developer and maintain the existing zoning. He did not feel that this would not be an appropriate use for TIF funds.

Greg Wolfe, S545 Indian Spring Drive – Was very opposed to the project. This is not something that the community wants. Hoped that the Commission and everyone involved in the decision making process had the families, taxpayers of Delafield, and the children in mind.

Amy Flynn, S545 Indian Spring Drive – Moved to Delafield in hopes of living in a rural community to raise her children and to have a safe community. Asked to think about the excitement you get from a shopping center versus the excitement she has from waking up to see turkeys in her yard, a doe feeding her two fawns, and being able to show her children that.

Laura Schult, 935 Bahr Rd. – Has lived here for 33 years. Reviewed the development of the present Master Plan. This area was zoned to not have a negative impact on what was viewed as a sensitive area. Felt that Mr. Lang had a right to develop his land in accordance with the current set zoning. Asked what the use of zoning and a Master Plan is if it is not adhered to. She felt that this was a bad fit for the property.

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John Kircher, 946 Bahr Rd. – Discussed the process he had to go through for approval of building a garage on his property. He needed his neighbors' approval to do this. He wanted to make sure that approvals are granted again with the neighbors' agreement. He had pictures of land bordering the properties Lang is buying with water standing.

Bill Wischer, S231 Lapham Peak Road – Is an adjacent landowner to the proposed project and has lived here since 1950. He stated that there is going to be some sort of development here, however development on the south side of I94 was to be country estates with 2 acre minimums. His home, adjacent to this development, has a 3 acre minimum. His density is 1/3 family per acre. This proposal is 10-12 families per acre excluding commercial development. There is a disconnect here. This development will cause land values to be in outer space. If this happens, he will not be able to afford to live here. He questioned a minimum density next to his 3 acre minimum and what recourse he would have. There is no buffer zone between the development and his property. He was concerned about access to Indian Spring Drive. The adjacent landowners would be negatively impacted by this development.

Nicholas Cera, 929 Bahr Road – He stated that Mr. Lang stated that everyone wants to live in a dense setting. If this project gets approval, the dense setting will be placed upon them and they will be living in a dense setting against their will. He felt that the proposal would not be “as good as it gets”. He felt that the plan was not well developed. He discussed the probability of changing the zoning on his property and putting a dense development on it. If this project gets approval, he would expect everyone present who lives on any property to try to get the same benefit that Mr. Lang has.

Comments by Citizens regarding items on the agenda, but not regarding Item 5e:

Karbassi Hassan, 461 Garner Ridge – Has a business on 111 Enterprise Road. He discussed the building on the agenda (Item 4b) that would be for mini-storage across from his building. He was concerned about the traffic in the area and the fact that it would most likely be from outside of the city. His business develops high tech equipment. The buildings coming in are negatively affecting his business. He would like to see a higher quality building and was not pleased about the type of businesses that were coming in. He told by then Mayor McAleer that no one would ever build a metal building in Delafield.

Mayor Schuman asked three times if there were any other citizens who wished to speak. There were none.

T. AUL MOTIONED TO CLOSE CITIZENS COMMENTS. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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3. CONSENT AGENDA

C. Mursky requested to remove Item 3a.

T. Aul recused himself on these items because he owns one of the properties.

C. MURSKY MOTIONED TO APPROVE ITEMS 3B, 3C, 3D, AND 3E. C. SMITH SECONDED THE MOTION. C. MURSKY STATED THAT SHE WOULD LIKE ANY COMMENTS MADE BY THE CITY PLANNER BE INCLUDED IN THE CONDITIONS OF THE MOTION. K. STREGE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- a. **TAX KEY 7998.056, 810 MAIN STREET, DELAFIELD.** APPLICANT: KAETHE DAHMEN. APPLICANT SEEKS APPROVAL OF FENCING FOR SCREENING PURPOSES.

C. Mursky stated that originally the property was approved with landscaping requirements for screening. She would like to see this provision of the approval be implemented. In addition, she asked about the fencing materials being made of vinyl. R. Dupler stated that they should be wood and that the Petitioner should be notified of such.

C. MURSKY MOTIONED TO APPROVE WITH THE CONTINGENCY THAT THE CONDITIONS FOR LANDSCAPING BE IMPLEMENTED ON THE LANG PROPERTY AND THAT THE MATERIALS FOR THE SCREENING BE OF NATURAL MATERIALS. K. STREGE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **TAX KEY 733.993.002, 4615 VETTELSON ROAD, HARTLAND.** APPLICANT: JAMES JENDUSA. APPLICANT SEEKS APPROVAL OF AN AMENDED BUSINESS PLAN OF OPERATION FOR JENDUSA DEVELOPMENT. HOURS OF OPERATION ARE WEEKDAYS, 7:00 A.M. – 5:00 P.M.

Approved.

- c. **TAX KEY 798.013, 700 N. GENESEE STREET, A, DELAFIELD.** APPLICANT: TOM PEDRIANA. OWNER: RICK LIEBLANG. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR TOM & JORI'S GEMS ON GENESEE. HOURS OF OPERATION ARE WEEKDAYS, 9:00 A.M. – 9:00 P.M.; SATURDAY, 9:00 A.M. – 7:00 P.M.; SUNDAY, 9:00 A.M. – 5:00 P.M.

Approved.

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- d. **TAX KEY 792.055, 817 GENESEE STREET, B, DELAFIELD.**
APPLICANT: SUE CALDWELL. APPLICANT SEEKS APPROVAL OF
SIGNAGE FOR DAILY SKIN THERAPY.

Approved.

- e. APPLICANT KEVIN CRARY SEEKS FINAL APPROVAL OF AN
EXTRATERRITORIAL CSM FOR WATERVILLE COMMONS LOCATED IN
THE TOWN OF SUMMIT

Approved.

4. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVALS

- a. APPROVAL OF ZONING TEXT AMENDMENT REGARDING A MINOR
CHANGE TO A CONDITIONAL USE PERMIT

R. Dupler stated that the intent was to modify the ordinance to allow the Plan Commission to make determinations of minor versus major, unique to conditional uses. He addressed notification and stated that this could be considered procedurally. M. Carlson stated that staff would be more comfortable leaving the percentage or determination up to the Plan Commission on a case-by-case basis. The issues that have been brought to the City's attention for minor changes for conditional uses include things like converting a doorway to a window. They represent what the reasonable person would consider a minor change. T. Aul asked if there was some way to quantify what is minor and what is major. T. Maney did not think there was a way that you could put a percentage or dollar figure on that. This would have to be determined on a case-by-case basis. R. Dupler stated that a major change is one that causes the City to reanalyze the tenants of the original agreement. T. Aul agreed with this. C. Mursky stated that rather than defining minor, perhaps defining a major change would be easier to articulate. She stated if it "materially affects the intended design of the project and the impact of the project on neighboring uses" would be automatically major. M. Carlson said that this is a compromise to allow the same methodology to be used on a residential planned unit development to be applied to other conditional uses and gives the Plan Commission the latitude to determine if it is a minor change. If the Council disagrees they can send it back through the whole process, but it gives the element of making a determination based on community standards if the Plan Commission agrees if it is a major change or a minor change. C. Mursky asked if the wording in 5a and 5c could be changed to state "if it calls into question the original tenants of the agreement" instead of "intended design of the project". M. Carlson understood that the same language that was in the residential PUD section would apply it to this area.

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T. AUL MOTIONED TO RECOMMEND TO THE CITY COUNCIL AN AMENDMENT TO THE ZONING TEXT TO ALLOW THE PLAN COMMISSION TO DETERMINE THE COMPLEXITY OF THE PROPOSED CHANGE TO A CONDITIONAL USE AND RECOMMEND CONSIDERATION OF MAJOR OR MINOR AMENDMENTS TO THE CITY COUNCIL WHICH MINOR AMENDMENTS DO NOT MATERIALLY AFFECT THE INTENDED DESIGN OF THE PROJECT AND IMPACT OF THE PROJECT ON NEIGHBORING USES. C. MURSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **TAX KEY 794.015 AND 794.016, LOT 3 & 4, CUSHING PARK BUSINESS CENTER, DELAFIELD. APPLICANT: OLIVER CONSTRUCTION. OWNER: PATRICK JOHNSON. APPLICANT SEEKS RECOMMENDATION OF CONDITIONAL USE PERMIT TO COMMON COUNCIL.**

The representative stated that the proposed storage facility is considering 200-300 units. Research took place on a traffic study and it found that there would be approximately 8 cars/day/100 units. He thought that there might be 16-24 cars per day. This was low compared to other businesses with employees, etc. In regards to the building materials, he was proposing the use of split-face decorative block and brick banding around the perimeter of the facility and heavily screening in the front of the facility. He discussed the changes that they made in elevations. T. Aul's addressed security issues and the impact this facility may have on the City's police department. The quality of the neighborhood was an issue. The representative had researched security – for emergency access a key code system would be used to open the gates and security cameras would be used for monitoring the facility. At other facilities, the police usually drive by and if something suspicious is observed, they have access to enter. T. Aul questioned that if the facility was the type that needed security cameras, whether it was compatible with the neighborhood. C. Mursky addressed adaptable usability and did not think that there was a significant use for this if not used for storage. The representative stated that it may be temporary enough to just bulldoze it down and put something else there. C. Mursky asked if it was that disposable, if this is something that the City wants to approve a conditional use for. She recalled a discussion with the developer of this area regarding no metal structures. R. Dupler stated that it is in the covenants restrictions unique to the park. It specifically identifies by lot number the lots that are not allowed to have metal siding. These lots (3&4) are identified for no metal siding. The building would need to be all masonry. It was also felt that the quality of the landscape screening was hard to determine as drawn.

R. Dupler stated that what was on the agenda was action regarding the conditional use and not the site plan or building. T. Maney stated that

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during the staff meeting with the petitioner it was expressed that the biggest issues would be use and architecture. C. Mursky did not feel that the use was a good choice for this area. C. Smith agreed. M. Carlson stated that the Plan Commission needed to render a decision within 90 days of the public hearing.

C. MURSKY MOTIONED TO DENY. C. SMITH SECONDED THE MOTION. T. MANEY STATED THAT THE REPRESENTATIVE COULD STILL GO TO THE COUNCIL AND MAKE A PRESENTATIVE. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. APPROVAL OF AMENDMENT TO THE EXISTING CONDITIONAL USE PERMIT FOR 415 GENESEE STREET TO ALLOW FOR THE OPERATION OF PHYSICAL THERAPY SERVICES FOR THE FITNESS CENTER.

T. AUL MOTIONED TO APPROVE AND RECOMMEND THIS TO THE COUNCIL. C. SMITH SECONDED THE MOTION. C. MURSKY MADE A FRIENDLY AMENDMENT STATING THAT THIS BE CONTINGENT UPON THE REMOVAL OF THE TEMPORARY SIGN. T. AUL AND C. SMITH AGREED WITH THE AMENDMENT TO THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

5. PLANS OF OPERATION, SIGNAGE AND SITE PLAN

- a. **TAX KEY 798.005, 523 MILWAUKEE STREET, DELAFIELD.**
APPLICANT: MELINDA A. GINTERT. APPLICANT SEEKS APPROVAL OF AN AMENDED BUSINESS PLAN OF OPERATION FOR MILWAUKEE STREET TRADERS. HOURS OF OPERATION ARE MONDAY-THURSDAY, 6:00 A.M. 8:00 P.M.; FRIDAY AND SATURDAY, 6:00 A.M. – 10:00 P. M. WITH 18 PART-TIME EMPLOYEES. ADDING BEER AND WINE TO THE MENU.

R. Dupler stated that this is to modify the existing Business Plan of Operation and was asking for consideration of a liquor license. The Petitioner is being asked to illustrate a willingness to comply with all the applicable statutes regarding youth in an alcohol-serving establishment. He recommended approval.

David Smith, Director of the Trust that purchased the business, was present at the meeting. Their concern is expansion in the city. They are not looking to serve alcohol on a daily basis or to the general public at this time, but would like to use this for business meetings and catering events that are held in the back room of the establishment. He discussed different possibilities of serving alcohol in the whole establishment at some time in the future.

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It was stated that it was the Petitioner's responsibility to abide by the State Statutes. It is not the job of the City of Delafield to police it. T. Aul thought that this business was good for the City and understood their need to be more viable.

T. AUL MOTIONED TO APPROVE THE AMENDMENT TO THE BUSINESS PLAN TO ALLOW THEM TO HAVE A CLASS B BEER AND CLASS C WINE. K. STREGE SECONDED THE MOTION. C. MURSKY EXPRESSED CONCERN REGARDING TEENS ON THE PREMISES WITH ALCOHOL ON THE PREMISES. T. AUL STATED THAT THE ESTABLISHMENT WOULD NEED TO COME UP WITH A PLAN IF THEY SHOULD DECIDE TO SERVE ALCOHOL IN THE MAIN AREA. T. AUL CALLED FOR THE QUESTION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **TAX KEY 807.987.005, 3558 HILLSIDE DRIVE, DELAFIELD.**
APPLICANT: BEN MILLER. APPLICANT SEEKS APPROVAL OF SIGNAGE FOR BENNY'S SEAFOOD.

Applicant B. Miller shared information with R. Dupler prior to his departure from the meeting. After learning about the recommendation for the reduction of the sign, B. Miller consented to resubmit documents illustrating 40.5 sf. R. Dupler stated that he has an allowable square area for the sign of 44 sf. With the consent to modify the signage, B. Miller asked to allow him to proceed and continue to coordinate with staff with the approval and submittal of that information.

T. AUL MOTIONED TO APPROVE BASED UPON COORDINATION WITH STAFF AND STAFF SATISFACTION THAT THE SIGNAGE FITS WITHIN THE MAXIMUM AVAILABLE REQUIREMENTS. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. **TAX KEY 792.055, 815 GENESEE STREET, A, DELAFIELD.**
APPLICANT: JORY PRADJINSKI, TRIAD CREATIVE GROUP. APPLICANT SEEKS APPROVAL OF SIGNAGE FOR ARRIVALS, A MATERNITY CLOTHING STORE.

T. Aul abstained from discussion on this item.

R. Dupler stated that the proposed sign meets the required criteria. This is an existing pendant sign and hangs on an arm on the front of the building. Color, font, and size are acceptable. The issue is that the existing arm extends into the ROW. He recommended to rectify the situation and approve the sign contingent on shortening the arm.

Jory Pradjinski was present at the meeting. He concurred with the shortening of the arm.

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C. MURSKY MOTIONED TO APPROVE WITH THE CONTINGENCY THAT THE SIGN ARM CONFORMS TO CITY ORDINANCES. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. THREE WERE IN FAVOR. T. AUL ABSTAINED. MOTION CARRIED.

- d. **TAX KEY 792.056, 807 GENESEE STREET, SUITES C & D, DELAFIELD.** APPLICANT: MARY CUNNINGHAM. OWNER: LANG INVESTMENTS. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION AND SIGNAGE FOR KNITCH, A RETAIL YARN STORE. HOURS OF OPERATION ARE WEEKDAYS, 10:00 A.M. – 7:00 P.M.; SATURDAY, 10:00 A.M. – 4:00 P.M.; SUNDAY, 12 – 4:00 P.M. WITH 5 PART-TIME EMPLOYEES.

R. Dupler stated that the color and font are compliant with the downtown district recommendations. Staff seeks compliance with the ordinance in regards to the flush mounted sign to be reduced to 12 sf. Recommended approval with the modification.

T. AUL MOTIONED TO APPROVE. K. STEGE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- e. **TAX KEY 798.966, 418 GENESEE STREET, DELAFIELD.** APPLICANT: WILL NOURSE, GRF SKIS. APPLICANT SEEKS APPROVAL OF THE TEMPORARY BUSINESS PLAN OF OPERATION FOR A SPECIAL EVENT ON SATURDAY, AUGUST 5, 2006 FROM 8:00 A.M. TO 11:00 P.M. TO BE LOCATED IN THE MUNICIPAL PARKING LOT/PAMELIA STREET.

R. Dupler reviewed. This would be an opportunity for GRF to demonstrate products. They asked for the use the municipal lot near the Fish Hatchery, but Staff recommended the municipal lot directly west of City Hall. He recommended approval and recommendation to the City Council.

Will Nourse was present at the meeting. They propose to demonstrate wakeboard skills. Live music and live video would take place during the event.

T. Aul abstained from discussion.

R. Dupler explained the rationale for having the location at the municipal lot west of City Hall. M. Carlson stated that the City could check with the Fire Department for assistance in obtaining water for the event. Set-up procedures were reviewed and would take place during the prior afternoon and evening. Tear down would take place the day following the event. Music would play from 5 p.m. – 9 p.m. Lighting for the event was discussed.

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C. Mursky asked what the policy was for charging an entrance fee when using City property. M. Carlson stated that there was not a policy. C. Mursky addressed the signage of the establishment. R. Dupler stated that the current sign that is affixed to the building complies with their sign program. There is an issue with temporary signs promoting particular products on the exterior of the building. C. Mursky also questioned whether there any applications for window signage, display of materials outside, and the sale/storage of trailers and boats.

C. MURSKY MOVED TO APPROVE THE EVENT ON THE CONDITION THAT THE PROPERTY IS BROUGHT INTO COMPLIANCE WITHIN 30 DAYS ON ALL ACCOUNTS. C. SMITH SECONDED THE MOTION. W. NOURSE WILL TRY TO CONTACT THE NEIGHBORS. M. CZUBKOWSKI WOULD LIKE THE CITY TO BE SUPPLIED WITH AN INSURANCE POLICY. C. MURSKY AMENDED HER MOTION TO REFLECT THAT THE NEIGHBOR BE NOTIFIED, THAT THE CITY WAS SUPPLIED WITH AN INSURANCE POLICY, AND THAT THE MUSIC ENDS AT 9 P.M. C. SMITH AGREED WITH THE AMENDMENT. THERE WAS NO FURTHER DISCUSSION. THREE WERE IN FAVOR. T. AUL ABSTAINED. MOTION CARRIED

6. PRELIMINARY

- a. **TAX KEY 790.999.011, VALLEY ROAD FARMS, PHASE II, DELAFIELD.** APPLICANT: ROBERT LOEPFE. APPLICANT SEEKS APPROVAL OF A PRELIMINARY PLAT FOR VALLEY ROAD FARMS, ADDITION II

R. Dupler reviewed. This property was originally developed as a PUD with 122 acres and was originally approved for 61 single family lots and was thereby compliant with the two acre density applicable to this property. This phase proposes 24 lots and increases the overall lot count to 65. He stated that R. Loepfe stated that this was not his intent. A revised plat was submitted this afternoon reflecting 61 lots. There are still issues that need to be resolved. This should go through the public hearing process because of the extreme modifications to the plan.

Discussion took place on a cul de sac that is proposed to extend to the property line allowing access to the potential subdivision to the north. Many of the lots in this area have been downsized to accommodate a detention area. R. Loepfe was present at the meeting and stated that the change to the cul de sac was the recommendation of Staff.

Discussion took place on whether this is a minor or a major change to the PUD.

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T. AUL MOTIONED TO APPROVE. C. SMITH SECONDED THE MOTION. M. CARLSON STATED THAT BECAUSE THE PROJECT WAS APPROVED AS A PUD AND A PRELIMINARY PLAT IS BEING PRESENTED, THE GDP IS BEING IMPLEMENTED BY USING A PLAT. THE SIP SAYS THAT A DETERMINATION MUST BE MADE THAT IS CONSISTENT WITH THE GDP. T. AUL CALLED THE QUESTION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **TAX KEY 798.966, 416 GENESEE STREET, DELAFIELD.** OWNER: TOM, AUL, 416 BUILDING, LLC. APPLICANT: JUSTIN WINSLOW. APPLICANT SEEKS APPROVAL OF A REVISED ARCHITECTURE PLAN FOR 416 BUILDING

T. Aul recused himself from this issue.

R. Dupler reviewed and stated that the intent of this proposal was to develop the existing parcel into a multi-tenant building allowing for architectural improvements and the creation of a parking lot in the adjacent property to the west. A part of the CBD2 district allows for parking requirements to be satisfied off-site. An agreement with Mr. Lang's company to use the neighboring property for the parking lot was negotiated and was part of the development. The development incorporated three stories of height to the building and all parking ratios were satisfied with that site plan. Petitioner would like consideration to allow this building to expand to four stories above grade. The City has an ordinance not to allow anything greater than three stories without consent of the Plan Commission and Council in form of Conditional Use. If the Plan Commission consented to a public hearing, consideration should be given not only for the height but also tie into modifications to the approved site plan. A full justification of parking ratios would be required. Petitioner stated that they have five additional parking spaces. The green space would stay and the FAR would stay under 50%. In conjunction with the lease of long term lease of the lands from Mr. Lang, the parking requirements put them in a situation where the existing retention would need to be covered.

C. Mursky had issues with the height of the building – it seemed to her that more and more buildings are not in compliance with ordinances. She felt that an undesirable precedent would be set by doing this. The Petitioner stated that the building would have sprinklers. There were no further comments from the Plan Commissioners. It was stated that the Petitioners had a right to a public hearing. The stormwater requirements were discussed. C. Mursky stated that if the major problem was the stormwater requirements, then perhaps the answer was in reducing the building size. The Commissioners were in agreement that there could be a public hearing. R. Dupler suggested that the Plan Commission would like to see a photo image of the existing streetscape. It was stated that the roofline of the proposed building would not exceed the height of the

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bank building next door which is currently at the 45 maximum. A public hearing will be scheduled.

- c. THE CITY OF DELAFIELD STAFF SEEKS DIRECTION IN RESPONSE TO PARK & RECREATION AND DEPARTMENT OF PUBLIC WORKS RECOMMENDATIONS FOR THE NORTHWEST QUADRANT STUDY

R. Dupler summarized that the City's Plan Commission and Council authorized an analysis of the northwest quadrant because of the perceived and real influence development pressures being placed in this quadrant. An analysis was done and was compared against the Master Plan, Comprehensive Plan, and the Park & Rec Five Year Plan to bring about a guideline/overlay to the Master Plan to allow response to pending development proposals. The study has gone through the Plan Commission, the public at two separate public information meetings outside of the Plan Commission meetings. The Park & Recreation Commission discussed the plan at their last meeting. The Public Works Committee discussed it three months ago and submitted their recommendations. The developer has submitted their concept plan. Information provided to the commissioners outlined where the study is today. There is one proposed layout that responds to all of the direction received to date.

C. Smith discussed Park & Recreation's comments. They strongly felt that some of the Binkowski/Knoff land should be deeded as a park to the city and should not all be private property for the public's use because over time people forget that it is public access. Also, a lot of the land for the park was wetland. Of the land dedicated for a park, some of it must be dry land that could be used for something. Park & Rec really liked connecting the trails through the area with an area to park. This would be considered a passive/neighborhood park.

T. Aul questioned the value of a passive park. Active parks are needed for youth. Places are needed for kids. He felt that this needed more evaluation. Accessibility to the park was discussed. R. Dupler stated the intent to link it to Sawyer Road was being proposed by the developer.

Public Works wanted to review roads.

R. Dupler stated that there was a potential for a water system. Mayor Schuman thought that the developer may want to explore possible sites for a well.

M. Carlson suggested that perhaps west of St. Joan of Arc School there is an area that might be a better location for park space. M. Czubkowski stated that if a park is not put in right away, there is a potential that people will not want it to change. She referenced Valleywood Farms and Copperfield parks.

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R. Dupler would like to know if in the Plan Commission's opinion it was better to have a dedicated park versus private ownership and if this is the proper location for this park.

T. Aul thought that it should be dedicated because the City needs to take responsibility to make sure that it is presented and cared for as a park. In addition, when there is a development such as this, more parks are necessary.

R. Dupler stated that from the above conversations, potential relocation of the park should be evaluated, modification of the Comprehensive Plan to illustrate that new location if deemed appropriate, that the park should be publicly dedicated, and that it should be designed as a regional park rather than a neighborhood park. C. Smith stated that in addition, there may still be a need for an active neighborhood park in the subdivision also (approximately six acres).

- d. **TAX KEY 577.980, 742.990, 743.999.003, EAST OF HWY P AND NORTH OF NASHOTAH ROAD.** APPLICANT: MLG DEVELOPMENT. OWNERS: BINKOWSKI AND KNOFF FAMILIES. APPLICANTS SEEK FEEDBACK OF A CONCEPTUAL PRESENTATION AND REQUEST FOR A GENERAL DEVELOPMENT PLAN FOR PUBLIC HEARING

R. Dupler stated that the Petitioner wanted consideration of a Concept Development Plan that would convert an existing farm to residential development with a range of lot sizes in the development. This development has more than one owner. The primary reason for this is that staff has been telling the developers that the City would require two points of egress in and out of the proposed subdivision. The Binkowski development proposal takes into account the density that is compliant with the recommendations of the Comprehensive Master Plan. The Knoff parcel is identified in the Comprehensive Plan as two acre density and what is being proposed is closer to one acre density. The development seems to comply with the recommendations of Staff. Staff would like to see wetland delineation and Primary Environmental Corridor (PEC) delineation. Other items in R. Dupler's memo dated June 23, 2006 requested to be submitted prior to the publication of a public hearing were: Preliminary storm water analysis, conceptual grading plan, conceptual landscape plan, draft conditional use permit, draft deed restrictions, draft storm water management agreement, draft developers agreement, and all items identified in 17.75-6.

T. Aul liked the way the development was laid out and the amounts of open space. He would like to see a neighborhood park. C. Smith suggested using the power easement for a trail going east-west, making sure that space is reserved for a trail going south also. As part of the development, it would include crushed limestone down to start the trail.

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Brett Heddy, Project Manager for MLG Development, spoke to the Plan Commission regarding the development. Total acreage is approximately 115 acres. They just had a wetland delineation completed on the section included in the development. Discussion took place on additional acreage for an "active" park. An active park requires six acres.

Andy Bruce, Executive Vice President of MLG Development, stated that they would like the opportunity to ponder the park issue. There are issues with active parks adjacent to residential lots. They would like to work with the City. He requested to have a public hearing to receive feedback.

Mayor Schuman requested information regarding a system that could be merged with city water prior to the public hearing. M. Carlson also requested a fiscal impact analysis specifically related to schools and the coverage ratio of taxes to the expected costs to educating children from this area. In regards to the utilities, they have asked MLG to conduct a site analysis for a municipal well that would provide water to the northwest side of Delafield and to come up with a methodology for apportioning those costs fairly. He was interested in what the absorption rate of these homes and the price point of these homes; a detailed analysis from the Teska Group that has more of an emphasis on the marketing component of the homes which would indicate the timing on when the schools should expect to see kids starting in classrooms. Discussion took place on the timing of the well site investigation. It was stated that the well site investigation could be put off until later but recognizing that something may have to be changed when the well site investigation takes place. M. Carlson stated that the park issue will require exploration.

- e. **TAX KEY 742.990, SE CORNER OF I-94 AND HWY C, DELAFIELD.**
APPLICANT: LANG INVESTMENTS/LAUTH PROPERTIES. APPLICANTS SEEK FEEDBACK ON CONCEPTUAL PRESENTATION AND REQUEST FOR A GENERAL DEVELOPMENT PLAN PUBLIC HEARING.

Mayor Schuman stated that this was a preliminary action and it was the first time that this item had come before the Plan Commission. They are asking for feedback and a request for a general development plan public hearing. Mayor Schuman stated that the public hearing would be located at a site capable of a larger capacity. He also described the process that would be taken. Discussions by citizen this evening would be limited to 2 minutes and only citizens of the City of Delafield would be allowed to speak.

Bob Lang was present at the meeting to present the concepts and ideas that they had for the property. Two meetings with the citizens were conducted by his firm to share the concept and they also met with the

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Chamber of Commerce. He gave a brief history of his business, what they have done, and how they think land should be used. A "lifestyle center" is a place where people have commerce, where people shop, where they work, and where they live. The plan is to use this principle. The concept is based on a grid system and has a mixed use of buildings. He defined density as the concentration of putting people together for the way that they want to live. He stated that their purpose tonight was to present the concept; to work with the City, the community, and the businesses. The plan would be an 87 acre plan. He felt that 20 acres could be created between Lapham Peak and the development. However, the site plan displayed was for 67 acres.

Rob Gerbitz was present at the meeting and distributed comparisons of other projects like this in the area. He reviewed the present zoning of the land. He introduced Larry Evenger from Lauth who described the Lauth Property Group. He stated that the proposal would not be just for shopping, but a place where people come together. There would be opportunities to work and live there. He described some of the potential uses. In addition to shopping, there would be restaurants, a playhouse theater, and hotel. Joe Downs of the Lauth Property Group discussed the elevations.

R. Dupler distributed a table that explained the options available under the existing zoning code. The property is currently broken into two zoning districts: B5 at the north end of the parcels (on the comprehensive plan it is identified for development as office on the north and 2 acre rural estate to the south). The 19.3 acres are already zoned B5. The actual yield allowable with the maximum FAR as it exists of .5 = 420,136 sf. The balance of the property is identified as rural residential. The balance of the area is 36 acres. With the two acre density, it would accommodate 18 home sites. The proposal offers 385. The bounds of the property is what was available through city mapping or the concept plan as presented with a total acreage of 56. The proposed plan offers 1,051,750 sf of combined commercial/retail floor area. In addition, there is a five-story hotel which by ordinance would be considered as commercial square footage. There is 110,100 sf associated with that building. There are four three-story parking garages with a FAR of 888,900 sf. The total non-residential floor area is 2,050,750 sf. This is 488% more than allowed with the current zoning and this is only for the non-residential square footage. Information is not available for an analysis of the residential portion. Mayor Schuman stated that for this, the zoning would have to be changed. The requirements that the City has if there was a public hearing were discussed and were included in the memo from R. Dupler dated June 23, 2006. He requested a plat of survey or title policy in order to determine exactly how much property there is. The B6 district requirements were reviewed.

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Mayor Schuman stated that if a public hearing was decided on, it would tentatively be at Cushing School for August 24, 2006.

After the presentation, Mayor Schuman stated that there is existing zoning and what is being proposed does not fit. Mr. Lang has the right to petition the elected officials to change the zoning and Master Plan and people have the right to object to that. This is a conceptual plan. He reviewed the process and activities that would take place.

K. Strege was concerned about the interchange and if it could handle the traffic from the development, the impact on the school, the impact that this would have on the park, and sewer considerations. M. Carlson stated that the B-5 portion of the property was within the sanitary sewer service area. The City has a policy to require all new development to be connected to sanitary sewer. For the parcels zoned A-1 now, an amendment would be sought to the sewer service area to require sewer service for this A-1 property.

C. Smith was very interested on the impact on Lapham Peak and would like to understand how this benefits the rest of the citizens of Delafield. Particularly, he asked how this development plans to connect to the park, other trails, and other things to be more incorporated into the City. He questioned how Pabst Farms would affect this. Fire Department needs, the impact on the schools, the impact to the adjacent land owners and compatibility with surrounding uses, and the affect of making a precedent of changing the zoning were other concerns that he had.

T. Aul stated that attention needed to be taken in regards to the citizens. Mr. Lang has made a tremendous contribution to the community over the years and this needs to be considered very carefully. This would make a major impact on the community. He stated that there are many preliminary considerations that must be responded to positively in ways that satisfy the concerns of the City and the neighbors. He asked how this will connect into the present downtown and the impact of such. He discussed the plans for rebuilding of I94 and the Highway C overpass and how this could work with this proposed development. The zoning of the property north of I94 and north of the cemetery up to the bank is currently residential; he was concerned that Delafield has a double personality, an east side and a west side and caution needed to be given so that a "south side" would not be created with this development. The architectural nature of the proposal does not match that in the downtown area (Georgian Colonial). He would like the developer to present evidence of how these styles would be joined together so there would be a congruent nature to both sections. If this would go forward in some way, the developer should come forward with leases for anchor tenants that would go out a significant number of years and would represent a contribution to the area. They would need to have fairly exclusive high quality retailers. He felt that connecting this commercial

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development into the downtown area was the major issue. There are secondary zoning issues on the north side that need to be resolved. Design factors and high quality of tenants with locked in leases are other needs. He discussed the explosive growth between Milwaukee and Madison. He felt that Mr. Lang has quality and integrity of design along with a contribution to the community. This contribution needs to be considered. He felt that it would be wise to suggest to the developer to go back and consider everything heard tonight and come back with how he would resolve of the issues before a public hearing is held. M. Carlson stated that the code was structured in way that if a petitioner provided the required materials that are listed in the code 30 days in advance of the public hearing, the City is required to hold a public hearing. This preliminary review is to give the developer the reactions. If the petitioner did not provide the materials 30 days in advance, the public hearing would not be able to be held in August.

C. Mursky agreed that Mr. Long has committed to quality construction and quality development. She discussed the concept of a life style center and the number of parking spaces. She had questions in regards to whether the proposal affects the health, safety, and welfare of the community in the immediate neighborhood, is it compatible with existing uses, if it creates problems with police and fire protection, traffic movements and control, water system and sanitation and utilities, the impact on surrounding property values, and if it created noise, dust, smoke or odors. She requested what SEWRPC's recommendations were for commercial development along I94. She felt that the Comprehensive Master Plan reflected the vision of the community and City at the time it was developed and felt that it should be honored.

R. Dupler stated that in the current code what has been proposed, the total area of the 56 acres is 2,451,567 sf, the maximum FAR that could be achieved with the existing codes using B5 is 1,225,778 sf. What currently is proposed exceeds it by 2,050,775 sf. T. Maney stated that the only zoning that he could request as the project is proposed is CBD1. Mayor Schuman stated that traditionally that has been an existing central business district which would be hardship for those people to meet parking and floor space requirements without a complete urban renewal taking out everything. M. Carlson stated that some things could happen such as: reduction in the square footage and acreage could be increased. The calculations change based on how much acreage is being considered. The options would be CBD1, B6, or a new zoning category. In order to meet the zoning requirements for B6 the amount of acreage would need to be increased or the square footage of the development would need to be reduced. M. Carlson stated if the materials were submitted to the City, the City is obligated to schedule a public hearing. R. Dupler stated that it appeared that in addition to the standard submittal materials, they would like investigation to an amendment to the sewer service boundary, justification for compatibility with

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surrounding land uses, life style versus parking ratio, and investigation into the SEWRPC commercial projection.

G. Irwin requested feedback in regards to mixing the commercial, office, retail, and the residential together.

C. Smith thought it made sense, but asked how this would tie together with the downtown area.

K. Strege stated that this was separate and not hooked to the downtown.

T. Aul thought that the mixed use was a positive. It creates a ready population to utilize the services provided. His biggest concern was the connecting of the proposal to the downtown area.

R. Dupler stated that the mechanism by which this could possibly be conceived, the Plan Commission would have to consider whether it would want to expand the CBD1 district in order to facilitate the connection. T. Aul stated that if the zoning south of I94 was requested to be changed to CBD1, then there is a huge concern of developing that into compatible fashion with the surrounding neighbors.

7. ZONING AND ORDINANCE REVISION

No discussion.

8. HEARING DATES

As indicated above, contingent upon receiving information from the developers.

9. ADMINISTRATOR'S REPORT

No report.

10. BUILDING INSPECTOR'S REPORT

Total number of permits to date are 46, plus four occupancy permits. The new permits include one new single family home and one new church on Oakwood and 83.

11. BOARD OF ZONING APPEALS

A case is being resubmitted for a meeting not held due to lack of quorum.

12. CORRESPONDENCE

- a. Letter from the State of Wisconsin Department of Administration dated May 24, 2006 regarding no objection to Mission Prairie preliminary plat.

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ADJOURNMENT

T. AUL MOTIONED TO ADJOURN FROM THE MEETING. K. STREGE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 11:54 P.M.

Respectfully submitted:

Minutes Prepared By:

Marilyn Czubkowski, CMC
City Clerk/Treasurer

Accurate Business Communications LLC