

CITY OF DELAFIELD PLAN COMMISSION MINUTES

CALL TO ORDER

Mayor Craig called the meeting at 7:01 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

Absent

Mayor Paul Craig
Phil Schuman
Chrys Mursky
Mike Court
Beth Leonard
Dick Kuchler
Roger Dupler
Tom Maney
Matt Carlson
Marilyn Czubkowski

Mayor Craig stated that without objection, Preliminary Considerations would be taken first. There were no objections.

1. APPROVE PLAN COMMISSION MEETING MINUTES OF APRIL 27, 2005

C. MURSKY MOTIONED TO APPROVE THE MINUTES OF APRIL 27, 2005 AS PRESENTED. D. KUCHLER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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

Bryce P. Styza, President of the Village of Chenequa – Spoke regarding Item 5 on the agenda. They object to the SIP because it adopts a permanent or final location for the well to serve the proposed development. They were particularly concerned about the potential affect that a well such as this might have on Pine Lake and other lakes in the area, as well as other private wells within the Village of Chenequa. They would like to work with the City of Delafield to fully understand the potential affects of the well and to find a location which minimizes the impact to all neighboring communities.

Larry Schouten, 4518 Vettleson Road -- Item 5a. He was concerned about the well. He stated that the water has been shifted from the Village of Hartland to the City of Delafield. He discussed the city's intent to use the well for other users in addition to that of Village Square. The Development Agreement,

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Exhibit B, addresses the water supply for Village Square. Paragraph 16 of the Settlement Agreement was read. M. Carlson stated that as of this date the City has not retained the services of a firm to test the wells of the surrounding properties. L. Schouten asked who would be responsible if his well became contaminated or does not supply water adequately. He thought that this must be settled with the neighboring residents and be included in the Development Agreement.

Bob Borkowski, 4521 Vettleson Road – Item 5a. He stated that he was talking about something that he knew nothing about because it has not been communicated to them. He hasn't seen anything new and did not know how to respond. No public hearing has been held and he thought that there should be one so that people could understand what the new developer is planning. The neighborhood meeting did not answer all questions such as seeing something like the Stonewood Village in terms of architecture and design. He referenced a letter sent to the City Hall approximately two years ago that addressed their concerns in terms of design/look. They are also concerned about a shallow well drawing the water from the aquifer, the isolated natural resource area and the removal of trees from this area, photometric readings and whether the lights would be reduced at night, the fiscal impact and tax revenue expected to accrue annually in Phase I, fire department and police infrastructure costs, Phase II's inclusion of four high turnover fast restaurants, and liquor licenses associated with such and the problems associated (loitering, etc.). He also stated that two of the restaurants were located directly north of his house and he was concerned about seeing the cars. He thought that there was a lack of consideration on the impact that the restaurants would have on a small neighborhood.

Jim Zahorik, 1948 West Shore Drive – Spoke in regards to Item 5a. He stated that many years ago the room was filled with people opposed to Lake Country Crossing because of many of the same reasons that Mr. Borkowski just addressed in addition to the increase of traffic on Highway 83 and difficulty encountered getting off of Highway 16. He thought that it would get worse. The capacity is not there to handle everyday traffic that the development would create. He addressed a feasibility study for city-wide water. It evolved into a situation where the Common Council approved city-wide water and the grassroots efforts started to stop citywide water. He was the person who started the direct legislation movement back then involving the expansion of the existing water system on I94 and 83. The intent then was not to get involved in litigation but to have their voices heard. During that time Attorney Chapman rendered an opinion that the direct legislation was administrative and not legislative. At that time he explained their position to the mayor and he and the Council agreed to an advisory referendum which presented the viewpoint of no expansion of the water. The well on 83 and 94 problems were discussed. Staff has now come up with an idea to put a well in to service that development and take some of the water to dilute the problem on Highway 83 and I94. He stated that this was an attempt at an expanded municipal water system. With the Developer's Agreement to protect the homeowners in the immediate area, he felt that this was not adequate since it would be a high capacity well designed to provide water to blend with the water on Highway 83 and 94. He did not think

CITY OF DELAFIELD PLAN COMMISSION MINUTES

that the consumers on 83 and I94 would want blended water. He felt that the well would impact the surrounding areas. This can be addressed by limiting development and by utilizing wells as in the past (wells that are in the shallow aquifer). The only water that can take care of existing people is in the shallow aquifer. He stated that the water that is being drawn from has a certain amount of capacity. The scope of what is being planned with a high capacity well to service the development and the impact of that will be far reaching. He was concerned about the depletion of the aquifer and asked the Plan Commission to temper enthusiasm on development and the shallow aquifer.

Mayor Craig asked three times if there were any further comments. There were none.

P. SCHUMAN MOTIONED TO CLOSE CITIZEN'S COMMENTS. D. KUCHLER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. CONSENT AGENDA

a. **TAX KEY 804.990, 3322 HILLSIDE DRIVE, DELAFIELD. APPLICANT: TIRES PLUS.** APPLICANT SEEKS APPROVAL OF STAFF RECOMMENDATION REGARDING THE SITE PLAN AND AN AMENDED BUSINESS PLAN OF OPERATION FOR TIRES PLUS FOR A TENT SALE ON MAY 18 – MAY 23, 2005

C. Mursky asked to remove Item 3a. She stated that there was a contingency placed on the approval by the City Planner. R. Dupler stated that they would like to have the tent set back so as to not come out beyond the front set-back of the building. M. Carlson stated that he did not think the business would mind where the tent was located and that he (the petitioner) was just concerned about getting approval for the site and that where it was put on the site would be irrelevant to him.

P. SCHUMAN MOVED TO APPROVE WITH THE SETBACK TO THE 30' LINE. C. MURSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

4. PLANS OF OPERATION, SIGNAGE AND SITE PLAN

None.

5. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVALS

a. **TAX KEY 773.990.003 AND 773.998. SW CORNER OF STH 16 AND STH 83.** APPLICANT: KEITH ULSTAD, UNITED PROPERTIES. APPLICANT SEEKS APPROVAL OF THE SPECIFIC IMPLEMENTATION PLAN (SIP), INCLUDING INFRASTRUCTURE PLANS

K. Ulstad was present at the meeting. He stated that in reference to the citizen's comments he was disappointed that the comments stated that a

CITY OF DELAFIELD PLAN COMMISSION MINUTES

public hearing was needed. He would sincerely like to the listen to the comments. He felt that there were three main issues: water, traffic on Vettleson, and architecture. In regards to water – he felt that this was out of their hands, but in the hands of paid consultants. He indicated two specific possible locations for the well, but asked that he be told if it might be located in the main area. The access onto Vettleson Road was discussed. He stated that although word had not been received from the DOT, if the DOT did not require the project to have access to Vettleson, they would not have it. In regards to architecture, they took the suggestions from the Plan Commission and redesigned the buildings. Bob Rowe, architect with the Redmond Company, reviewed the architecture and materials of the building.

R. Dupler commented on the architecture. In regards to the roofline, he suggested a couple of more dormers. Materials were reviewed. He thought it was commendable to break-up the retail building. A metal seam room is being proposed.

A comparison of previously submitted architectures took place. M. Carlson pointed out the dormers, roof line, widow's walk, decorative lighting, window treatments, shutters, step-outs, etc. on the previous drawing that made it more detailed than that which is being proposed. C. Mursky stated that the proposed drawing looked "institutional". D. Kuchler stated that he thought that the roofline on the south elevation was too straight and that although the latest rendition was better than the last one it was not there yet. Mayor Craig stated that they were going in the right direction. B. Leonard discussed the desired tone and atmosphere for this site. R. Dupler stated that there is a change of material on the previously drawing that is nice. D. Kuchler stated that having a building built that did not look as if it were all built at the same time is a goal – the feeling of separate buildings. He would also like to see more of the spires. P. Schuman stated that using different materials would be advantageous. R. Dupler stated that the proposed materials were mid-level. Mayor Craig would like to see synthetic slate instead of asphalt to create a sense of warmth.

P. Schuman addressed item #6, preservation and maintenance plan in R. Dupler's memo dated May 4, 2005 and suggested that this be dealt with on staff level.

M. Carlson stated that the engineering work for the well is ongoing. As part of the study of where the well needs to go, a lot of engineering needs to take place. It was stated that SEWRPC conducted a study and determined that it would probably not have an impact on the lakes. P. Schuman attended a seminar by WALs and thought that this was outside of the scope of the State act. M. Carlson stated that due diligence must be done. The final engineering will not be complete until fall. It was not known at this time when the final location for the well would be determined. M. Court stated that the study would include the impacts on the surrounding wells and on the surrounding lakes. Mayor

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Craig stated that it had been determined that water would not be able to be obtained from Hartland for this development. Discussion took place on the downside implications if water was used from Hartland for this development. Mayor Craig stated that this developer and others along Highway 83 were willing to work with the City to solve the water problem that the City is having with radium. M. Carlson stated that the City is also responsible for providing a consistent source of water to its customers, but there is only one well that provides the water. When there is an opportunity to expand the base of customers, there will be more revenue to help pay for the improvements that are needed. B. Leonard felt that the public should be made aware of the exact options. Extensive discussion took place.

K. Ulstad stated that they will continue to work on an improved architectural drawing and will consult with staff on this.

The removal of trees was addressed. They have increased the conservation area. The landscape architect was present, reviewed the areas where the proposed trees to be taken down are located, and reviewed the types of trees on the survey.

Discussion took place on the circular road around the parking lot. It was stated that the DOT has sent a message that the perimeter road is necessary. C. Mursky addressed Item #6 on page 4 of the Settlement Agreement. Discussion took place. P. Schuman would like to have the City Forester work on this along with the Tree Board.

Mayor Craig addressed the economics of the project. The Agreement stated that if the City goes into the deficit that the Developer would compensate the City.

After discussion, it was decided that higher berms and plantings with an 8' profile with accommodations for drainage to neighboring properties would be employed to soften the views. The berming will be 4' in height with appropriate screening materials being used to create an 8' profile with the berms being slotted and staggered to accommodate drainage.

Mayor Craig stated that the Settlement Agreement addresses the Highway 83 concerns. This development is working with the City to solve the problems.

Whose responsibility it was to review the wells and surrounding properties was addressed. Paragraph 16 of the Settlement Agreement stated that it is the Developer's responsibility to review the wells from 20 years from the date of the Agreement.

It was clarified that the lighting on the project will be down-lit.

The sight line distance by the curve on Vettleson will determine the alignment of the road. T. Zannon stated that it would be beneficial to

CITY OF DELAFIELD PLAN COMMISSION MINUTES

shift the road over so that headlights will not shine into the home across the street. They are in the process of verifying field data for sight distances.

6. PRELIMINARY CONSIDERATION

- a. **TAX KEY 733.994, 31385 W. HILL ROAD, DELAFIELD.** APPLICANT: MSI GENERAL CORP. APPLICANT SEEKS PRELIMINARY CONSIDERATION OF A SANCTUARY ADDITION TO DIVINE REDEEMER LUTHERAN CHURCH

Heather Turner of MSI General and Dave Kaul an architect on the project were present at the meeting. H. Turner reviewed how the building is being used, the need to expand, and the layout of the building and surrounding areas. D. Kaul reviewed the architecture.

R. Dupler stated that this property is a conditional use. It was his recommendation that this would be a major change. There is no master plan on file for this campus. This expansion is identified as the last improvement planned for the site and therefore a master plan becomes unnecessary. Parking requirements are compliant. Tree mitigation has been submitted by Petitioner. A public hearing should be scheduled. Staff recommended that the septic system be abandoned and that the property tie into sewer and water as part of this development. Discussion took place on the existing septic system and the use of municipal utilities.

P. SCHUMAN MOTIONED TO APPROVE AS A MAJOR CHANGE AND TO SCHEDULE FOR PUBLIC HEARING WITH A PROVISIO TO HOOK-UP TO SEWER AND WATER WHEN AVAILABLE. D. KUCHLER SECONDED THE MOTION. H. TURNER STATED THAT THEY NEEDED DIRECTION AS TO WHAT OPTION WOULD DEFINITELY BE THERE IN TERMS OF SEWER AND WATER SO THEY KNOW WHICH SCENARIO SHOULD BE FOLLOWED. THEY WERE CONCERNED ABOUT THE PHRASE "WHEN AVAILABLE". M. CARLSON STATED THAT THE DEVELOPER'S AGREEMENT WITH THE VILLAGE SQUARE DEVELOPER REQUIRES THE CITY TO HAVE WATER FLOWING AT THAT SITE IN THE SPRING OF 2006. GENERAL DISCUSSION TOOK PLACE. FOUR WERE IN FAVOR. B. LEONARD OPPOSED. MOTION CARRIED.

C. Mursky addressed the architectural features and was concerned with the eastern elevation and the southern portion that connects to it. H. Turner stated that a memorial garden was being planned for this area and other plantings would also be used. Mayor Craig suggested using some banding to break-up the monotonous features. Safety concerns with the playground were also addressed. D. Kuchler reviewed the parking lot operations – one of the parking lots would be closed during the week. C. Mursky requested staff to look at safety issues in regard to the playground. She also wanted to make sure that the islands in the

CITY OF DELAFIELD PLAN COMMISSION MINUTES

present parking lot would be used in the future with the banked parking lots. T. Maney stated that an exception would be needed from the Plan Commission in regards to the height. M. Carlson stated that the Common Council's policy was clear that the utilities would be provided to that site. H. Turner clarified that they will plan to connect into those utilities. R. Dupler stated that they would work with the church on this.

The public hearing will be held on May 25, 2005 at 7 p.m.

- b. **TAX KEY 793.021.001, 705 GENESEE STREET, DELAFIELD.**
APPLICANT: GARY NEURENBERGER/KENT JOHNSON, JOHNSON DESIGN, SEEKS PRELIMINARY CONSIDERATION OF A CONCEPTUAL PLAN FOR AN OFFICE/RETAIL BUILDING

K. Johnson was present at the meeting and presented a conceptual plan for an office/retail building. The property is on the corner of Dopkins and Main Streets. Retail would be on the first floor and offices or residential would be on the second floor. He would like comments regarding the general concept, placement of building on the site, comments on the signage, and consideration of moving the property line. They hope to save the two large trees on the property.

R. Dupler stated that no element has been mentioned that this would be developed by PUD or Conditional Use. The analysis assumes a standard site development plan. The project is in CBD-1 and falls within the Downtown Delafield Design Guidelines. This would mean that the building should be placed forward with parking in the rear. A CSM will be required. The major question is whether to pursue as a standard site plan.

Moving the building to the front of the street was discussed. K. Johnson felt it would be detrimental as they would lose the two large trees and the access point going into the gas area. Visibility of the building if moved forward would be negatively impacted. Garbage and refuse areas were reviewed. G. Neurenberger referred to Ordinance 534 Amending Chapter 7.30, Item K, which referenced the preferred form of parking in downtown. The use of low walls versus the planting of bushes was discussed. G. Neurenberger felt that the City would like the plantings. Mayor Craig stated that sometimes bushes die out and look brown. C. Mursky suggested a raised planter. G. Neurenberger would be open to the concept of a raised planter. M. Court stated that they needed to handle the water quality aspect of the parking lot run-off and that this would need to go to the Public Works Committee. C. Mursky liked the idea of trying to connect the site to the Fish Hatchery parking lot. Pedestrian access/linkage to other nearby areas was discussed. G. Neurenberger did not envision a residential use for this building unless there was not enough interest in office occupancy. R. Dupler stated that a conditional use would be needed to convert from office to multi-family residential. G. Neurenberger stated that his intention now was to

CITY OF DELAFIELD PLAN COMMISSION MINUTES

proceed with retail on the first floor and office on the second floor. This building would be a four-sided designed building.

7. ZONING AND ORDINANCE REVISION

- a. ORDINANCE 540 – REPEALING AND RECREATING SECTION 17.85(1)(D), SECTION 17.85(2)(B)2 AND SECTION 17.85(3)(B) “BUILDING PREVIOUSLY UNOCCUPIED, BOND REQUIRED”, “CERTIFICATE OF OCCUPANCY REQUIRED”, AND “TEMPORARY OCCUPANCY PERMIT” OF CHAPTER 17

C. MURSKY MOVED TO APPROVE AND RECOMMEND TO THE COMMON COUNCIL. P. SCHUMAN SECONDED THE MOTION. M. CZUBKOWSKI REVIEWED THE CHANGES. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. ORDINANCE 541 - AMEND SECTION 17.67(1)(E) – CRITERIA FOR SIGNS

This modifies the identified fonts in order to offer more script type fonts to Petitioners.

P. SCHUMAN MOTIONED TO APPROVE. D. KUCHLER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. DEFINITION OF PERMANENT AS IT RELATES TO PARKING/STORAGE (RECREATIONAL VEHICLES, FOR EXAMPLE)

M. Carlson reviewed an issue where a neighbor complained about the storage of a recreational vehicle in the City. The Court ruled that the City's ordinance was too vague as to the length of time an RV could be stored outside. This agenda item is asking for specific time frames on how long it is reasonable to park an RV. M. Carlson read the definition of an RV (it excludes boats). It was stated that a review of the definition of “RV”, where, time, and permanency versus temporary was needed. He suggested putting this in the newsletter and to ask the residents what they would like to see. This will be done.

8. HEARING DATES

May 25, 2005 for Divine Redeemer.

9. ADMINISTRATOR'S REPORT

- a. HARTLAND ZONING TEXT AMENDMENT REGARDING USES IN HARTLAND'S B-5 ZONING CLASS: DISCUSSION, DIRECTION AND/OR ACTION REQUESTED BY PLAN COMMISSION

M. Carlson reviewed. Hartland is having a hearing on this issue on May 16. In the B-5 Zoning Classification medical and financial uses are

CITY OF DELAFIELD PLAN COMMISSION MINUTES

defined as conditional uses. Hartland is considering changing the zoning code to allow those uses as permitted uses. This issue was part of the Highway 83 Corridor Agreement discussion. There is a record of a prohibition of financial or medical uses on this property, but now the property owner has made the request to the Village of Hartland to permit it. Mayor Craig stated that he meet with Mr. Lammer and Mr. Kanter two or three years ago on a similar issue on the corner of Oakwood and 83 and at that time the Mr. Kanter and P. Craig said there should not be medical and financial institutions on that corner. The concerns were increased traffic and congestion. M. Carlson stated that legally Hartland could go through a prescribed process and change their zoning code.

P. SCHUMAN MOVED TO OBJECT TO THE CHANGE, TO PREPARE A LETTER AND THAT B. LEONARD ATTEND THE HEARING ON MAY 16, 2005 TO READ SUCH LETTER. D. KUCHLER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

b. SMART GROWTH LEGISLATION

It was reported that the Joint Finance Committee voted to repeal the Smart Growth Legislation.

10. BUILDING INSPECTOR'S REPORT

Total permits to date are 40, plus six occupancy and four new single-family.

11. BOARD OF ZONING APPEALS

No report.

12. CORRESPONDENCE

None.

13. ADJOURNMENT

P. SCHUMAN MOTIONED TO ADJOURN FROM THE MEETING. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 10:28 P.M.

Respectfully submitted:

Minutes Prepared By:

Marilyn Czubkowski, CMC
City Clerk/Treasurer

Accurate Business Communications LLC