

**CITY OF DELAFIELD PLAN COMMISSION MINUTES**

PUBLIC HEARING

The Public Hearing as declared open at 7:00 p.m.

AN AMENDMENT TO THE CONDITIONAL USE PERMIT FOR DIVINE REDEEMER LUTHER CHURCH FOR THE ADDITION OF A SANCTUARY

Heather Turner, MSI and Dave Kaul, MSI were present on behalf of Divine Redeemer.

Mayor Craig asked three times if anyone would like to speak. There were no comments from the audience.

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

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

Absent

Beth Leonard

1. APPROVE PLAN COMMISSION MEETING MINUTES OF MAY 12, 2005

**P. SCHUMAN MOTIONED TO APPROVE THE MINUTES FROM THE MAY 12, 2005 MEETING. 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

Jim Zahorik, 1948 West Shore Drive – Spoke regarding the infrastructure plan in Item 5a. He stated that in the last issue of the Lake Country Reporter when they talked about the high capacity well and sewer line at the new development on Highways 16 and 83, it was mentioned that businesses and residences on Vettleson where the lines would run would not be forced to hook-up. Mayor Craig stated that it was the intent of the Council that existing properties would

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have the option to hook-up. M. Carlson stated that a resolution would be presented to the Common Council at the June 6<sup>th</sup> meeting. J. Zahorik stated that as the extension on Highway 83 evolved there might also be something that would not force them to hook-up. Mayor Craig stated that this was correct. Addressing the Divine Redeemer project, J. Zahorik stated that it was an existing development and asked how they could be forced to hook-up. Mayor Craig stated that it was optional. J. Zahorik reported that the Lake Country Reporter presented it as if there was not an option. He felt that Divine Redeemer should not be forced – it should not be a requirement. If it is inconsistent there is a problem. Mayor Craig will make sure that this is addressed.

Mayor Craig asked three times if there were any more citizens' comments. There were none.

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

3. CONSENT AGENDA.

Mayor Craig asked that Item e be removed from the Consent Agenda.

**P. SCHUMAN MOTIONED TO APPROVE ITEMS A, B, C, AND F. M. COURT SECONDED THE MOTION. RENDERINGS WERE INCLUDED IN THE COMMISSIONER'S PACKETS. ALL WERE IN FAVOR. MOTION CARRIED.**

- a. **Tax Key 743.999, St. Joan of Arc, 120 Nashotah Road, Nashotah.** Applicant Richard Rose. Applicant seeks approval of a business plan or operation and site plan for St. Joan of Arc Parish Festival on Sunday, July 24, 2005. Hours of operation are 11 am – 8:30 pm.

APPROVED.

- b. **Tax Key 798.007, 715 Oneida Street, Delafield.** Owner: Len Susa. Applicant: Deirdre Kozlowski. Applicant seeks approval of a business plan of operation for Acacia Clinic, counseling services. Hours of operation are weekdays, 9:30 am – 6pm. 3 part-time employees

APPROVED.

- c. **Tax Key 804.994.017, 2738 Heritage Drive, Delafield.** Applicant: John Lynch. Applicant seeks approval of a business plan of operation for Migun of Delafield, a retail and demonstration location for thermal beds. Hours of operation are weekdays, 10:30 am – 7pm; Saturdays, 10:30 am – 3pm. Two full-time employees.

APPROVED.

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- d. **Tax Key 793.014.002, 515 Wells Street, Delafield.** Applicant: Andrew Ruggeri. Applicant seeks approval of a business plan of operation for Ruggeri, Inc., a hotel, restaurant, bar and banquet facility. Hours of operation for restaurant are weekdays, 6am – 11pm; Saturdays, 6am - 1am; Sundays, 6am – 10pm. Hotel will be a 24 hours/7days a week operation. Banquets will end at midnight; New Year's Eve hours until 2am. 50 part-time; 10 full-time employees.

The petitioner asked that this item be removed.

- e. **Tax Key 793.988, 207 Genesee Street, Delafield.** Applicant: Larry Rigdon, Kettle Moraine School District. Applicant seeks approval of site lighting plan and site plan improvements for Cushing Elementary School. Refer to DPW per staff report.

Larry Rigdon of the Kettle Moraine School District was present at the meeting. Roger Dupler stated that the lighting was sufficient. Mayor Craig discussed the gate in regards to Del-Hart. It was stated that the gate would be done separately from this contract and is in the developmental stages. L. Rigdon will be meeting with Del-Hart on Thursday. The recommended gate will be acquired and installed. Before using the access, the gate will be installed. The main intent is to keep the automobiles from using the access. A schematic of a gate similar to that proposed to be used was distributed. M. Court would like the Public Works Committee (PWC) to review this. Landscaping was discussed and some trees will be relocated. Trees have not been planned for the interior of the parking lot. Maintenance issues are a concern to the school. They would like to keep the trees out of the paved area.

**P. SCHUMAN MOTIONED TO APPROVE CONTINGENT ON THE APPROVAL OF THE PWC. D. KUCHLER SECONDED THE MOTION. IT WAS CLARIFIED THAT THE EASEMENT REQUIREMENT WITH DEL-HART REQUIRES THE GATE. ALL WERE IN FAVOR. MOTION CARRIED.**

- f. ICE AGE PARK AND TRAIL FOUNDATION REQUESTS APPROVAL OF TRAIL SIGNAGE.

APPROVED.

4. PLANS OF OPERATION, SIGNAGE AND SITE PLAN

- a. **TAX KEY 804.985, 3215 HILLSIDE DRIVE, DELAFIELD.** APPLICANT: SKIP DEBACK, ALPHA NEONX SIGN & LIGHTING. OWNER: ROBERT GEISINGER. APPLICANT SEEKS APPROVAL OF SIGNAGE FOR THE GATHERING ON HILLSIDE, A RESTAURANT.

R. Geisinger was present. They expect to open in three weeks.

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R. Dupler reviewed. There are two signs. He recommended approval based on the understanding that the use of the unused sign panel is discontinued since it was supposed to be shared by the undeveloped north property. Mayor Craig would like to see this changed to a lower monument sign. R. Geisinger stated that the sign would be lowered. It was pointed out that a vision triangle problem needed to be solved on staff level. R. Dupler stated that the unused panel should be preserved for future expansion and should remain empty.

**P. SCHUMAN MOTIONED TO APPROVE WITH THE PROVISIO THAT THE READER PORTION BE ELIMINATED AND ADDED WHEN THE ADDITIONAL BUSINESS IS ESTABLISHED AND THAT THE HEIGHT BE APPROVED BY STAFF. D. KUCHLER SECONDED THE MOTION.** It was clarified that the sign is backlit. C. Mursky discussed the need for a future overall plan for the signage so that it would be complimentary in nature. M. Carlson stated that the goal is to have consistent uniform signage. A more "generic" sign design for the pylon sign was discussed. C. Mursky stated that the signage on the pylon sign should be consistent with each other, so a new tenant would have to be consistent with what is existing. When a future tenant is acquired, "The Gathering" would be agreeable to having the signage changed to be more consistent. **P. SCHUMAN AMENDED HIS MOTION TO REFLECT THAT WHEN A FUTURE TENANT IS ACQUIRED, THE GATHERING WOULD BE AGREEABLE TO CHANGE THEIR SIGN AT THE NEW TENANT'S EXPENSE TO LOOK CONSISTENT. D. KUCHLER AGREED WITH THE AMENDMENT. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. **TAX KEY 804.994.002, WALMART, 2863 HERITAGE DRIVE, DELAFIELD.** APPLICANT: JODY EBERT, PB ARCHITECTURE. APPLICANT SEEKS A REVISED BUSINESS PLAN OF OPERATION AND ARCHITECTURAL MODIFICATION FOR ROOFTOP UNITS AND LOADING DOCK DOOR AT WALMART.

J. Ebert and M. Phillips were present at the meeting. They reviewed their proposal. R. Dupler stated that it was straightforward and this structure will be clearly visible from all portions of the Wal-Mart site. The units will be 5'10". R. Dupler recommended approval but thought that it may be in the City's interest to add this to the comprehensive analysis for the entire building, rather than do it piecemeal. It could, however, be approved in its current state. Mayor Craig stated that the City expects a high quality level of architecture and he was not happy with this proposal. It must be conveyed to Wal-Mart that this would not be allowed. P. Schuman agreed and would like to see an overall plan for the building. M. Carlson reviewed the other requests that Wal-Mart has presented to the Plan Commission. The City would like to see an upgrade in the architecture of this building. The representatives from PB Architecture withdrew their request and requested information on the earlier Wal-Mart projects. M. Carlson stated that they would be happy to sit down with the representatives at the staff level and review the plans.

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- c. **TAX KEY 808.995.002, 501 MAPLE AVENUE.** APPLICANT: YAGGY COLBY. APPLICANT SEEKS APPROVAL OF BUILDING COLOR, SIGNAGE, AND SITE PLAN AMENDMENT.

M. Court and R. Dupler recused themselves from the meeting.

T. Maney stated that everything met ordinances, but that the Plan Commission may want to have this reviewed by the City Forester. M. Michelson representing Yaggy Colby was present at the meeting and reviewed the proposal. They would like to put the company name and logo on the building. It would be backlit and would be 150 sf. The building elevation was shown with the preferred colors. A detail of the other site plan improvements was displayed and discussed. Improvements include detailed landscaping on the site. No trees would be removed.

**P. SCHUMAN MOTIONED TO APPROVE CONTINGENT ON A REVIEW OF THE LANDSCAPING PLAN BY THE CITY FORESTER AND THE ADDITION OF BOLLARDS TO THE LANDSCAPING PLAN. C. MURSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

5. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVALS

- a. **TAX KEY 733.994.001, 31385 HILL ROAD, HARTLAND.** APPLICANT: DAVID KAUL, MSI DEVELOPMENT. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION, BUILDING ADDITION, SITE PLAN AND INFRASTRUCTURE PLAN FOR DIVINE REDEEMER LUTHERAN CHURCH. HOURS OF OPERATION ARE WEEKDAYS, 7AM – 4PM; SATURDAYS, 6PM – 7:30PM; SUNDAYS, 8AM – 12:30PM. FORTY-FIVE FULL TIME AND 7 PART-TIME EMPLOYEES.

Heather Turner and David Kaul of MSI General were present representing Divine Redeemer Lutheran Church and presented the concept plans. They asked that no formal action be taken tonight as they are still working on some issues. A 37,300 sf addition is being proposed and reviewed in addition to the parking. The DOT is still reviewing the traffic analysis and counts. The existing building and new addition will be sprinkled for fire protection. The tree survey has been completed and the current landscape plan takes this into account. There is 14,300 sf of green space. Soccer fields will be relocated and will be available for community use. Other landscaping details were discussed. D. Kaul discussed the exterior finishes of the building. The playground will be surrounded by a decorative fence. They would like to propose a chain-linked black fence around the retention pond.

Mayor Craig addressed the present septic system. M. Court did not know if there was an alternative site other than the present site that is being used. Mayor Craig stated that hook-up is voluntary for existing establishments. M. Carlson reviewed the municipal code regarding water

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and a resolution regarding water hook-up in downtown Delafield - the Council would need to adopt a resolution in regards to the voluntary nature of connecting. The Common Council will be presented with a Resolution in the near future in regards to voluntary connection to the water system. The sanitary system was then addressed. There is a planning issue in terms of the septic field and the location of storm water facilities. The municipal code states that there are circumstances which allow exemption from hooking-up to the sanitary sewer system. An ordinance change will be discussed at the Common Council meeting on June 6, 2005. Costs and site planning issues need to be explored by Divine Redeemer. Mayor Craig reiterated that this is a voluntary system for existing entities.

R. Dupler pointed out that all of the past issues that the Plan Commission had have been addressed by Divine Redeemer. A trigger mechanism needs to be considered for the land-banked area. Interior photometrics are being recalculated.

The memo dated May 19, 2005 from Yaggy Colby regarding the CSM was discussed and will be reviewed by H. Turner and D. Kaul.

M. Court stated that the engineering plans submitted are preliminary. He thought that they would change significantly if the church opted to stay with the septic system.

- b. **TAX KEY 734.989, 735.998 AND 735.999, 4024 AND 4420 NAGAWICKA ROAD, HARTLAND.** APPLICANT: TIM HORNER. APPLICANT SEEKS APPROVAL OF ARCHITECTURAL MODIFICATIONS AND SITE PLAN AMENDMENT OF A MINOR CHANGE TO THE CONDITIONAL USE PERMIT FOR UNIVERSITY LAKE SCHOOL.

T. Horner representing University Lake School was present at the meeting.

R. Dupler stated that this should be recommended as a minor change to the Common Council. He reviewed the proposal. It was clarified that the roof would match the existing roof.

Mayor Craig stated that he did not think that this met the architectural standards of the City. He would like to see a more structured type of roof. T. Horner stated that the roof would match the existing roof and would consist of a wooden structure under the roofing material. Mayor Craig was pleased with this clarification.

**C. MURSKY MOVED TO RECOMMEND TO THE COMMON COUNCIL AS A MINOR CHANGE TO THE CONDITIONAL USE PERMIT. P. SCHUMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

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- c. **TAX KEY , THE SHOPPES AT NAGAWAUKEE, 2950-2952 GOLF ROAD, DELAFIELD.** APPLICANT: GREG KOST, TOLD DEVELOPMENT. APPLICANT SEEKS APPROVAL OF ARCHITECTURE, SITE PLAN ALTERNATES, ADDITIONAL SIGNAGE AND A MINOR AMENDMENT TO THE CONDITIONAL USE FOR PHASE II.

R. Dupler stated that the packet that he received from the City did not have the correct plan included. G. Kost of Told Development was present at the meeting. He asked for approval of the modified site plan without the dock. He distributed a handout with additional modifications which included the trash enclosure and the addition of one small dumpster to be used exclusively for recycling. This will match that which was previously shown. The retaining wall has been changed, but is similar to that which was previously approved. The landscape plan considers past comments and has been refined. Accent limestone banding has been added on the building on the south elevation. M. Carlson clarified that Told Development is asking the Plan Commission to change the site plan. He suggested asking the Plan Commission to go either way on the building rather than having to come back if a change needed to be made. G. Kost stated that having the flexibility would be great, but if not, he would like the proposed changes recommended as a minor change to the conditional use to the City Council. The only area that would change would be the end of the building if flexibility were granted. P. Schuman thought that the flexibility would work. G. Kost stated that the basic change would be the elimination of the dock. On the south and west elevation the backfield would be the type of bricks. He discussed the signage and street pole banners. They would like to incorporate a similar design to that of the City's.

R. Dupler discussed the proposed alternate – the floor area is decreased, impervious area is not affected, and it increases the parking count by 8 spaces. He discussed loading berths and stated that this should be given consideration. Proposed modifications to the trash enclosures provide more green space. H recommended that the wall have a fence across the top similar to others approved in the area. The banners were not seen as signage, but as a unifying factor. At this time, it was not known how many banners would be used.

**P. SCHUMAN MOVED TO APPROVE AS A MINOR CHANGE TO THE CONDITIONAL USE WITH THE LOADING DOCK TO BE AN OPTIONAL ITEM AT THE DISCRETION OF THE DEVELOPER AND THAT A COMPATIBLE FENCE BE PUT ON THE TOP OF THE RETAINING WALL. C. MURSKY SECONDED THE MOTION.** She discussed windows on the south elevation and suggested that they be rounded. G. Kost stated that they could do that. R. Dupler stated that the south end of the west elevation may need additional emergency doors if the large tenant is not obtained. Staff has reviewed the retaining wall. C. Mursky discussed a tree that she felt needed protection. G. Kost will meet with an engineer or the city forester to review the soil around the tree.

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**THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR.  
MOTION CARRIED.**

6. PRELIMINARY CONSIDERATION

- a. **TAX KEY 756.996.002, KETTLE MORaine FREE CHURCH, NORTHWEST CORNER OF STATE HWY 83 AND OAKWOOD ROAD, DELAFIELD.** APPLICANT SEEKS PRELIMINARY APPROVAL OF SITE PLAN AND INFRASTRUCTURE PLAN FOR KETTLE MORaine FREE CHURCH

Representatives representing the Kettle Moraine Free Church were present. They gave presentations of the master plan and the plan for phase one. Ongoing discussions have taken place with the Park & Recreation Committee regarding shared facilities. They plan on attending the June 2, 2005 meeting for park planning. They are anticipating the future water line on Highway 83 and use of the sanitary sewer.

R. Dupler stated that as a P1 parcel it was subject for development as a conditional use. Plan Commission recommendations would have to go to the Common Council. The site plan and layout was well conceived and well done. The surrounding uses in the north field are appropriate. More coordination should take place with the Park & Recreation Committee.

Mayor Craig asked that the church wait until plans can be coordinated with the park planning. The stormwater study in this area identified this region as needing regional stormwater retention ponds. The plans should address this regional issue. M. Carlson stated that the City's comprehensive road plan shows a roadway in the area. A shared entrance was discussed. The planning is most important in regards to access and entry. He did not know if this could go any further until these two issues were considered. Three alternative designs for the park were expected to be completed by the consultant by the end of July or early August. Mayor Craig stated that the City is trying to move this along as quickly as possible. He asked that the Church work with the City. The church representatives would like open dialog. Mayor Craig stated that the workshops were still developing the plan.

P. Schuman expressed concern about the sound radiating throughout the community from an open air amphitheater. He would like the amphitheater eliminated so as not to disturb the neighbors. A member of the church building committee stated that the amphitheater would probably be eliminated. P. Schuman stated that the sports fields might be considered for relocation closer to the park in order to show off the landscaping in front of the church. The Church representative stated that very little grading would need to be done if the fields were in front of the church. P. Schuman stated that they may want to partner with the City and use the fields in the new park. M. Carlson stated that the park



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planning meetings should be discussing this. The Church representative stated that the playing fields would be available for public use when the church was not scheduled to use them. C. Mursky stated that she could not make any decisions at this time since there were too many important pieces of information missing. The entrance on Highway 83 was a concern to P. Schuman. The church representative stated that it was not shown on Phase One because of this concern. The church building committee stated that there would not be a daycare on the premises. Elevations were presented to the Plan Commission. R. Dupler stated that the design had great potential. Most of the commissioners thought that it looked acceptable. Mayor Craig stated that the entranceway was monotone and he would like to see a little bit more blending here. It was stated that this symbolized a different element as the entrance. C. Mursky thought that the design looked like an old school building that had been added on to. The church representative stated that this design represented a compilation of the congregation's wishes. The church representative stated that he hoped to schedule a public hearing. M. Carlson stated that the City could schedule a presentation on the status of the park planning for the next Plan Commission meeting (June 29, 2005) and a dialog could take place. The documents required for a public hearing were reviewed. Feedback from the commissioners on the draft documents should be given to M. Carlson in one week.

- b. **TAX KEY 778.999.001 AND 779.999, 1605 HIGHWAY 83, HARTLAND.** APPLICANTS: JOHN AND JOE GEASON. APPLICANTS SEEK APPROVAL OF A GENERAL DEVELOPMENT PLAN AND INFRASTRUCTURE PLAN FOR THE NAGAWICKA VIEW DAIRY FARM

J. Hammus was present at the meeting reviewed the planning history for this property. This is a 68 acre parcel that is in the City of Delafield with a B6 zoning. A development plan has been conceived under the B6 zoning. They are proposing a development of approximately 60 acres of single family residential lots with those next to the Foxwood Estates being one acre and decreasing to a condo development on those lots up against Highway 83 (80 condo units – 6.72/gross acre). Water would be provided as part of the city's water expansion and sewer would be provided by the Village of Hartland. He reviewed other B6 zoning areas in the City. One of the developments is the Kettle Ridge Condos. The City has a history of allowing this type of usage in B6 zoning. Mr. Graef stated that when they designed the project they had to meet B6 requirements, comply with Settlement Agreements, and get consent from the Town of Delafield and the Village of Hartland. These two municipal entities like the continuation of residential. Berming would take place with tree plantings along Highway 83. They have been working with the DOT on the intersection. A landscape plan was displayed showing the relationship between berming and the housing units. Photos of similar condo developments and the associated landscaping were displayed.

R. Dupler stated that B6 zoning affords the Plan Commission ample opportunity to determine what can go on this site. He thought that it

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was essential to understand how this property evolved and a brief review and history took place. The plan as proposed is not an unusual plan and exercises many principals that are employed in planning. Configuration and engineering of the site propose no hurdles. J. Hammus pointed out that the east side plan contemplated commercial development, but times have changed and they think that the mixed use residential is a better fit for the City and the entire corridor. This type of phased development is consistent and overall is a good fit for everyone and is a better use than commercial use. Lots will sell between \$160,000-\$250,000. They anticipate single family homes to range between 2,400 sf – approximately 4,000 sf. They are more concerned about the quality versus the size of the homes. The condos will be two bedroom homes ranging in size from 1,200-1,800 sf and will sell for \$200,000+. The Highway 83 widening could affect two or three condo units. Mayor Craig stated that he did not want condos and did not like the plan. The Master Plan encourages single family homes. P. Schuman did not agree because many times people want to downsize and there should be a place to go for this type of housing in Delafield. It was requested to have a site plan for the entire envelope including the properties that they presently do not own. D. Kuchler thought the density was too great. C. Mursky agreed and liked the idea of a plan for the entire envelope. She felt that the intent of the B6 was that the City could have ultimate control over the development of the property. Mr. Graef discussed the settlement agreement. J. Hammus would like to be allowed to go to a public hearing. Mayor Craig stated that this plan was the same plan that was rejected the last time.

P. Schuman motioned for a public hearing on the site as proposed. There was no second. The motion died.

7. ZONING AND ORDINANCE REVISION

None.

8. HEARING DATES

None.

9. ADMINISTRATOR'S REPORT

None.

10. BUILDING INSPECTOR'S REPORT

Total permits to date are 44, new include two new single family homes and three occupancy permits.

11. BOARD OF ZONING APPEALS

The Board of Zoning Appeals will meet on June 12.

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12. CORRESPONDENCE

None.

13. ADJOURNMENT

**P. SCHUMAN MOTIONED TO ADJOURN FROM THE MEETING. D. KUCHLER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 10:20 P.M.**

Respectfully submitted:

Minutes Prepared By:

Marilyn Czubkowski, CMC  
City Clerk/Treasurer

Accurate Business Communications LLC