

CITY OF DELAFIELD PLAN COMMISSION MINUTES

CALL MEETING TO ORDER

Mayor P. Craig called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

Absent

Mayor Paul Craig
Phil Schuman
Chrys Mursky (entered 7:10 p.m.)
Mike Court
Marty Sawall
Beth Leonard
Roger Dupler
Tom Maney
Matt Carlson
Marilyn Czubkowski

Dick Kuchler

Also Present

Mark Sewell, City Attorney

Mayor Craig stated that without objection, the agenda would take place as follows:
Items 1, 2, 3, 5a, 5b, 4a, 6, 7, 8, 9, 10, 11, and 12.

- 1. APPROVE PLAN COMMISSION MEETING MINUTES OF OCTOBER 26, 2005

P. SCHUMAN MOTIONED TO APPROVE THE MINUTES OF THE OCTOBER 26, 2005 MEETING AS PRESENTED. B. LEONARD 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

Margaret Sues, Kettle Moraine Golf Estates – She is adjacent to the plan that Acuity Development is proposing. The road that is being proposed going into her subdivision which will create difficulty for the subdivision by increasing the traffic flow dramatically. Concern was expressed about their property values. Multifamily housing is not compatible with the single housing in their subdivision now. She did not want the extra people in the area. They moved

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here to get away from the city. She is not happy to see all of this development. She was not in favor of this development.

Vicky Hazle, 3243 Sylvester Drive – Asked about the water from Highway 16 to I94 and the impact of all of the homes going in. There is a water issue. By adding this number of homes she wanted to know if that would affect the water. She thought that this property was within the watershed to Nagawicka Lake. With Direct Legislation, she did not feel that the lake had a good chance of being dredged soon. She asked if there would be an environmental impact study done to determine whether this construction would make the problems in Lake Nagawicka worse. She was concerned about a possible burden on the citizens in the area for roads or other improvements if the homes in the proposed development did not sell. She thought that the density was quite high and did not match that around it. Mayor Craig stated that there were extremely tight stormwater regulations in the City. Any new water added would have to be contained by the developer. The infrastructure would be the responsibility of the developer. Once the infrastructure is acceptable and is built to the city's standards, the city has the option to take it over. The water would be another situation and would be discussed tonight.

Dawn Bernatz, N27W30766 Golf Hills Drive – She was opposed to the new connector road that is being proposed from the new development to Golf Hills Drive. There is a significant amount of traffic now. If there is a new connector road, it would dramatically increase the traffic. The density of the development was a concern.

Pat Ohlendorf, N25W30868 Overlook – Was concerned about the traffic on Golf Hills Drive. There is a steep incline here that makes it easy to go too fast. Something must be done to divert traffic. She was opposed to this proposed road. There are many children and pedestrians in the area. As her profession is in real estate, she was knowledgeable about the value of the homes in her area. She felt that the diversity between the proposed development and the homes in her area was too great. It was asked how many of the lots would be sold to builders.

Steve Tikalsky, N26W30851 Golf Hills Drive – Lives on one of the lots that would directly abut the eastern edge of the proposed subdivision where the road is designed. He concurred with the previous concerns expressed about the road. He was told that the reason that the road was being proposed was primarily for fire protection and suggested that the road be designed for emergency access, not daily commuting.

Paul Chadwick, N24W30953 Fairway Court – His biggest concern is the traffic. He felt that if the road were put in, many people would use it for convenience and traffic would increase greatly. Asked if one of the accesses to the subdivision could be on KE and one on 83 as opposed to going through their neighborhood. This would keep the access road out of Golf Hills.

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M. Czubkowski read correspondence from Jay C. Mack (Town Bank) in support of the development and from Don Tills expressing concern regarding runoff with suggestions included.

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

B. LEONARD 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

a. **TAX KEY 804.994.002, 2863 HERITAGE DRIVE, DELAFIELD.** APPLICANT: MICHAEL WALTERS, WAL-MART STORE MANAGER. APPLICANT SEEKS APPROVAL OF AN AMENDED BUSINESS PLAN OF OPERATION FOR FRIDAY, NOVEMBER 25, 2005. HOURS OF OPERATION ON THAT DAY ARE 5:00 AM - 10 PM.

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

4. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVALS

a. **TAX KEYS 781.990, 781.989, 779.999, 778.999.001, 784.999, HIGHWAY 83 AND NAGAWICKA ROAD,** APPLICANT: TIM GRAF, ACUITY DEVELOPMENT. APPLICANT SEEKS FINAL CONSIDERATION OF A CONDITIONAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT (CU-PD) FOR PROPOSED USE OF PROPERTY FOR SINGLE FAMILY (53 LOTS) AND MULTI-FAMILY CONDOMINIUM (80 UNITS).

Mrs. Geason read a letter dated November 15, 2005 from James W. Hammes to Mayor Paul Craig and the Plan Commission. The letter was provided to the Commissioners. After reading the letter she stated that this development was done in a manner that included much family discussion to help the community with the best possible use of all of the land. Because of the Geasons, there will soon be a park and church in Delafield, in addition to an industrial park. At this time, no children have been added to any of the property that had belonged to the Geasons. They feel that they have been helping the tax base of the community and would like to see decisions made about this proposal.

In response to a citizen's comment, the developer stated that they had no intention of using vinyl siding, but would use natural materials or cement fiber siding.

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R. Dupler stated that a report was written and previously issued to the Plan Commission members which identified factors for consideration. The decision must be well documented and that the proposed conditional use takes into account all of the aspects and impacts on the community and neighbors. The potential of expanding the areas of consideration to the properties owned by the Geasons on the west side of Highway 83 was reviewed. In his opinion, it may be in the City's interest to combine the improved densities for the west side of the Highway 83 properties with the proposed densities on the east side and come up with a better, more creative plan that incorporates the entirety of the property to better distribute the densities to both sides of the highway. He discussed the undeveloped property currently west of Highway 83 (approximately 58 acres) and zoned to achieve 29 units. If this were to be combined with the 132 being proposed on the east side, redistribution could take place in the aggregate throughout the entirety of the property. B. Leonard thought that it was very important to see the overall development plan. She strongly felt that the whole area should be considered with this level of detail. M. Carlson referenced the letter from James Hammes, first paragraph, page two. It stated that they would agree with a condition for approval of the development on the east side to lock in the density on the west side, but that they would want to cluster it to allow smaller lot sizes with an average density of one unit for every two acres. Discussion took place on the statement of "That means that there could be some type of cluster development with more open space located adjacent to Highway 83." B. Leonard would rather see more open space further west where there are woods and a steep slope. M. Carlson stated that the Plan Commission had the option to give them direction. The difference between the two parcels is that the east parcel is zoned B6, the west parcel is zoned A1. B. Leonard stated that if the proposed development were approved, she was concerned that other property owners along Highway 83 would expect the same kind of consideration. M. Carlson stated that the difference was the zoning. Mr. Geason addressed the inter-municipality agreement between the three communities. Discussion took place regarding the zoning and master plans for the surrounding properties. P. Schuman stated that it needs to be compatible with the immediate neighborhood. Compatibility is more than one lot width. Mayor Craig agreed that it must be compatible with the neighborhood. It should be noted that the City purchased the land for the park. R. Dupler reviewed the zoning. P. Schuman stated that the density is greater than one lot per two acres; it is more like two lots per one acre - he did not like the density based on the compatibility with the surrounding neighborhoods. M. Court explained the results of the traffic study. Discussion took place on the study and signalization. B. Leonard discussed the possibility of using this development as a link to Highway 83 whereas she thinks that the opposite is true; the people in the new development would want to go east as a shortcut because of the problem with the intersection that they envision. Mayor Craig stated that the road with the hill is in the Town and that the City did not create that

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pitch and therefore the City could do anything with the pitch; it is the Town's responsibility. It was stated that the sales brochure for Nagawaukee/Kettle Moraine Estates shows the through road; it was there before the first lot was built and was in all of the brochures so that everyone would know that it was going to be there. P. Schuman thought that the main problem was the compatibility with the existing uses surrounding this proposed development. To adopt this, the master plan would have to be changed. Mr. Geason stated that the property directly south of this was zoned institutional (Westbrook Church) and he thought that this was compatible with that. Mayor Craig stated that the church had created an environmental area. Mr. Geason stated that Nagawicka Kettle Moraine Estates had one acre lots. The Town viewed the size of the lots that would touch Kettle Moraine Estates and Foxwood and felt that it was acceptable. The remainder of the development could have been commercial and the Town was happy that the plan called for residential. Immediately to the north (Village of Hartland) had 160 condos were proposed and this development is far less dense than that. The reason that the developer changed the density to 12 single family units is that on the sales brochure that he had for Foxwood Estate it was shown as an outlot not built on. It was stated that there are presently single family homes all around the proposed development. Mayor Craig asked how multi-family homes were compatible to single family homes. Mr. Geason replied that when considering Highway 83, there is a multi-family apartment building by Highway 16 and 83. He felt that the condos would be a buffer between the highway and the single family homes. B. Leonard discussed several areas on Highway 83 where there are single family homes and thought that buyers are not totally opposed to having a lower density single family home along the Highway 83 corridor. Other areas near highways were discussed. C. Mursky stated that compatibility was a critical issue. She suggested coming to a consensus as to what density is reasonable, taking into consideration neighboring uses, master plan, etc., and allowing the developer to come up with creative proposals as to how to use that density. By reducing the density, it would allow for more creative planning. P. Schuman stated that there needed to be a compelling reason as to why there was the amount of density on the lots. When looking at the density of the surrounding areas, he felt that one acre would be acceptable, but would prefer two acres with some type of planned unit development with a lot more green space or a park. B. Leonard inquired about the fiscal impact analysis. Attorney Sewell stated that the Plan Commission's criteria are found in the criteria for approval of planned developments. He thought that the main criteria that the Plan Commission was expressing was that the character and intensity of the proposed development and that it needed to be compatible with the actual physical character of the site. He stated that several Commissioners were concerned with the character and intensity of the proposed development; they must be compatible with existing and planned uses on the nearby and adjoining properties. There is a criteria that the proposed development must not result in a

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diminishment of property values on adjoining or nearby property. Existing and planned streets and highway improvements must be adequate to handle the traffic. There needs to be adequate capacity for public sanitary sewers and stormwater. There are issues about utilities that he did not view as being an issue here. He stated that this was really dealing with how this property would fit into the site and whether or not there is adequate capacity for sanitary service/stormwater. There is another factor, the Plan Commission shall also, in terms of all conditional uses, base its determination on the effects such as the health, safety and welfare of the community and of the immediate neighborhood in which the use would be located including such considerations as compatibility with existing uses, problems with fire and police protection, traffic movement, and controlled water sanitation utilities, impact on the surround property values, noise, dust, etc. These are the primary issues that the Commission is dealing with. Attorney Sewell addressed 17.29, site plan and appearance review. It was his opinion that the Commission should concentrate more on how this would really fit into the community and if it would be detrimental to the health or general welfare. If this was to become a large burden on the existing community, this would be a criteria by which the Commission could say was detrimental to the health and welfare of the general community. B. Leonard was concerned about the fiscal impact report. Attorney Sewell thought that the Commissioners should be concentrating on the basic criteria that was given, i.e., how does this fit into the site, how does it fit into the surrounding community, from a land use perspective if it was a good deal or not, does the traffic flow well, are there are concerns with traffic, are there concerns with utilities, are the police and fire department able to get to this site, and questions about if this was a lot denser than the surrounding community and uses. Attorney Sewell stated that the Plan Commission was looking at the zoning code and how things work with each other. M. Sawall stated that if the surrounding areas are all one-two acre parcels he would like to see the proposed development at approximately one and one-quarter acre sized lots and would like green space similar to Carriage Hills. He felt that this development was too dense. B. Leonard suggested that the fiscal impact analysis studies should be provided to the affected school districts.

C. MURSKY MOTIONED TO DENY THE CONDITIONAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT BY ACUITY DEVELOPMENT BASED ON THE FOLLOWING REASONS: THAT THE CHARACTER AND INTENSITY OF THE PROPOSED DEVELOPMENT ARE NOT COMPATIBLE AND CONSISTENT WITH EXISTING AND PLANNED USES ON NEARBY AND ADJOINING PROPERTIES SINCE THE PROPOSED DENSITY IS NOT COMPATIBLE WITH THE 1-2 ACRE LOTS IN THE SURROUNDING AREAS; AND THAT THERE WOULD BE AN ADVERSE EFFECT ON THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY BECAUSE OF THE DENSITY AND MULTITUDE AND

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TYPES OF IMPACT BOTH WITH THE TRAFFIC, PUBLIC SERVICES, AND OTHER CONCERNS. SHE BELIEVED THAT THE TRAFFIC FROM THIS KIND OF INTENSE DEVELOPMENT WOULD PUT TOO MUCH STRESS ON THE TURNING INTO/OUT OF HIGHWAY 83 AND GOLF HILLS DRIVE AND THE EMERGENCY SERVICES THAT WOULD BE NECESSARY COUPLED WITH THE IMPACT ON THE EDUCATIONAL SYSTEM. B. LEONARD SECONDED THE MOTION. P. Schuman stated that this was a difficult choice. To approve this would involve changing the master plan. He would like to see this come back with less density. He suggested one unit per 1-2 acre, the condos were okay, but would like to see less density. B. Leonard thought that as the northeast quadrant plan is being done it was important to have at least one meeting involving the Geason family, all of the other major land owners, and the community to look at what should happen along the entire Highway 83 corridor and to look at all of the different tools that might be used for transferring development rights or anything else that could be done so that people will not lose as much as they feel like. There is a win-win situation for this area. C. MURSKY AMENDED HER MOTION TO ADD THAT THE OTHER CRITERIA IS THE DIMINSHMENT OF PROPERTY VALUES OF NEIGHBORING PROPERTIES BECAUSE OF THE INCREASED DENSITY CHANGING THE CHARACTER, NATURE, AND THE VALUE OF THE LESS DENSE AREAS. B. LEONARD WAS IN AGREEMENT. ALL WERE IN FAVOR OF THE MOTION. MOTION CARRIED.

5. PLANS OF OPERATION, SIGNAGE AND SITE PLAN

- a. **TAX KEY 798.012, 708 GENESEE STREET, DELAFIELD.** APPLICANT: KELLI STUCKART. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION AND REPAIR OF/CHANGE OF COLOR OF AWNING FOR TADPOLES, A RETAIL CHILDRENS' STORE. HOURS OF OPERATION ARE WEEKDAYS, 10 AM - 7 PM; SATURDAY, 10 AM - 4 PM; SUNDAY, 12 NOON - 4 PM; DELAFIELD GALLERY NIGHT HOURS.

K. Stuckart was present. R. Dupler stated that the Business Plan of Operation was appropriate in regards to the hours. He asked to consolidate some of the hours, particularly in regards to Gallery Night as it was not felt that the individual shops have this identified on their Business Plan of Operation as it is citywide. He suggested that the hours be extended to the maximum closing time (7 p.m.). This was acceptable to K. Stuckart. She stated that she would come back at a later time for signage. R. Duper stated that the resurfacing of the existing awning with the intent being to repair the awning and resurface it with a color other than green. It would be gold striped with beige stripe intermittent. K. Stuckart provided a sample and drawing. A scallop of navy blue would be added. R. Dupler stated that the colors met with the downtown color guidelines and recommended approval. Mayor Craig asked that

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consideration be given on how much room would be between the scallops and the sidewalk so as to not touch pedestrian's heads.

P. SCHUMAN MOTIONED TO APPROVE WITH THE AMENDED HOURS. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **TAX KEY 804.999.004, 3173 GOLF ROAD, DELAFIELD.** APPLICANT: RONDA FINCH, ALPHA COMMUNICATIONS; D/B/A CARPHONE+ APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR RETAIL CELLULAR TELECOMMUNICATION PRODUCTS AND SERVICES. HOURS OF OPERATION ARE WEEKDAYS, SATURDAY, SUNDAY, 9 AM - 9 PM.

C. Gordon, District Manager, was present at the meeting. R. Dupler stated that the hours were appropriate, there were no plans for signage or improvements to the building at this time, and the parking is adequate as designed. This is only for the Business Plan of Operation. Recommended approval. If the number of employees changes, R. Dupler thought it would be staff discretion unless a staff threshold reached a point that modified the intensity of the use.

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

6. PRELIMINARY CONSIDERATION

None.

7. ZONING AND ORDINANCE REVISION

No report.

8. HEARING DATES

- a. Notice of Public Hearing - consider an amendment to the existing Conditional Use Permit -Planned Development for Nagawaukee Center

9. ADMINISTRATOR'S REPORT

None.

10. BUILDING INSPECTOR'S REPORT

None.

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11. BOARD OF ZONING APPEALS

No report.

12. CORRESPONDENCE

None.

13. ADJOURNMENT

B. LEONARD MOTIONED TO ADJOURN FROM THE MEETING. M. SAWALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 8:45 P.M.

Respectfully submitted:

Minutes Prepared By:

Marilyn Czubkowski, CMC
City Clerk/Treasurer

Accurate Business Communications LLC