

CITY OF DELAFIELD PLAN COMMISSION MINUTES

CALL TO ORDER

Mayor Craig called the meeting to order at 7:00 p.m. The new City Attorney, J. Timothy Lovett, was introduced and welcomed.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

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

Absent

Dick Kuchler

1. APPROVE PLAN COMMISSION MEETING MINUTES OF JULY 28, 2004.

P. SCHUMAN MOTIONED TO APPROVE THE MINUTES OF THE JULY 28, 2004 PLAN COMMISSION MEETING. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. C. MURSKY ABSTAINED. MOTION CARRIED.

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

Marcia Stocks, 226 Genesee Street – Addressed Item 7a. She realized that under other sections of the code residential property was exempt. She asked that the boundaries of this district be restricted to commercial properties, stop at the north boundary of Cushing School and only go to the Bark River. This would omit the R3 zoned residential area and the P1 noncommercial zoned Cushing School. She distributed portions of a copy of the Downtown Development Plan that was developed in 1993. This Plan suggested using sub-districts which would include the non-historic core area. This would provide for the exception of Cushing School. She discussed screening parking as a requirement for certain properties.

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

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B. LEONARD MOTIONED TO CLOSE CITIZEN'S COMMENTS. M. COURT SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. CONSENT AGENDA

- a. **Tax Key 787.079, 621 Milwaukee Street, Delafield.** Owner: Tom Aul. Applicant: WB Management LLC, Brent Moen and Wenda Zarenana. Applicants seek approval of a Business Plan of Operation for the Prickly Pear, a restaurant. Hours of operation are weekdays, 11:00 a.m. – 10:00 p.m.; Saturday, 9:00 a.m. – 11:00 p.m.; Sunday, 9:00 a.m. – 9:00 p.m. Eight part-time and 4 full-time employees.
- b. **Tax Key 798.966, 418 Genesee Street, Suite 500, Delafield.** Applicant: Mark Kamsler. Owner: Larry Kassens. Applicant seeks approval of a Business Plan of Operation for True Botanica, LLC, a health/nutritional supplement store. Hours of operation are weekdays, 9:00 a.m. – 5:00 p.m.; Saturday, 10:00 a.m. – 2:00 p.m. 2 part-time; 2 full-time employees.
- c. **Tax Key 793.001, 528 Wells Street, Delafield.** Applicant: John Kerr. Owner: Lang Investments. Applicant seeks approval of a Business Plan of Operation for Wheel & Sprocket, Inc., a retail bicycle, ski and fitness store. Hours of operation are weekdays, 10:00 a.m. – 8:00 p.m.; Saturday, 10:00 a.m. – 5:00 p.m.; Sunday, 12 noon – 4:00 p.m. 3 part-time and 2 full-time employees

C. Mursky asked to remove Item 3c.

P. SCHUMAN MOTIONED TO APPROVE ITEMS A & B. M. COURT SECONDED THE MOTION. IT WAS NOTED THAT THERE IS NO SIGNAGE BEING APPROVED FOR 3B. MOTION CARRIED.

C. Mursky asked that R. Dupler explain his comment regarding no foreseen increase on parking. R. Dupler stated that the buildings are in the CBD3 district. They have potential for retail ratio parking on all of the Lang Campus buildings. C. Mursky clarified that if there was not the demand that there is no increase in, there is no necessity for increasing the parking ratio.

C. MURSKY MOTIONED TO APPROVE ITEM C. P. SCHUMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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4. PLANS OF OPERATION, SIGNAGE AND SITE PLAN

- a. **Tax Key 793.001, 528 Wells Street, Delafield.** Owner: Lang Investments Applicant: Rob Gerbitz Applicant seeks approval of monument signage for tenants, **Wheel & Sprocket, Imagine That Gallery, Ruth Anne's Market and Envision Corp.**

R. Gerbitz was present. R. Dupler stated that a sign program was presented for consideration purposes for the use of a premise sign to accommodate use facility (multi-tenant building). There are other tenant spaces within this building and they are illustrated on the documents. There is no intended approval for signage for the any of potential clients; at this time it is only for Wheel & Sprocket and the monument sign. R. Dupler felt that the monument or premise sign that will be post mounted fit nicely into the intended design within the Historic District, although this building is not technically in the Historic District boundary. The colors and fonts are appropriate. The location of the premise sign needs to be verified and he suggested consideration for approval contingent upon staff with the petitioner on site. There is a site visibility requirement, but it is encumbered. The site triangle is 60 x 15'. The existing building already obstructs this site triangle and a site investigation will need to occur to determine what needs to be done. Other than the shifting of the monument sign a few feet this could be approved with considerations. In addition, there is a wall-mounted sign for Wheel & Sprocket. The sign colors, location, and fonts are appropriate. The Petitioner has been asked to consider downsizing the sign to be consistent with the Historic District criteria. R. Gerbitz asked if they could also look at this when the monument size is being looked at. He was concerned that the sign would be too small and would look out of place with the amount of brick in that area. Railings will be made for the handicapped area. Mayor Craig stated that downsizing the sign may be complementary to the railing. Discussion took place regarding the incorporation of the round part of the sign into the rectangular sign on the monument sign. This incorporation would help in downsizing the size of the signs. The colors chosen for the sign are very near the Historic District color palette.

P. SCHUMAN MOTIONED TO APPROVE CONTINGENT UPON THE MENU BOARD SIGN BEING MOVED OUT OF THE VISION TRIANGLE AND THAT STAFF REVIEW THE DESIGN AND SIZE OF THE MONUMENT SIGN TO MEET THE REQUIREMENTS. C. MURSKY SECONDED THE MOTION. R. DUPLER CLARIFIED THAT THE APPROVAL WAS FOR ALL OF THE INTENDED DISPLAY AREA, BUT NOT SPECIFICALLY ANY OF THE TENANTS OTHER THAN WHEEL & SPROCKET. C. MURSKY STATED THAT THIS WOULD BE FOR THE APPROVAL OF THE MONUMENT WITH A MAXIMUM OF FOUR

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TENANTS ON IT AND THE ONLY PARTICULAR GRAPHIC BEING APPROVED WOULD BE FOR WHEEL & SPROCKET ON THAT BOARD WITH THE DESIGN, SIZE, AND LOCATION TO BE DETERMINED BY STAFF. B. LEONARD ASKED ABOUT THE LOCATION OF THE SIGN ON THE BUILDING. THIS MOTION WOULD ONLY APPROVE THE MONUMENT SIGN. P. SCHUMAN WITHDREW HIS MOTION. C. MURSKY WITHDREW HER SECOND.

P. SCHUMAN MOTIONED TO APPROVE THE MONUMENT SIGN WITH STAFF APPROVAL OF THE SITE PLAN AND THE OVERALL SIZE AND DESIGN, THE BUILDING SIGN FOR WHEEL & SPROCKET, AND THE LOCATION OF THE MONUMENT SIGN WITH THE BUILDING SIGN SIZE TO FIT WITHIN THE HISTORIC GUIDELINES. C. MURSKY SECONDED THE MOTION. M. CZUBKOWSKI STATED THAT THE BUILDING SIGNAGE WAS IN THE APPLICATION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **Tax Key 781.996.013, 2215 N. Highway 83, Hartland, WI.** Applicant: Bryan Becker. Applicant seeks approval of board sign as permanent signage for Clay Werks, Inc., a stoneware gallery.

B. Becker was present at the meeting. He did not intend that this would be for special events and to advertise different endeavors of the business. Mayor Craig stated that the intent was understood through the application, but legally it needed to be considered as permanent.

R. Dupler stated that a permanent sign is attached to his mailbox. In order to get more visibility B. Becker would like to add signage that is removed from the ROW, yet within his front yard. This requires special consideration because all signs are supposed to respect the front set back lines. The text would be for three or four different messages on the board. The sign panel conforms to signage requirements. The signage would consist of a system of mounting that would be hung off of a limb of a tree at the entrance of the drive. It conforms to placement requirements. Mayor Craig addressed the message signs and asked for the exact messages. B. Becker stated that there may be additional messages and that he would be happy to submit the additional messages for approval before putting them out. Mayor Craig asked that this be done in the near future (within one week). B. Becker stated that the messages listed were the most immediate needs. P. Schuman suggested giving B. Becker 30 days to submit other messages.

P. SCHUMAN MOTIONED TO APPROVE. B. LEONARD SECONDED THE MOTION. ANY FUTURE PHRASING WOULD HAVE TO COME BACK TO THE PLAN COMMISSION. P. SCHUMAN AMENDED THE MOTION TO APPROVE WITH THE MESSAGES LISTED IN THE APPLICATION AND THAT ANY OTHER MESSAGES BE SUBMITTED

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WITHIN 30 DAYS AND APPROVED BY STAFF. B. LEONARD AGREED TO THE AMENDMENT. C. MURSKY ASKED IF THE SIGN WOULD BE VISIBLE FROM 83. B. BECKER STATED THAT HE WOULD BE DOING SOME PRUNING, BUT THOUGHT THAT IT WOULD BE WORTH IT. MOTION CARRIED.

- c. **Tax Key 803.988.003, 2566 Sun Valley Drive, Delafield.** Applicant: Ben Miller. Owner: Gary Stortz. Applicant seeks approval of a sign permit application for Benny's Seafood, a restaurant and bar.

B. Miller was present. R. Dupler stated that the sign was fully compliant and recommended approval.

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

- d. **Tax Key 792.988, 1111 Genesee Street, Delafield.** Owner's Agent: Larry Kassens. Agent seeks approval of site plan for restroom addition for St. John Chrysostom Episcopal Church.

L. Kassens was present. This would make the restroom assessable. It fits very well with the church.

R. Dupler stated that the proposed addition respects the existing building setbacks, proposes the addition of 121 sf to the building, does not impinge upon the allowable floor area ratio of the lot, does not increase the square footage enough to warrant additional parking spacing, and the proposed architecture is very well done. He recommended approval.

It was clarified that the addition would match existing materials. The restroom would be ADA compliant.

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

- e. **Tax Key 797.013, 1533 Milwaukee Street, Delafield** Applicants: Thomas and Nancy Tegeder. Applicants seek site plan approval for a retaining wall.

T. Tegeder was present. They would like to put in a retaining wall. After surveying, the landscaper recommended the area was to put up to three catch basins in the planting bed, move the wall one foot from the property line to the west, and fill it in with gravel base with perforated drain tile. The catch basins and drain tile would lead to the lakeside. He described his lot and proposed landscaping.

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R. Dupler stated that this project requires approval for a retaining wall of more than 18" within the building setback (it is being built within the side yard) and this modifies the grade to a degree greater than 4:1 within 25' from the side yard. This is a single family residence. The City engineer met with petitioner on site and has made recommendations. The wall, if moved off a foot off of the property line and if it employs the drain inlet at the top with back drain towards the lake, will be very well implemented. It is aesthetically pleasing and hardly visible. M. Court stated that approval should be contingent on his looking at the plan to make sure it addresses the run-off concerns included in his letter. Shifting the wall one foot off of the property line would work out. They should make sure that the start of retaining wall does not start within the ROW (this was not included in the letter). It should start at the lot corner.

M. COURT MOTIONED TO APPROVE WITH THE CONDITION THAT STAFF REVIEW THE DRAINAGE ASPECT OF THE WALL. P. SCHUMAN SECONDED THE MOTION. IT WAS CLARIFIED THAT THE RECOMMENDED MODIFICATION WAS THAT THE WATER WOULD BE CAUGHT BEFORE IT GETS TO THE BASE OF THE WALL WITHIN THE CATCH BASINS IN THE LANDSCAPING AREA AND THEN CONVEY IT AROUND TO THE LAKE. THE GRAVEL AT THE BASE OF THE RETAINING WALL WILL HELP WITH DRAINAGE. A GRADE WILL GO ALONG THE RETAINING WALL TO CONVEY THE FLOW. ALL WERE IN FAVOR. MOTION CARRIED.

T. Tegeder asked if there was a plan within the next 10 years to lower Milwaukee Street. M. Court stated that it is possible that Milwaukee Street would be repaved next year, but it would not be lower. Mayor Craig suggested calling T. Hafner regarding snow removal lanes on Milwaukee Street.

- f. **Tax Key 755.958, 2029 Evergreen Lane, Hartland.** Applicants: Jon & Amy Hopkins. Applicants seek approval of site plan for a boathouse.

J. Hopkins was present. Architectural drawings were displayed and photos were distributed. B. Duchow, architect, was present. The DNR permitting process has been started. M. Carlson stated that the riprap permit has been forwarded to the Lake Welfare Committee for information. The riprap permit is strictly a DNR approval. The boathouse is an informational item to the Lake Welfare Committee.

R. Dupler stated that this was appropriate and conforms to ordinance requirements. Size, height, and color are also appropriate. He recommended approval.

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B. LEONARD MOTIONED TO APPROVE. P. SCHUMAN SECONDED THE MOTION. THE ARCHITECTURE OF BOAT HOUSE HAS A FLAT ROOF. C. MURSKY SUGGESTED ADDING SHUTTERS AND LIGHTS TO MATCH THE HOUSE. J. HOPKINS STATED THAT THE WINDOWS WILL BE MADE TO MATCH THE HOUSE AND HE WILL INCLUDE SHUTTERS IN THE PLAN. B. LEONARD AMENDED THE MOTION TO APPROVE WITH SHUTTERS ADDED TO THE NORTH AND SOUTH ELEVATIONS, COLORS TO MATCH THE HOUSE, AND WINDOWS TO MATCH THE HOUSE. P. SCHUMAN AGREED TO THE AMENDMENT. THE DEPTH OF THE WATER IN FRONT OF THE PROPOSED BOATHOUSE WAS DISCUSSED. ALL WERE IN FAVOR. MOTION CARRIED.

- g. **Tax Key 804.993.002, Highway 83 & Golf Road, Delafield.** Applicants: TOLD Development. Applicants seek approval of site plan and appearance review changes as a minor change to Conditional Use.

G. Kost was present. He requested a minor change to the GDP in Phase III. They are proposing an amendment to accommodate Applebees Restaurant – similar layout for parking, one building downsized to accommodate two buildings. Drawings were displayed comparing the original layout to the proposed. The green space is still within compliance. Square footage, lighting, stormwater, and landscaping items were discussed.

R. Dupler stated that it needed to be determined if this was a minor change. Square footage needs to be considered. Green space was supposed to be 35%. With the revised layout it is still in excess of 35%. Floor area ratio on the property could still be considered a minor change. He recommended this as a minor change. He suggested flipping the travel lane and parking spots against the building in order to keep it further from Golf Road.

P. SCHUMAN MOVED TO APPROVE CONTINGENT ON STAFF REVIEW AND PUBLIC WORKS COMMITTEE APPROVAL ON STORMWATER AND UTILITY PLANS. Mayor Craig discussed the future use of the other building (bank). Traffic was a concern. A traffic study to show how this would impact the area was discussed. He was concerned about the full build out. G. Kost stated that the two uses complement each other. M. Carlson discussed the Town of Delafield properties adjacent to this. R. Dupler suggested that if it is the developer's intent to increase the total square footage on the property it would constitute a major change. However the square footage could now be transferred so as to maintain the approved square footage. **B. LEONARD SECONDED THE MOTION.** Mayor Craig stated that he was still concerned about the traffic. C. Mursky stated that there was something about the traffic flow that bothered her. Mayor Craig stated that the tipped buildings and

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peninsulas make it a difficult flow. Discussion took place on traffic flow. P. Schuman stated that there is a traffic study and suggested it be re-circulated. Mayor Craig stated that the Public Works Committee review the traffic flow. C. Mursky was concerned about the increase of 1500 sf. Mayor Craig recommended going to Best Buy on Bluemound to observe all of the different ways people are going in and out, however this was a smaller Best Buy. M. Court stated that the traffic study has been approved but the Public Works Committee could review it to see if this type of business would generate more traffic and if an additional traffic study is needed. **P. SCHUMAN AMENDED THE MOTION TO INCLUDE A REVIEW OF THE TRAFFIC STUDY AND PATTERNS BY THE PUBLIC WORKS COMMITTEE. B. LEONARD AGREED TO THE AMENDMENT.** B. Leonard would like to be reassured that in the western phases the total square footage could be examined and determined what would make it a major change. **ALL WERE IN FAVOR. MOTION CARRIED.**

5. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVALS

- a. Final approval of CSM for Michael and Cynthia Kieren, **Tax Key 797.990, 1327 Main Street, Delafield.**

C. Kieren was present. R. Dupler reviewed. These were three parcels that have been consolidated into two. In doing so it decreased a number of nonconformities. The final CSM has been resubmitted and has been reviewed by Welch Hanson survey staff. There are five items identified in the August 20th letter from Welch Hanson that need to be attended to. He recommended approval contingent on the five issues. M. Czubkowski stated that all issues have been completed.

C. MURSKY MOTIONED TO APPROVE CONTINGENT THAT THE FIVE ITEMS IN THE WELCH HANSON LETTER DATED AUGUST 20, 2004 WERE ADDRESSED. P. SCHUMAN SECONDED. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. Final approval of the Site Plan and CSM for **The Carpenter's Shop, Tax Key 798.075, 805 Wells Street, Delafield.**

R. Gerbitz was present. This is a final plat. R. Dupler recommended approval contingent on the nine issues in the August 13, 2004 letter.

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

The Clerk noted that this was tabled last month and that this item would need to be re-voted.

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

The property was combined and parking was banked. This will go before the City Council at the next meeting.

P. SCHUMAN MOTIONED TO APPROVE. B. LEONARD SECONDED THE MOTION. P. SCHUMAN AMENDED HIS MOTION THAT IT BE CONTINGENT ON THE LETTER OF AUGUST 13, 2004 TO MEET THE NINE ITEMS. B. LEONARD AGREED WITH THE AMENDMENT. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. PRELIMINARY CONSIDERATION

None.

7. ZONING AND ORDINANCE REVISION

a. DOWNTOWN DELAFIELD DISTRICT DESIGN GUIDELINES

New language was incorporated to the revised Downtown Delafield District Design Guidelines to better communicate the intent. The commissioners had copies of the report in their packets. Extensive discussion took place regarding modifications to the document. This document will be revised and brought back before the Plan Commission next month.

The extent of the boundaries was discussed and a sheet depicting the proposed historic Downtown Delafield District Boundary was distributed to the commissioners. Discussion took place. Mayor Craig thought that flexibility was built into this ordinance. T. Maney stated that any change to the school, in a P1 district, needs to come before the Plan Commission. The school would fall under existing nonresidential structures. They would need to show that any addition blended in with the existing structure.

The City Attorney will be asked to draft an ordinance. This will be brought back for final consideration.

8. HEARING DATES

- a. Milwaukee Street Condominiums – Public Hearing September 29, 2004
- b. Gatzow Conditional Use and Amendment – Public Hearing September 29, 2004

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9. ADMINISTRATOR'S REPORT

a. NE/NW STORMWATER MANAGEMENT PLAN

Gary Raasch from Hay Associates was present to present the final report. M. Carlson reviewed the history of this project. The Commissioners were in receipt of the draft report. G. Raasch summarized the findings. Drainage areas were reviewed. He saw no need for regional stormwater facilities on the northwest side. However, he reviewed several areas on the northeast side where regional facilities were recommended.

M. Carlson stated that the purpose of the ponds was to handle the quantity of water generated from developed activity and also to improve the quality of the stormwater before it reaches Nagawicka Lake. The land uses included in the current Master Plan were used in the development of this model (assumes residential land uses on the west side of Highway 83). The recommendations work for that level of intensity. G. Raasch stated that if a plan is not adopted, as each parcel is developed it would have to a detention basin on it of some size, manner, or shape suited to that particular development and site. The regional concept is difficult and is influenced by the timing of development and cooperation between landowners or the City stepping in, buying the property, developing it with City money and then using development fees to pay back the City's costs incurred up front. Mayor Craig stated that as the developers coming in could put these in at their cost. G. Raasch has recently done stormwater management plans for the City of Waukesha, Oak Creek, and Appleton. Appleton has had great success. General discussion took place.

M. Carlson stated that this plan represented a blueprint for the stormwater management plan. This was the first step. In conjunction with the Master Plan, this information could be used to help guide developers. Eventually this could be added to the Master Plan. Discussion took place on different methods that could be used for implementation. Mayor Craig stated that the first step would be to get the report out to the people directly affected. A copy will be available for review in the City of Delafield Library and on the website. The affected property owners are listed on 5-2. C. Mursky would like to know the funding methods needed before moving to a public hearing. P. Schuman will put this on the Lake Welfare Committee agenda and B. Leonard will review with the Park & Recreation Committee.

Mayor Craig thanked G. Raasch for the hard work he has done on this project.

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b. WAUKESHA COUNTY – SMART GROWTH PLAN

M. Carlson reviewed the background of this item and how the County would assist in the preparation. A list of the communities in Waukesha County that have agreed to participate was included in the commissioner's packets. The second attachment included the process that the County uses in the planning process. The third attachment was the scope of study for the comprehensive plan. There is not much money available for the planning grants. Combining the city's efforts with Waukesha County would give a greater chance to leverage for the grant dollars for the planning efforts. The County is putting together a grant application. The City of Delafield is interested in applying for the grant, but M. Carlson stated that by applying for the grant, Delafield is doing so with the understanding that it is not asking the County to substitute its planning judgment for our community's planning judgment. This was understood. This is being pursued.

Mayor Craig addressed the County's timeline.

10. BUILDING INSPECTOR'S REPORT

Total number of permits to date 31, plus four occupancy permits, two new single family homes, one two family dwelling and one manufacturing building.

11. BOARD OF ZONING APPEALS

a. Letter dated July 27, 2004 from the Board of Zoning Appeals granting a variance for the property at 2464 Woodland Park Drive, Delafield, WI.

12. CORRESPONDENCE

None.

13. ADJOURNMENT

C. MURSKY 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 9:58 P.M.

Respectfully submitted:

Minutes Prepared By:

Marilyn Czubkowski, CMC
City Clerk/Treasurer

Accurate Business Communications LLC