

CITY OF DELAFIELD PLAN COMMISSION MINUTES

PUBLIC HEARING

The Public Hearing was declared open at 7:01 p.m.

CONDITIONAL USE PERMIT FOR MILWAUKEE STREET CONDOMINIUMS, TAX KEY 802.981.001, 1856 MILWAUKEE STREET, DELAFIELD

Greg Marsu, Representing the two homeowners – he had no comments at this time.

Mayor Craig asked three times if there was anyone who wished to speak. There were none.

**P. SCHUMAN MOTIONED TO CLOSE THE PUBLIC HEARING FOR TAX KEY 802.981.001. M. COURT SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

TO CONSIDER TERMINATION OF A CONDITIONAL USE PERMIT FOR G & S RECREATION, INC., DBA SUMMER FUN MARINE

Mayor Craig asked three times if there was anyone who wished to speak. There were none.

**P. SCHUMAN MOTIONED TO CLOSE THE PUBLIC HEARING FOR G & S RECREATION, INC., DBA SUMMER FUN MARINE. M. COURT SECONDED THE MOTION. E. O'BRIEN STATED THAT LETTERS FROM SCHOUTEN (AGAINST), BOVA (IN FAVOR), DELIE (IN FAVOR) HAD BEEN RECEIVED. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

Absent

Mayor Paul Craig  
Phil Schuman  
Chrys Mursky (entered 7:06 p.m.)  
Mike Court  
Beth Leonard  
Dick Kuchler  
Roger Dupler  
Tom Maney  
Matt Carlson  
Ellen O'Brien

**CITY OF DELAFIELD PLAN COMMISSION MINUTES**

1. APPROVE PLAN COMMISSION MEETING MINUTES OF AUGUST 25, 2004.

**P. SCHUMAN MOTIONED TO APPROVE THE MINUTES OF THE AUGUST 25, 2004 MEETING. 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.

Mayor Craig asked three times if there was anyone who wished to speak. There were none.

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

3. CONSENT AGENDA

C. Mursky asked to remove Items a and c.

- a. **TAX KEY 804.999.004, 3215-11 GOLF ROAD, DELAFIELD.**  
AMENDED BUSINESS PLAN OF OPERATION FOR KETTLE MORaine DISTRIBUTION, LLC, D/B/A, THE UPS STORE – DELAFIELD. HOURS OF OPERATION ARE WEEKDAYS, 8:00 A.M. – 6:30 P.M.; WEEKENDS, 10:00 A.M. – 4:00 P.M.; HOLIDAY WEEKDAYS, 8:00 A.M. – 10:00 P.M.; HOLIDAY SATURDAYS, 10:00 A.M. – 5:00 P.M., HOLIDAY SUNDAYS, 10:00 A.M. – 4:00 P.M.

C. Mursky stated that holidays should be specific. Bonnie Dixon of the UPS Store was present and stated that the holidays would be consistent with the shopping center (Kohls Department). This was sufficient for C. Mursky.

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

- b. **TAX KEY 804.999.008, 3210 GOLF ROAD, DELAFIELD.** APPLICANT: NORTHPARK DENTAL GROUP, LLC. OWNER: TOLD DEVELOPMENT. APPLICANT SEEKS A BUSINESS PLAN OF OPERATION FOR NORTHPARK DENTAL GROUP, A DENTAL PRACTICE. HOURS OF OPERATION ARE MONDAYS – THURSDAYS, 7:00 AM – 9:00 PM; FRIDAYS, 7:00 A.M. – 7:00 P.M.; SATURDAYS, 7:00 A.M. – 4:00 P.M.; 7 DAYS A WEEK, 24 HOURS EMERGENCY ON-CALL. 4 FULL TIME EMPLOYEES.

**P. SCHUMAN MOTIONED TO APPROVE ITEM B. D. KUCHLER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION.**

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**ALL WERE IN FAVOR. MOTION CARRIED. C. MURSKY NOTED THAT NO SIGNAGE WAS INCLUDED IN THIS.**

- c. **TAX KEY 804.994.017, 2740 HERITAGE DRIVE, DELAFIELD.** OWNER: HEIL, HEIL & SMART. APPLICANTS: LANCE AND JENNY VAN DER PLOEG. APPLICANTS SEEK APPROVAL OF A BUSINESS PLAN OF OPERATION FOR LAKE COUNTRY KIDS, LLC, DBA, THE LITTLE GYM OF LAKE COUNTRY, A CHILDRENS' FITNESS CENTER. HOURS OF OPERATION ARE WEEKDAYS AND SATURDAYS, 9:00 A.M. – 7:00 P.M.; SUNDAYS, 9:00 A.M. – 5:00 P.M. 2 FULL-TIME; 3-5 PART-TIME EMPLOYEES

It was clarified that no state or federal licenses were required.

**C. MURSKY MOVED FOR APPROVAL NOTING THAT NO SIGNAGE WAS BEING APPROVED. D. KUCHLER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED.**

4. PLANS OF OPERATION, SIGNAGE AND SITE PLAN

- a. **TAX KEY 786.025, 1832 WEST SHORE DRIVE, DELAFIELD.** OWNER: PATRICIA BARWIG; APPLICANT: JAMES JENDUSA. APPLICANT SEEKS APPROVAL OF AN ARCHITECTURAL WALL FOR A NEW RESIDENCE

J. Jendusa was present at the meeting. The plans submitted were for retaining wall approval and decorative wall approval for the residence. In addition there is some drainage work being done to improve drainage in the area. The proposed drains to be installed will alleviate water problems that were encountered in the past.

R. Dupler stated that they were only asking for the retaining wall tonight that is within 25' of the current property line. The fence above the wall falls within the requirements. The design is properly coordinated, engineering and public works have reviewed this. This is in an area that does not have positive drainage out of it. A drain system is employed to alleviate existing stormwater problems for this residence and the neighbor to the north. J. Jendusa reviewed other alternatives. R. Dupler recommended approval with conditions.

**P. SCHUMAN MOTIONED TO APPROVE CONTINGENT UPON THE RECORDING OF THE DEED RESTRICTION TO ENSURE THAT THE APPROVED GRADING PLAN IS MAINTAINED AND UNALTERED. D. KUCHLER SECONDED THE MOTION. P. SCHUMAN AMENDED HIS MOTION TO INCLUDE THE COMPLIANCE OF THE LETTER DATED SEPTEMBER 24, 2004 FROM M. COURT. THE SECOND AGREED WITH THE AMENDMENT.** M. Carlson stated that the City does not enforce deeds covenants and restrictions. M. Court stated that they wanted the City to go in and enforce this if it were not maintained. M.

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Carlson suggested entering into an agreement rather than deed restriction.

**P. SCHUMAN WITHDREW HIS MOTION.**

**P. SCHUMAN MOTIONED TO ENTER INTO AN AGREEMENT TO MAINTAIN THE GRADING PLAN WITH THE CITY AND RECORDATION OF A DEED RESTRICTION TO ENSURE THAT THE GRADING PLAN IS MAINTAINED AND UNALTERED REFERENCING M. COURT'S LETTER OF SEPTEMBER 24, 2004. D. KUCHLER SECONDED THE MOTION.**

B. Leonard discussed run-off. M. Court stated that the run-off would be insignificant. C. Mursky addressed the necessity for the retaining wall.

R. Dupler stated that the design concept was for the lawn to be a consistent grade. T. Maney was comfortable with the plan and stated that it was well done. **ALL WERE IN FAVOR. MOTION CARRIED.**

- b. **TAX KEY 755.982, 2813 RIDLEY ROAD, HARTLAND.** OWNERS JOHN AND ELIZABETH MCDONALD. OWNERS SEEK APPROVAL OF A RETAINING WALL.

J. McDonald was present at the meeting.

R. Dupler reviewed the retaining wall. Since the height of the wall exceeds 3', it needed Plan Commission approval.

**D. KUCHLER MOTIONED TO APPROVE. B. LEONARD SECONDED THE MOTION. IT WAS CLARIFIED THAT THE TIMBER WOULD BE YELLOW PINE, PRESSURE TREATED, NON-ARSENIC, COPPER SULFATE, 40 YEAR. M. COURT DID NOT SEE A PROBLEM WITH THE MATERIAL OR THE FENCE. ALL WERE IN FAVOR. MOTION CARRIED.**

- c. **TAX KEY 797.997.004, 1722 MILWAUKEE STREET, DELAFIELD.** OWNER: PETER AND PATTI J. LARSON, REPRESENTING THE HOMEOWNERS OWNERS SEEK APPROVAL OF THE ARCHITECTURAL ADDITION AND CONDITIONAL USE PERMIT FOR SOUTH SHORE HARBOR CONDOMINIUM

Bob Hamilton, general contractor for the project, was present. He passed around a drawing to the commissioners.

R. Dupler reviewed. The additional space will add one additional building space to 8 of the 12 units. All is within the footprint of the building and does not increase impervious area. A color rendition of the red and green spaces was included in the commissioner's packets. He discussed the green space required. If the addition is allowed to continue, it increases their required green space to 4,000 sf per unit. Since they currently do not satisfy their green space requirements it should be considered a major

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change to their conditional use and a public hearing should be conducted to modify the existing agreement. Green space in the ROW may be used to consider aggregate quantities. M. Carlson stated that in 1991 there was language indicating additional units. R. Dupler stated that in 1991 they originally wanted 13 units but only built 12. T. Maney stated that the city's flexibility was tied into a very high-end condo project and the dissolving of a bait business. B. Hamilton stated that they would start off making additions to seven or eight units, but after that the remaining units would like to have the option also. Firewalls will need to be put in before this could commence. They would like approval for 12 units even though all 12 might not be built. There are no properties behind the condos.

**P. SCHUMAN STATED THAT THIS WOULD INCREASE THE VALUE OF THE PROPERTY AND MOTIONED THAT THIS IS A MAJOR CHANGE AND SHOULD BE SCHEDULED FOR A PUBLIC HEARING. D.**

**KUCHLER SECONDED THE MOTION.** M. Court addressed the road ROW – it needs to be clarified as to whether it is an easement or a ROW. C. Mursky stated that she did not support sending it to a public hearing because it would increase the nonconformity. B. Leonard was concerned with the precedent that it would set for the next condo development and that three bedrooms implies family housing – without having play areas for children and not much open space it does not seem very conducive to families. Mayor Craig stated that there are number of areas in the vicinity to play. **THERE WERE IN FAVOR OF THE MOTION, B. LEONARD AND C. MURSKY OPPOSED. MOTION CARRIED.**

- d. **TAX KEY 793.001, 528 WELLS STREET, DELAFIELD.** APPLICANT: JOHN KERR. OWNER: LANG INVESTMENTS. APPLICANT SEEKS APPROVAL OF BUILDING SIGNAGE FOR WHEEL & SPROCKET, A RETAIL BICYCLE, SKI AND FITNESS STORE.

J. Kerr from Wheel & Sprocket was present.

R. Dupler stated that the signage conforms to ordinance requirements and recommended approval. The signage would be a tenant sign on the east elevation. There is no lighting on the sign at this time and the sign is hinged and adequately anchored.

**D. KUCHLER MOTIONED TO APPROVE. B. LEONARD SECONDED THE MOTION. C. MURSKY ASKED FOR CONDITIONS THAT THE YELLOW SIGNS BE REMOVED FROM WINDOWS AND THAT THE BANNER ON THE SIDE OF THE BUILDING BE REMOVED. D. KUCHLER DID NOT WISH TO CHANGE HIS MOTION. J. KERR STATED THAT THEY WERE ANXIOUS TO REMOVE THE YELLOW SIGNS. ALL WERE IN FAVOR OF THE MOTION. MOTION CARRIED.**

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- e. **TAX KEY 804.995, 2725 HERITAGE DRIVE, DELAFIELD.** SITE PLAN. OWNER: HEARTLAND FOOD CORP, DBA, BURGER KING. PETITIONER: JOHN KAYSER. PETITIONER SEEKS APPROVAL OF A SITE PLAN FOR A COLOR CHANGE OF THE EXTERIOR BUILDING

J. Kayser was present at the meeting. He reviewed the reasons for the color changes, and upgrades to the appearance of the existing building and site plan improvements. They are looking at addressing a lot of deferred maintenance issues in addition to trying to accomplish the approval of color changes, upgrade in lighting, and improvements to the asphalt/concrete.

R. Dupler reviewed the aesthetic changes. There is a modification to the site plan which would be to add screening around the dumpster and shrubbery. Work on the parking lot is maintenance. This property is a conditional use. He recommended approval contingent upon re-submittal of the lighting plan and modification of the trash enclosure design. M. Carlson stated that there are other developments where architectural standards are being elevated. He would have liked to see cedar shake on the roof structure and upgrading of the architectural elements. Discussion took place regarding various buildings within this shopping center. B. Leonard stated that the most recent buildings have a much higher architectural style than this. J. McDonald, Director of Facilities for Burger King, spoke and stated that it was important that the Plan Commission treat Burger King with consistency with other businesses in the area. Mayor Craig stated that since the time that Burger King was built, the City has raised the bar and overall the customers and merchants appreciate the high quality that the City requires. WalMart and other stores were built prior to the raising of this bar and if/when they come in they will be raised up to a higher level. The newer projects have the higher end quality architecture and colors.

**D. KUCHLER MOTIONED THAT THIS GO BACK TO STAFF AND COME BACK WITH SOMETHING THAT HAS UPGRADED ARCHITECTURE. C. MURSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

5. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVALS

- a. APPROVAL OF THE FINAL PLAT FOR **TAX KEY 621.999 AND 746.999, 2777 MISSION ROAD, DELAFIELD,** MISSION WOODS SUBDIVISION

M. Carlson stated that the preliminary plat has been approved. Petitioner has gone through the State approval process.

J. Seipmann was present at the meeting. The project is under construction. The state has not required an access point and it has been removed from the plans. M. Carlson stated that there is a Plan

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Commission Resolution included in the commissioner's packets. R. Dupler recommended approval. Mayor Craig gave Mr. Seipmann high praises regarding protection of the environment.

**C. MURSKY MOVED TO APPROVE RESOLUTION 2004-04. D. KUCHLER SECONDED THE MOTION. IT WAS CLARIFIED THAT IN THE WAUKESHA COUNTY LETTER THERE WERE NO OBJECTIONS OR CONTINGENCIES. MAYOR CRAIG STATED THAT THE CONTRACTOR IS VERY HIGH QUALITY. FOUR WERE IN FAVOR. B. LEONARD OPPOSED. MOTION CARRIED.**

b. ACTION REGARDING GATZOW CONDITIONAL USE

Mr. Gatzow was present at the meeting. M. Carlson reviewed the original conditional use and the second conditional use regarding Summer Fun Marine. He also reviewed the process for revocation of the conditional use. Mr. Gatzow stated that the business located there is in an area zoned business and a similar business is located near this one. They have worked hard regarding the quality of building. It is an unobtrusive business and conducts business two months out of the year two times out of the year. He has worked very hard with the neighbors to make sure that the business is not infringing upon them. To the best of his knowledge everything is okay with his neighbors. He thought it was a very good fit for the neighborhood. M. Carlson stated that he received another email from Borkowski recommending termination of this conditional use. R. Dupler stated that they have conducted inspections two times this summer and found no violations of the conditional use. The duration of the inspection was a one-time inspection, not the entire day. The landscaping requirements have now been met. M. Carlson stated that this is before the Plan Commission because there was language in the minutes of the meeting asking for a review of Summer Fun Marine in June of 2004. In June of 2004, combined with the complaints, it was being brought before the Plan Commission tonight. One of the trigger mechanisms in a conditional use is having another review date one year away. The municipal code gives the Plan Commission power to establish certain expiration dates of conditional uses. Other mechanisms for enforcement were reviewed. C. Mursky was concerned that some of the complaints could not be verified (delivery of boats after the approved hours of operation and duration of outdoor storage of individual boats). M. Gatzow stated that his house is right there and he has done every bit of work possible to make sure that no violations take place. One of the complainants lives one-quarter of a mile away. He stated that a boat has not been on the premises all summer long. He stated that the landscaping was put in as soon as the shrubbery was able to be obtained. P. Schuman did not think that any action needed to be taken to revoke.

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**P. SCHUMAN MOVED THAT NO ACTION BE TAKEN TO REVOKE THE CONDITIONAL USE. D. KUCHLER SECONDED THE MOTION. IT WAS CLARIFIED THAT ENFORCEMENT WOULD BE TAKEN CARE OF BY COMPLAINTS AND OTHER METHODS. ALL WERE IN FAVOR. MOTION CARRIED.**

- c. **TAX KEY 802.981.001, 1858 MILWAUKEE STREET, DELAFIELD.**  
OWNERS: PATRICIA AND DENNIS SCHLEI AND ALLEN AND DELORES LARSEN. OWNERS SEEK APPROVAL OF A REVISED SITE PLAN, CONDITIONAL USE AND LANDSCAPE PLAN FOR MILWAUKEE STREET CONDOMINIUM

G. Marso, general contractor, was present at the meeting.

R. Dupler reviewed. What was being brought forward is a modification to the building pad. The modification of the site plan that accompanies the conditional use is being considered. There is a swap of private versus common space. Drawings were provided to the commissioners. This could be considered a minor change to the conditional use. Other issues as part of their redevelopment of landscaping included an area of grading within the public ROW. This would afford a berm but would still convey stormwater. Additional landscaping is being requested by the residents in the ROW. The proposed material is appropriately sized and located and will not interfere with utilities. The issue with the proposed fencing was clarified as a simulated wrought iron fence and is allowable (no longer an issue). His recommendation was to recommend this to Council as a minor change to the conditional use and that many of these issues were issues established by the City and he would like to include approval contingent of establishment of lawn by the west unit by October 10, 2004 and sod around the pond. D. Schlei, 1856 Milwaukee Street was present and confirmed that he did not have any problems with the sodding around the edge of the pond. M. Court stated that with the plantings in the ROW, a condition of replacing any plantings if need be during the reconstruction of Milwaukee Street or from any other damage by the City may want to be considered. P. Schuman stated that grass may be a temporary thing to stop erosion around the pond now, but natural plantings would be better. R. Dupler stated that the pond by Steeple Point was a good example. Mayor Craig stated that natural plantings would also deter geese. P. Schuman will supply R. Duper with information to give to the Schleis.

**B. LEONARD MOTIONED FOR APPROVAL TO RECOMMEND THIS TO COUNCIL AS A MINOR CHANGE TO THE CONDITIONAL USE STIPULATING THAT THE SCHLEI RESIDENCE MUST BE GRADED AND LAWN ESTABLISHED BY OCTOBER 10, 2004 AND THAT SOME PROVISIONS BE INCORPORATED ALONG THE POND FRONTAGE OTHER THAN GRASS IF AT ALL POSSIBLE AND ANY DAMAGE TO THE OWNER'S LANDSCAPING WITHIN THE ROW BE RECTIFIED AT**



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**THE OWNER'S EXPENSE (CITY IS NOT RESPONSIBLE) AND REFERENCING THE SEPTEMBER 24, 2004 REVIEW LETTER. M. COURT SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- d. **TAX KEY 802.981.002, 1858 MILWAUKEE STREET, DELAFIELD.**  
OWNERS: ALLEN AND DELORES LARSEN. APPLICANT: GREG MARSO.  
APPLICANT SEEKS APPROVAL OF ARCHITECTURE FOR MILWAUKEE STREET CONDOMINIUM

G. Marso was present. R. Dupler reviewed. Architecture for the proposed residence was submitted. Examples of architecture were reviewed and included in the commissioner's packets. R. Dupler did not believe that the proposed architecture was substantially complimentary to the Schlei's present building architecture. Photos of the Schlei home were distributed to the commissioners. T. Maney reviewed the history of the original architectural style of the original conceptual plan. The house that the Schleis have built now sets the standard. A. Larsen, 1858 Milwaukee Street, spoke regarding the process. M. Carlson stated that the architecture for these units must be architecturally complimentary according to the conditional use. P. Schuman asked the Larsens if they would be willing to put cedar siding on the house instead of flat siding. Mr. Larsen stated that they would be agreeable to hardy plank.

**P. SCHUMAN MOTIONED TO REFER THIS TO STAFF TO WORK ON THE ARCHITECTURE FEATURE TO MAKE IT MORE IN COMPLIANCE WITH THE ARCHITECTURE OF THE SCHLEI RESIDENCE. B. LEONARD SECONDED THE MOTION. IT WAS CLARIFIED THAT THE HOMES MUST BE COMPLIMENTARY IN ARCHITECTURAL STYLE ACCORDING TO THE CONDITIONAL USE. P. SCHUMAN CALLED THE QUESTION. ALL WERE IN FAVOR. MOTION CARRIED.**

- e. **TAX KEY 784.971-973, 1100 HIGHWAY 83, DELAFIELD, WI.**  
WESTBROOK CHURCH. APPLICANT: PAUL CARTER. APPLICANT SEEKS APPROVAL OF A GENERAL DEVELOPMENT CHANGE, SIP REVISION AND FINAL CSM.

P. Carter and K. Stock were present. They wished to amend the GDP, specifically the phasing plan to facilitate a relocated parking area during the first phase of construction and in the final proposed site the plan increases the parking lot for an additional 53 spaces.

R. Dupler stated that there is a revised phasing plan, and a revised SIP. In regards to the revised SIP, the impervious area has been accommodated for in addition to the 53 spaces. He recommended approval of the GDP and SIP.

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**P. SCHUMAN MOTIONED TO APPROVE THE SIP AND GDP. D. KUCHLER SECONDED THE MOTION. C. MURSKY DISCUSSED THE PARKING AND TEMPORARY PARKING PHASES. ALL WERE IN FAVOR. MOTION CARRIED.**

R. Dupler addressed the final CSM. This will allow for a full intersection and will service the neighbor to the south with future drive access. There are some questions: naming of road – Church proposed Mariner Court, however the City requested a different name so there would not be any confusion when dispatching emergency services. Mayor Craig suggested leaving the naming of the road up to staff. M. Carlson suggested naming the road Mariner Drive (a continuation on the other side of the street) with address numbers in a good pattern extending the drive. This could be left up to staff. K. Stock did not have a problem with the name of Mariner Drive. R. Dupler stated that the detrimental impact to existing trees with the construction of this street needed to be considered. The church would like to employ cash in lieu of on-site replacement (\$5,000). The DOT determined the location of the new street. K. Stocks stated that their plan is to not take the trees down, but to see if they survive. If they die, the church would take them down at their expense in addition to paying the \$5,000 up front. A letter from Welch Hanson dated September 24, 2004 with nine outstanding items was included in the packet.

**B. LEONARD MOTIONED TO APPROVE THE CSM AS SUBMITTED AND REFERENCE THE WELCH HANSON LETTER DATED SEPTEMBER 24, 2004 AND THAT THE OWNER PROVIDE THE CITY WITH A \$5,000 CASH DONATION IN LIEU OF TREES THAT MAY BE LOST ON THE SOUTH PROPERTY LINE WITH THE UNDERSTANDING THAT THE TREES WOULD TRY TO BE PRESERVED AND THAT STAFF WILL WORK WITH THE THREE PROPERTY OWNERS TO DETERMINE A STREET NAME AND TO RECOMMEND THAT STAFF MAKE A RECOMMENDATION TO COUNCIL. P. SCHUMAN SECONDED THE MOTION. C. Mursky discussed the \$5,000. R. Dupler stated that the City Forester recommended taking the trees down right away. The church stated that they are bringing on an additional 350 caliper inches as part of the landscaping plan. R. Dupler reviewed the ordinance regarding the \$5,000. Mayor Craig stated that the church is willing to keep the trees for as long as they can and are willing to compensate the City whether the trees live or not. **ALL WERE IN FAVOR. MOTION CARRIED.****

6. PRELIMINARY CONSIDERATION

- a. **TAX KEY 793.014 AND 793.016.001, 601-623 GENESEE STREET, DELAFIELD. OWNER: LANG INVESTMENTS. OWNER SEEKS APPROVAL OF CONCEPTUAL PRESENTATION OF DELAFIELD SQUARE,**

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A PROPOSED BUILDING TO BE USED FOR RETAIL/MIXED USE DEVELOPMENT

R. Gerbitz, Lang Investments, and K. Johnson, architect, were present at the meeting and gave a summary of how this evolved. While going through the process of the hotel and mall they did an event at the Washington Building and they are now proposing the hotel at the Washington Building. The retail demand for downtown has grown in the last 6-8 months and several requests for condos in downtown Delafield have been received over the years.

K. Johnson reviewed the Delafield Square – they are proposing taking the existing building down and doing a mix of residential and retail. This building would be 17,500 sf. There would be 157 parking spaces including existing and new perimeter parking. In this proposal they have 29 parking spaces below grade as well. First floor would consist of retail space with an anchor tenant and five individual retail spaces. The lower level will house condo parking with 29 parking spaces and additional storage areas. The second, third and fourth floors would have mostly two bedroom condo units (a total of 18 units). Each condo would have an exterior deck. The exterior renditions of the building were displayed.

P. Schuman discussed moving the front parking to the rear of the building rather than having it up front by Genesee Street. R. Gerbitz stated that the building would encroach upon the road with it being high and that he thought it would look more attractive further back. In addition, their main tenant would like to have it mostly in the front. Agreements with the present tenants are being worked on.

R. Dupler stated that the building is an exciting proposal and an exciting opportunity for Delafield on Genesee Street. He felt that the building should be pulled up to the street frontage. He felt that it was in the best interest to have the architectural frontage up front. In context of the neighborhood it would be best to have the building up front. The fourth story mandates the necessity for a conditional use in addition to the fact that it is a multi-residential bldg in CBD1. The mixed use works very well. The parking and site layout they have are very well accommodating for the residential units. They have satisfied parking for retail with the surface parking. Pulling the building forward would provide better access to the underground parking. It would be appropriate to have a unique entrance. K. Johnson stated that R. Dupler's comments had a lot of merit. R. Dupler stated that because of the long length of the building, the parking and the building could easily switch and with entrances being accommodated. This would also provide for centrally located parking.

P. Schuman addressed the two bedroom condos. R. Gerbitz stated that having units with three bedrooms would be too large. They were

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targeting empty nesters and those who had other homes. They would also have two units with just one bedroom.

The locations of the elevators and stairways were shown on the floor plan.

The goal of this building would be to have it look like it was one of the first buildings in town.

Mayor Craig was concerned about the height and overall hugeness of the building. R. Dupler stated that they would be required to have a 14' setback from the ROW.

**P. SCHUMAN MOTIONED TO BRING THE DELAFIELD SQUARE TO A PUBLIC HEARING. D. KUCHLER SECONDED THE MOTION. R. GERBITZ STATED THAT HE IS WORKING WITH SEWRPC ON THE AQUIFER. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. **TAX KEY 793.989.004, 434 WELLS STREET, DELAFIELD.** OWNER: LANG INVESTMENTS. OWNER SEEKS APPROVAL OF CONCEPTUAL PRESENTATION OF THE 434 WELLS STREET BUILDING, THE WASHINGTON BUILDING, FOR A PROPOSED HOTEL AND BANQUET FACILITY

K. Johnson reviewed the Delafield Inn in the Washington Building. They propose to renovate this existing building. They would occupy three of the four floors. The layout of the building on the Lang Campus was reviewed and the current exterior of the building was shown. Floor plans were also reviewed. The hotel would have 38 rooms on the second and third floors.

R. Dupler stated that would be in the CBD3 District and is on the Lang Campus. All development would have to be done on a conditional use. Their analysis of the property showed that the building was adequate for use as intended. Demand for parking is being increased considerably and a parking analysis has determined that the petitioner is able to satisfy parking ratios and other areas. The site has an existing detention basin and there is potential relocation available that will be looked at. R. Dupler has asked for a fiscal impact analysis and aquifer demand analysis. In regards to overall operation of the facility, it is very compatible and worthy of consideration. Mayor Craig suggested talking to B. Hyde at Del-Hart regarding this development. Access out to Genesee and on-site parking were addressed.

**P. SCHUMAN MOVED TO SCHEDULE FOR PUBLIC HEARING WITH SUBMITTAL OF STUDIES AS REQUESTED BY STAFF. M. COURT SECONDED. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

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7. ZONING AND ORDINANCE REVISION

a. RECOMMENDATION TO COMMON COUNCIL TO APPROVE ORDINANCE REGARDING DOWNTOWN DELAFIELD DISTRICT DESIGN GUIDELINES

R. Dupler stated that the direction of Plan Commission was forwarded to the City Attorney who had in turn provided the ordinance. The ordinance reflects the changes per Plan Commission direction.

M. Carlson noted that the title should have the word "Historic" deleted.

B. Leonard stated that she felt strongly about Cushing School and how this would impact them. It was stated that the Plan Commission would have final say.

C. Mursky addressed item (1)(c) – it should read: "All nonresidential uses that are new structures or modifications, or additions to existing structures, shall be required to ..."

On the first page, the word "pitched" under item (c) 1. should be capitalized.

M. Carlson stated on page two the statement following (j) which reads "The following downtown Delafield District Design Guidelines shall apply unless otherwise waived by the Plan Commission." should be moved to page one prior to (a) of the lettering, and letters (a) and (b) on page two should be continued as items (k) and (l).

**P. SCHUMAN MOTIONED TO HAVE THE ATTORNEY REVIEW THE ORDINANCE AS AMENDED AND REFER IT TO COUNCIL. D. KUCHLER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

8. HEARING DATES

Delafield Square, Lang Hotel, and Southshore Condos

9. ADMINISTRATOR'S REPORT

M. Carlson stated that he has been following up on enforcement actions: signs, balloon in downtown Delafield. Investigation of conditional use violations at Ruff's Preserve has taken place. M. Court gave an update. A complaint was received regarding tree cutting on Lot 3. Trees had been cut down which appear to be in violation of the conditional use. Since the initial site visit they met with City Forester to have her evaluate the extent of what was cut down. She will report on this and they will come back with a report to M. Carlson. The conditional use for this project required the Waukesha Conservancy to

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demolish the building occupied by R. Ruff within 60 days of his passing. Waukesha Conservancy stated that this responsibility was transferred to W. Foster. T. Maney issued a demo permit on Tuesday and they anticipate that the buildings will be down by Friday.

10. BUILDING INSPECTOR'S REPORT

Total number of permits to date are 49, eight occupancy, new permits include four single family homes.

11. BOARD OF ZONING APPEALS

- a. Letter dated September 1, 2004 from Board of Zoning Appeals granting variance to request #1 and denying variance to request # 2 for the property located at 436 West Shore Drive, Delafield, WI.
- b. Letter dated September 1, 2004 from the Board of Zoning Appeals granting a variance for the property at 1407 Milwaukee Street, Delafield, WI.
- c. Letter dated September 1, 2004 from the Board of Zoning Appeals granting a variance for the property at 1014 Oak Street, Delafield, WI.
- d. Letter dated September 1, 2004 from the Board of Zoning Appeals granting a variance for the property at 1319 Milwaukee Street, Delafield, WI.

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 11:07 P.M.**

Respectfully submitted:

Minutes Prepared By:

Ellen O'Brien  
Deputy Clerk

Accurate Business Communications LLC