

CITY OF DELAFIELD PLAN COMMISSION MINUTES

PUBLIC HEARING

The public hearing was declared open at 7:01 p.m.

- TO CONSIDER AN AMENDMENT TO AN EXISTING CONDITIONAL USE FOR SOUTH SHORE HARBOR CONDOMINIUMS 1716 – 1738 MILWAUKEE ST, DELAFIELD, TAX KEY DELC 0797.997.001-012

Robert Hamilton, Construction Management – The home adjacent to this property had submitted a letter saying that this expansion was acceptable. The letter was submitted to the Clerk.

Jim Hytinen, 1732 Milwaukee Street – Has been part of the South Shore Harbor Condominium Association since 1992. He reviewed the 12 units and the owners. Their primary reason for expansion is additional living space. The units presently average between 1650-1800 sf. He would like a favorable vote from the committee.

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

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

- To consider an amendment to an existing Conditional Use Permit to allow for the development of a hotel, restaurant and banquet facility at 514 Wells Street, Tax Key DELC 0793.989.004 **(Continued to November 17, 2004)**
- To consider a Conditional Use Permit to allow for the development of mixed use residential and retail space at 601-623 Genesee Street, Tax Key DELC 0793.014.001 **(Continued to November 17, 2004)**

M. Czubkowski that in addition to the two public hearings above, Items 5B and 5C did not have materials submitted on time and would be moved to next month.

Mayor Craig addressed the issue of the press release regarding the possible relocation for the City Hall, Police and Fire Department, and Library. He encouraged residents to review the information available on the City's website. He stated that no decisions had been made by the Common Council or himself regarding this potential opportunity. Obtaining appraisals for the City Hall and the property located at 440 Wells Street (Madison Building) have been approved by the Common Council. He stressed that this is in the preliminary stage. He reviewed the State Stats regarding closed sessions for business such as this and stated that the Common Council is firmly committed to openness. He

CITY OF DELAFIELD PLAN COMMISSION MINUTES

reviewed the history of the need for additional space. This statement and supporting documents will be posted on the website and cable TV station.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

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

Absent

Tom Maney

1. APPROVE PLAN COMMISSION MEETING MINUTES OF SEPTEMBER 29, 2004.

P. SCHUMAN MOTIONED TO APPROVE THE PLAN COMMISSION MEETING MINUTES OF SEPTEMBER 29, 2004. C. MURSKY 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. There were no citizens who wished to comment.

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

3. CONSENT AGENDA
 - a. **Tax Key, 2850 Heritage Drive, Delafield.** Applicant: John Rizer. Owner: Kensington Development. Applicant seeks approval of a Business Plan of Operation for House of Handles, a builder's decorative hardware store. Hours of operation are weekdays, 8:00 a.m – 5:00 p.m.; Saturdays, 8:00 a.m. – 12:00 noon; 2 full-time and 1 part-time employee

 - b. **Tax Key DELC 0798.006, 630 Milwaukee Street, Delafield.** Applicant: Petra Dekan. Owner: Janet Vincent. Applicant seeks approval of a

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Business Plan of Operation for Nottingham, a beads, gemstones and artwork store. Hours of operation are weekdays and Saturdays, 7:00 a.m. – 9:00 p.m.; Sundays, 12:00 noon – 4:00 p.m.; 5 part-time and 1 full-time employees.

- c. **Tax Key 804.999.004**, 3215 Golf Road, Delafield. Applicant: Bonnie Dixon. The Kettle Moraine Distribution Center, d/b/a, The UPS Store. Applicant seeks approval of signage for the UPS Store,

P. SCHUMAN MOVED FOR APPROVAL OF ALL OF THE ABOVE ITEMS. C. MURSKY SECONDED THE MOTION AND NOTED THAT ITEMS A AND B DID NOT INCLUDE SIGNAGE. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

M. Czubkowski read the consent agenda.

4. PLANS OF OPERATION, SIGNAGE AND SITE PLAN

- a. **TAX KEY DELC 0803.988.003, 2566 SUN VALLEY DRIVE, WILLIAMSTOWNE CENTER, DELAFIELD.** APPLICANT: BEN MILLER. OWNER: R. GARY STORTZ. APPLICANT SEEKS AN AMENDED BUSINESS PLAN OF OPERATION FOR BENNY'S SEAFOOD, A RESTAURANT AND BAR (2-3 VIDEO GAMES IN THE BAR) HOURS OF OPERATION ARE MONDAY THRU THURSDAY AND SUNDAY, 11:00 A.M. – 11:00 P.M.; FRIDAY AND SATURDAY, 11:00 A.M. – 12:00 A.M.; 4 FULL-TIME AND 2 PART-TIME EMPLOYEES. SPECIAL HOURS: NEW YEAR EVE, 11:00 A.M. – 2:00 A.M.; NIGHTS OF MUSIC 16 – 18 TIMES A YEAR WITH SPECIAL HOURS LISTED FOR WEEKDAYS AS 11:00 A.M. – 12: A.M.; FRIDAYS AND SATURDAYS, 11:00 A.M. – 2:00 A.M.

Ben Miller was present at the meeting. He stated that he would like to have live (light) music 12-15 times a year and extend the hours during those occasions.

R. Dupler stated that he thought it would be easier to apply for live music every weekend. He asked if the video games were within the Plan Commission's realm of approval and if they were a desirable use. M. Czubkowski stated that there are video games throughout the City. She could not find any rules or regulations on video games. It was stated that the health inspection passed. R. Dupler stated that this was not governed under conditional use. The hours of operation were discussed. Mayor Craig suggested that staff generate a list of area restaurants and their hours of operation. He would like this to go back to staff in order to keep the decision consistent with others. It was clarified that Benny's Seafood would be able to open up under the current operation. No additional fees would be incurred if he came back next month. B. Miller asked if the hours could not be addressed, if he could still have music.

CITY OF DELAFIELD PLAN COMMISSION MINUTES

R. Dupler stated that he could have music if it was within the existing hours of operation. B. Miller will come back next month to discuss amending his hours of operation. C. Mursky requested that staff also research the authority of this body in regards to regulating video games.

- b. **TAX KEY 0804.994.017, 2846 HERITAGE DRIVE, DELAFIELD.**
APPLICANT: THOMAS CAUGNAN OWNER: KENSINGTON DEVELOPMENT. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION AND SIGNAGE FOR BOARDWURX, RETAIL NEW AND USED SPORTS EQUIPMENT. HOURS OF OPERATION ARE WEEKDAYS, 10 A.M. – 8 P.M.; SATURDAY, 10 A.M. – 5 P.M.; SUNDAY, 12 P.M. – 4 P.M.; 2 FULL-TIME AND 3 PART-TIME EMPLOYEES

No representative was present.

R. Dupler stated that this was only a name change and a sign with the new name. It is fully compliant with the WalMart Center sign package.

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

- c. **TAX KEY DELC 0792.055, 815 – 817 GENESEE STREET, DELAFIELD.** OWNER: TOM AUL. OWNER SEEKS ARCHITECTURAL MODIFICATIONS AND SITE PLAN FOR ADDITION TO THE 815 GENESEE STREET BUILDING.

Tom Aul was present at the meeting. He reviewed the building plans. A survey was included in the commissioners' packets.

R. Dupler stated that this is a project that is fully within the regulations of the CDB-1. There are no issues. The architecture is in substantial conformance with the existing building. He would like to ask that erosion control plans be in place and to evaluate the addition of a rain garden on the north side of the parking lot to ensure ample control of sediment. T. Aul was in agreement. R. Dupler recommended approval contingent on this. T. Aul stated that the three parking stalls that exist will not be disturbed. The color will be the same as the existing building.

C. MURSKY MOTIONED TO APPROVE CONTINGENT ON SUBMITTAL OF AN EROSION CONTROL PLAN TO STAFF AND THE INCLUSION OF A RAIN GARDEN ON THE SITE. M. COURT SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- d. **TAX KEY 0803.991.003, 2580 SUN VALLEY DRIVE, DELAFIELD.**
OWNER: RICHARD FLATH. APPLICANT: KYLE PARK. OWNER AND

CITY OF DELAFIELD PLAN COMMISSION MINUTES

APPLICANT SEEK APPROVAL OF A SITE PLAN AND BUSINESS PLAN OF OPERATION FOR NORTHERN ROAST COFFEE, A DRIVE-THRU COFFEE KIOSK, PROPOSED LOCATION AT MARTY'S PIZZA PARKING LOT. HOURS OF OPERATION ARE WEEKDAYS, SATURDAYS AND SUNDAYS, 6:00 A.M. – 6:00 P.M.; 3 FULL-TIME AND 2 PART-TIME EMPLOYEES.

Richard Flath, Kyle Park, and Jim Brook were present. Updated color renderings were distributed to the commissioners. A review of the business took place.

R. Dupler stated that this is an accessory use of Marty's Pizza. This building can be positioned in the parking lot. They have taken the initiative to change the parking lot. Signage and lighting would only be on the gable of the structure. Water is self contained and would be brought in and removed on a daily basis. Traffic around the structure can be accommodated. It is worthy of consideration. He recommended approval.

R. Flath stated that he would lease the land to Northern Roast Coffee. It was clarified that he did not have ownership in Northern Roast Coffee. It was stated that with this ownership arrangement, it would mean that there would be two buildings on one lot and would not be within code. An outlot or separate lot would be needed for this to be done. It must have some ownership to the original business to be considered an accessory use.

It was stated that the vegetable stand that had been at this location in previous years would no longer be there.

P. SCHUMAN MOTIONED TO APPROVE. AFTER DISCUSSION REGARDING THE OWNERSHIP ISSUE, HE WITHDREW HIS MOTION.

P. Schuman recommended referring this back to staff to determine if this is accessory or not. The exact ownership of what is being proposed will be provided to staff. The City attorney will then review. The owners stated that if this business were to go out of business, the structure would be removed. Mayor Craig addressed the safety of the building. The owners stated that this had been reviewed and was deemed to be safe.

C. Mursky asked about temporary structures and what kind of codes must be met. She asked staff to research drive-thru's, outbuildings, and temporary structures.

The new drawings show additional striping.

5. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVALS

CITY OF DELAFIELD PLAN COMMISSION MINUTES

- a. **TAX KEY DELC 0797.997.001-012, 1716-1738 MILWAUKEE STREET, DELAFIELD.** APPROVAL OF ADDITION TO SOUTH SHORE HARBOR CONDOMINIUMS

Peter Larsen, 1722 Milwaukee Street, was present at the meeting.

R. Dupler reviewed. This was a conditional use initiated in 1991. The 13th unit is the neighboring parcel. This is a 12 unit building. The amount of green space required by this proposal would raise the requirement to an aggregate of 48,000 sf unique to this parcel. If the 13th property were used, it would only add an additional 7,000 sf of space. Currently they exhibit 34,753 sf of green space. Peter Larsen, condominium resident, stated that Bob Westy is living in the 13th property and that he submitted a letter stating his approval of the project. Discussion took place on the 20' wide strip of land and the triangular lot in the back in relation to the required green space. P. Schuman suggested approving this to the Common Council as a major change, however C. Mursky suggested sending this back to staff to determine what the petitioner wants to do and make a decision on what direction to take. Mayor Craig stated that it was the owner's intention to originally put eight additions onto the condos. M. Carlson reviewed the original requirements for the units. They are currently at 82.74% of green space. Applying this percentage would require approximately 40,000 sf for this proposal. D. Kuchler stated that the 20' strip of land would bring the green space close to this figure. B. Leonard felt that if the deficit percentage was not being increased, they could add the 20' parcel and the triangular lot in and put this in the recommendation that goes to the Common Council. M. Carlson stated that the original request was for eight units. If only eight units were proposed, a total of 46,000 sf would be required, but with the 82.74% that is currently being used as green space, an equivalent amount with the eight additions would be 38,000 sf. They would still be short by approximately 3,300 sf. If the 20' lot were added it would accommodate the shortage. The recommendation to the Common Council could be to consolidate the parcel.

P. SCHUMAN MOVED TO APPROVE ALLOWING A THREE UNIT BUILD-OUT ON EACH OF THE 12 CONDO UNITS PROVIDED THAT THE 20' STRIP BE INCLUDED IN THE SITE PLAN AND THAT THE MILWAUKEE STREET RIGHT-OF-WAY BE DEDICATED TO THE 1991 CONDITIONAL USE AND OTHER RECENT DEDICATIONS IN THE NEAR VICINITY. B. LEONARD SECONDED THE MOTION. NO CHANGES TO THE FOOTPRINT WERE BEING PROPOSED. THE ADDITION OF THE 20' STRIP WOULD NEED TO BE DONE BY CREATING A NEW SITE PLAN. ADDING THE BACK LOT WOULD HELP THE SITUATION. C. MURSKY STATED THAT TO BE CLEAR,

CITY OF DELAFIELD PLAN COMMISSION MINUTES

THE INTENT IS TO NOT INCREASE THE PRESENT RATIO OF NONCONFORMITY. ALL WERE IN FAVOR OF THE MOTION. MOTION CARRIED.

- b. **Tax Key 793.989.004, 434 Wells Street, Delafield.** Owner: Lang Investments. Owner seeks approval of the 434 Wells Street Building, The Washington Building, for a proposed hotel and banquet facility **(Continued to November 17, 2004)**
- c. **Tax Key 793.014 and 793.016.001, 601-623 Genesee Street, Delafield.** Owner: Lang Investments. Owner seeks approval of Delafield Square, a proposed building to be used for retail/mixed use development **(Continued to November 17, 2004)**

6. PRELIMINARY CONSIDERATION

None.

7. ZONING AND ORDINANCE REVISION

a. TREE PRESERVATION ORDINANCE

Mayor Craig was looking for discussion on this. It would then be sent to the City Attorney for review. It was stated that the Lake Welfare Committee and the Park & Recreation Commission should also review this. B. Leonard stated that the Park & Recreation Commission would like clarification of the Tree Board's responsibility. R. Dupler outlined the significant changes to the ordinance. In the original version, based on some of the example ordinances that the staff was provided, there was an elaborate system for permitting. The major change to this is that portion of the ordinance has been eliminated due to feedback received. The \$5,000 fee in lieu of replacement has been eliminated in lieu of sampling procedures to identify the tree caliber inches in the area.

8. HEARING DATES

November 17, 2004: Tax Key 793.989.004, 434 Wells Street, Delafield and Tax Key 793.014 and 793.016.001, 601-623 Genesee Street, Delafield.

9. ADMINISTRATOR'S REPORT

a. APA (AMERICAN PLANNING ASSOCIATION) MEMBERSHIP

B. Leonard explained that this is an organization catering to professional and citizen planners. One benefit was the "Commissioner" – a quarterly newsletter and a monthly magazine called "Planning" that would be received. B. Leonard has been a member for a number of years and has

CITY OF DELAFIELD PLAN COMMISSION MINUTES

found the organization to be very valuable. The cost would be \$56 per commissioner. She thought it would be a beneficial expenditure. State membership would be \$9/commissioner. The organization gives information on training courses and conferences available. Mayor Craig stated that this is being proposed in this coming year's budget. In addition, M. Carlson sent a memo out on this in September. If any commissioners are interested they should let M. Carlson know.

b. GEASON PROPERTY EAST OF HIGHWAY 83

M. Carlson stated that Mr. Geason came to see him about six months ago and that he suggested to Mr. Geason that he should talk to the Town and Village. Mr. Geason has made a presentation to the Town regarding a single family housing project. A development proposal could be forthcoming within the next several months.

c. HIGHWAY 83 WIDENING UPDATE

The State DOT conducted an environmental impact statement. Hwy. 83 was broken up into several different sections. An origin/destination study was done by the State and there was enough local traffic to require a 25% local match of the total cost of the project for Delafield, Hartland and Town of Delafield, Village of Merton and Chenequa. Some of the other communities have already acted and have stated that they are not interested in signing on to be the lead agency. The DOT has said that without the lead agency, the widening will be pushed off to an unknown date. The Administrators of Hartland, Chenequa, and M. Carlson met with elected representatives to explore options on roadway improvement. This is in discussion stages. At this point, the widening of Hwy. 83 is pushed off indefinitely.

d. DECEMBER MEETING DATE

The December Plan Commission meeting will be held on December 15, 2004.

10. BUILDING INSPECTOR'S REPORT

Total permits issued were 34 plus seven occupancy. There were no new construction permits.

11. BOARD OF ZONING APPEALS

- a. Letter dated September 27, 2004 from the Board of Zoning Appeals granting a variance for the property at 805 Garrison Court, Delafield, WI.

CITY OF DELAFIELD PLAN COMMISSION MINUTES

- b. Letter dated September 27, 2004 from the Board of Zoning Appeals granting a variance for the property at 1912 Moraine End Drive, Delafield, WI.
- c. Letter dated October 18, 2004 from the Board of Zoning Appeals granting a variance for the property at 1331 Milwaukee St, Delafield, WI.
- d. Letter dated October 18, 2004 from the Board of Zoning Appeals granting a variance for the property at 3313 Lake Drive, Delafield, WI.
- e. Letter dated October 18, 2004 from the Board of Zoning Appeals granting a variance for the property at 1021 Lake Drive, Delafield, WI.
- f. Letter dated October 18, 2004 from the Board of Zoning Appeals granting a variance for the property at 2370 Woodland Drive, 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 8:55 P.M.

Respectfully submitted:

Minutes Prepared By:

Marilyn Czubkowski, CMC
City Clerk/Treasurer

Accurate Business Communications LLC