

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Draft

CALL MEETING TO ORDER

P. Schuman called the meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

Absent

Mayor Paul Craig- (entered at 8:12 p.m.) Fred Welch
Phil Schuman
Chrys Mursky
Robert Transon
Marilyn Gardner
Diri Curtis Costa
Roger Dupler
Tom Maney
Matt Carlson
Marilyn Czubkowski

Also Present

Mike Court, Welch Hanson & Associates

1. APPROVE MINUTES OF JANUARY 29, 2003

M. GARDNER MOTIONED TO APPROVE THE MINUTES OF THE JANUARY 29, 2003 MEETING AS PRESENTED. C. MURSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. THREE WERE IN FAVOR. R. TRANSON ABSTAINED. MOTION CARRIED.

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

P. Schuman noted that Item 5C in reference to Village Square is on as Final Consideration because it was here before. It was his understanding that the developer would be presenting a revised plan that would be subject to a public hearing at the next Plan Commission meeting at the end of March. There would be no action taken on this tonight.

M. Carlson stated there were two items on the agenda that the Petitioners requested either removal or a delay of their actions. The first one is Item 5b, the approval of the preliminary plat for Carriage Hills Subdivision; MLG Development has requested a delay so that they could complete some additional materials. A copy of the delay request was included in the packets. The second item is Item 4b. The owner of Fishbones Restaurant has requested that this be removed from the agenda.

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Draft

B. Borkowski, 4521 Vettelson Road - Spoke regarding Village Square. He asked how anyone could comment about it if they have not seen anything. He then asked if anyone else has seen anything. The second point that he brought up was that they do not have an alderman in their district at this time - he hoped that this would be of some consideration. P. Schuman stated that they have not seen a presentation yet and that the discussions in closed session have pertained to the legal action brought against the City. They have not made any agreements; it is being brought forth now. There will be a public hearing and everyone will have ample time to comment on it.

Jeff Krickhahn, 4506 Vettelson Road - He asked if any of the proposals needed to be made available within a reasonable time to any of the adjacent property owners. P. Schuman stated they have not received the proposal yet. They have received notification that they will be presenting a revised proposal. There will be a public hearing on this and there will be ample time to look at it, make comments, and review the revised proposal. P. Schuman stated that this was here before, it was tabled, so it had to come back as final, the Plan Commission has not seen anything at this time. He understood that the Developer would be presenting a revised plan and this is the venue for that. No action will be taken tonight.

B. Borkowski, 4521 Vettelson Road - The last time there was a public hearing for the Village Square, the location was changed to the Lake Country School. P. Schuman stated that this would be discussed when it came up on the agenda. M. Carlson stated that the issue was tabled before the Plan Commission. In order for any new proposal to be presented, the Plan Commission must act on a motion to remove it from the table.

P. Schuman asked three times if there were any further comments. There were none.

C. MURSKY MOTIONED TO CLOSE THE CITIZEN'S COMMENTS. R. TRANSON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. CONSENT AGENDA

- a. **Tax Key 798.967 and 798.965 , 400 Genesee Street and 324 Genesee St .**
Owner: Lang Investments. Applicant: Rob Gerbitz seeks approval of Certified Survey Map.

R. TRANSON MOTIONED TO APPROVE. M. GARDNER SECONDED THE MOTION. D. CURTIS COSTA ASKED IF THERE WERE ANY PROBLEMS WITH THIS. R. DUPLER STATED THAT THERE WERE SOME VERY MINOR TECHNICAL THINGS THAT THEY HAVE ALREADY BEEN ADVISED OF AND ARE IN THE PROCESS OF CORRECTING. HE STATED THAT THE MEMO SHOULD BE REFERRED TO. IT WAS NOT NECESSARY TO MODIFY THE MOTION SINCE IT WAS ON THE CONSENT AGENDA. M. CARLSON STATED THAT THE LEGISLATIVE INTENT WAS CLEAR. HE STATED THAT STAFF RECOMMENDATION TO PUT IT ON CONSENT AGENDA IS CONTINGENT UPON THEM COMPLYING WITH ALL OF THE REQUIREMENTS THAT ARE INCLUDED IN THE LETTER DATED FEBRUARY 20, 2003 FROM KEITH KINDRED TO MARILYN CZUBKOWSKI.

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Draft

ALL WERE IN FAVOR. MOTION CARRIED.

4. PLANS OF OPERATION, SIGNAGE AND SITE PLAN

- a. **Tax Key 798.008, 636 Milwaukee St.** Owner: Tom and Patti Walters. Owners seek approval of signage for Creative Flair Salon.

R. Dupler stated that he did not have any issues with this and it fits well within requirements of the Historic District and the CBD1 District. The square footage of the sign is actually very small and it is a pendant-type display. The coloring of the sign was reviewed. The colors are a cream with copper. He recommended approval.

D. CURTIS COSTA MOTIONED TO APPROVE. M. GARDNER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **Tax Key 797.084, 1704 Milwaukee St.** Owner: Dennis Sobczak. Owner seeks approval of amended Business Plan of Operation and request to utilize existing ADA landing to provide more seasonal dining space. Hours of Operation. Tuesday through Friday, 4pm - 12am; Friday and Saturday, 3pm - 1am; Sunday 4pm - 10pm. 10 full time, 15 part time employees.

Removed from the agenda.

- c. **Tax Key 798.002, 608 Milwaukee St.** Owner: Jeff and Leslie Nepper. Owners seek approval of revised Business Plan of Operation and signage for Oliver's. Hours of operation: Monday through Sunday, 8am - 9pm. 2 full time employees.

R. Dupler stated that the business plan of operation could be approved without issue. The hours of operation are appropriate. The existing sign is submitted for consideration and is a pendant sign with about 15 sf of exposure. It has footage that exceeds the Historic District square footage standard that has been employed recently. However, the ordinance description and the text of that ordinance identify 12 sf for wall-mounted signage. There is no specific reference to pendant signs other they be small. He thought that the existing sign is substantially smaller than what could be approved in the CBD2 District. The petition that was provided for his review did not include the most recent revision (the open sign face at the bottom of the pendant).

The petitioner, Jeff Nepper, was present at the meeting. He addressed the open sign - it would fit directly under the existing sign now and would be exactly like what the Celtic Center has (a regular sign and underneath it they have an open sign). He stated that this would be helpful for the traffic that is going through the City on Genesee Street. At night when they are open the traffic would be able to see that something is open on the sign. This would be the purpose. D. Curtis Costa asked if it would be removable. J. Nepper stated that it could be removed, because to replace the sign itself, the front of it, the bottom just pops down and the sign slips down. There would be a switch to turn it on and off. The sign

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Draft

would be interior lit. R. Dupler asked if he would consider moving to a window location. J. Nepper stated that the sign would be a light sensitive sign and would go on at the end of the evening when the daylight decreases. The sign itself would always be lit at night, but the "open" would be on only when they were there and they would turn it off when they were closed.

M. GARDNER MOTIONED TO APPROVE. R. TRANSON SECONDED THE MOTION. TO CLARIFY, T. MANEY STATED THAT THE SIGN IS NOT LARGER THAN PERMITTED. R. DUPLER STATED THAT IT IS LARGER THAN WHAT HAS BEEN IMPOSED ON SOME OF THE OTHERS IN THE DISTRICT. IN RECENT HISTORY THEY HAVE IMPOSED A 12' LIMITATION NOT ONLY ON WALL MOUNT SIGNAGE BUT ALSO ON PENDANT SIGNS. T. MANEY STATED THAT THE VERBAGE IS THAT FOR ONLY FLUSH WALL MOUNTED SIGNS. HE STATED THAT MAYBE THERE NEEDED TO BE A CLARIFICATION ON PROJECTED SIGNS. J. NEBLER STATED THAT THE EXISTING SIGN IS 3' X 5' SIGN. IT WAS STATED THAT THIS WAS ACTUALLY TWO ISSUES. IT IS THE ISSUE THAT HE DIDN'T COME BEFORE THE PLAN COMMISSION WHEN CHANGING FROM RED RIVER FURNITURE TO OLIVERS AND HE IS LEGITIMIZING THE CHANGE IN THE SIGN, NOT THE PHYSICAL SIGN, IT'S THE SAME SIGN, IT WAS A CHANGE IN AESTHETICS AND WORDING. PART TWO IS IF THE COMMISSION WANTS TO APPROVE THE OPEN SIGN. P. SCHUMAN STATED THAT THERE WAS A MOTION ON THE FLOOR AND A SECOND TO APPROVE EVERYTHING AS IS. R. DUPLER STATED THAT THE HISTORIC DISTRICT DOES NOT ALLOW ANY NEW BACKLIT SIGNS. THE EXISTING SIGN IS BACKLIT. M. GARDNER STATED THAT THE MOTION WAS TO APPROVE THE WHOLE THING (SIGN AND BUSINESS PLAN OF OPERATION). C. MURSKY WANTED EVERYONE TO UNDERSTAND THAT IF THIS APPROVED, IT WOULD BE SETTING A PRECEDENT. M. GARDNER STATED THAT THIS WAS NOT TRUE SINCE NO NEW BACKLIT SIGNS COULD BE APPROVED. P. SCHUMAN STATED THAT THIS IS AN EXISTING SIGN. C. MURSKY ASKED IF THE OPEN CONSTITUENTS A NEW BACK LIT SIGN - T. MANEY STATED THAT IT WOULD NOT. ALL WERE IN FAVOR OF THE MOTION. MOTION CARRIED.

It was clarified that if a separate business sublet space, they would need to come before the Plan Commission.

- d. **Tax Key 793.018 and 793.019, 524 Milwaukee St., Suite 101.** Owner: Lang Investments. Applicant: Pete Piranio. Applicant seeks approval of exterior signage for Fitness Together.

R. Dupler stated that the Petitioner was before the Plan Commission last month, they have revised the concept, and have submitted a letter from Mr. Lang's agent approving the signage. The specific direction given was to remove the large "F" and "T" in the center that formed the logo and in a rather unusual shape. That shape has now been condensed into one single band. The colors have been somewhat muted, a shadow has been added to the text, and the font (Helvetica) has not changed and is one of the approved fonts. He recommended approval.

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Draft

M. GARDNER MOTIONED TO APPROVE. D. CURTIS COSTA SECONDED THE MOTION. C. MURSKY STATED THAT ONE OF R. DUPLER'S NOTES TALKED ABOUT A SIGN PACKAGE. SHE ASKED THAT SINCE THE BUILDING OWNER APPROVED THIS SIGN THAT THE SIGN PACKAGE WITH THESE KINDS OF COLORS THAT THIS INCORPORATES STYLE USED HERE. R. DUPLER STATED THAT THE BUILDING OWNER SUGGESTED THAT HE PRE-APPROVE ANY SIGNS BEFORE THEY COME BEFORE THE PLAN COMMISSION SO THAT THE PLAN COMMISSION IS NOT SO MUCH ENCUMBERED WITH TRYING TO DECIPHER THE SIGN PACKAGE BUT RATHER THE OWNER WOULD BE ABLE EMPLOY HIS OWN AESTHETICS AND MAKE SURE THAT THERE IS CONTINUITY BETWEEN THE SIGNS BEFORE THEY COME BEFORE THE PLAN COMMISSION. R. DUPLER WAS FINE WITH THIS. C. MURSKY DISCUSSED THE BANNER ON MILWAUKEE STREET. M. CARLSON STATED THAT HE SIGNED A TEMPORARY 90-DAY APPROVAL FOR IT, BUT WILL VERIFY THIS. ALL WERE IN FAVOR OF THE MOTION. MOTION CARRIED.

- e. **Tax Key 807.978.007, 363 Austin Circle.** Applicant: Craig and Chris Dretzka. Applicants seek approval of signage for Arrowhead Motorsports, Inc.

R. Dupler stated that just the sign package is on the agenda for consideration. The proposed signage is sized accordingly. There are two independent signs. He recommended approval.

M. GARDNER MOVED TO APPROVE. C. MURSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- f. **Tax Key 794.022, 157 Enterprise Rd .** Owner: John Trzesniewski/James Yares. Owners seek approval of revised site plan and architectural for Grade A Construction.

John Trzesniewski and Bob Ford from Ford Construction were present at the meeting. A drawing was displayed. This is a warehouse addition of about 6300 sf. They would like to double the size of the parking by adding 22 spots to the parking lot. Green space and plantings would be put in the front of the parking lot. Site drainage would go into a basin. They have noted the lights that they are proposing to put at the exits of the building. The side elevation of the building was displayed. The same colors would be used. The floor plan was reviewed. A firewall would be between the new addition and the old addition. This would be Phase Two. They presently have 90 employees in the field. They do not work in the building but out in the field. R. Dupler stated that they are under the parking limitations for the building. They have asked that the Petitioner's provide engineering calculations to ensure that the original detention and stormwater plans will accommodate this amount of increased impervious surface. He asked that this information be provided so that staff engineering can review it as well as the Public Works for final approval. They will need to provide a stormwater

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Draft

maintenance agreement to the City. The additional landscaping required is illustrated on the plan. He reviewed the landscaping of the property.

M. GARDNER MOTIONED TO APPROVE PROVIDED THAT THE PETITIONER PROVIDES STORMWATER ANALYSIS AND A STORMWATER MAINTENANCE AGREEMENT. R. TRANSON SECONDED THE MOTION. M. GARDNER AMENDED HER MOTION TO ADD THAT MR. LYONS APPROVES THE ADDITION. R. TRANSON AGREED WITH THE AMENDMENT. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

M. Carlson stated that as a matter of information; the Genesee Street reconstruction project will have an impact on the transportation patterns to get to and from the building. The project will be bid out the first part of April with construction starting approximately May 1, with a three month time period to do the construction.

- g. **Tax Key 794.023, 111 Enterprise Rd.** Applicant: Sean Maher, Jendusa Engineering Applicant seeks approval of revised site plan and architectural for Kartech, Inc.

Sean Maher of Jendusa Engineering was present at the meeting. R. Dupler stated that this is similar to the last petition. This is an existing building and they want the Plan Commission to consider an addition to that building. Currently, Phase II is being evaluated. Eventually there will be a Phase III and Phase IV. The amount of square footage that is allowable on the lot is very extreme and they are achieving the floor area ratio of .18. The impervious surface is being increased and they are asking that the Petitioner have their engineer evaluate that and take it to Public Works. Their parking requirement is only 20 spaces. They are providing thirty-five spaces out of necessity. The only question that they are yet to determine is the treatment of the dumpster which could either be approved by the staff on its aesthetics or if they have any recognition that it would be inside. Their engineer will need to verify that the increase in impervious surface does not exceed the capacity of the detention ponds.

Sean Maher responded and reviewed the existing building. He stated that the only requirement that was needed after the meeting was that they add a screened dumpster that they are proposing to put at the drive all the way in the back.

Staff had recommended that they eliminate the east facing parking (Phase III and IV parking).

D. Curtis Costa asked if the landscaping and signage from last time was resolved. M. Carlson stated that those issues were resolved.

M. GARDNER MOTIONED TO APPROVE WITH THE CONDITIONS THAT THEIR ENGINEER SUBMIT CALCULATIONS OF THEIR IMPERVIOUS SURFACE AND WITH THE INTENT TO TAKE IT BACK TO STAFF. D.

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Draft

CURTIS COSTA SECONDED THE MOTION. M. GARDNER AMENDED THE MOTION TO ADD THAT IT BE REVIEWED BY PUBLIC WORKS. THE SECOND APPROVED OF THE FRIENDLY AMENDMENT. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- h. **Tax Key 804.994.013 and 804.994.014, Hwy 83 and Hillside Drive** . Applicant: Sig Strautmanis. Applicant seeks approval of Site Plan modifications pertaining to the retaining wall for Hillside Terrace.

Sig Strautmanis was present at the meeting. R. Dupler stated that the Plan Commission was asked to give special consideration and recommendation to allow grading within 25' of the property line that would exceed 4:1 slopes and have a retaining wall within those same bounds. As a result, the modifications that are now proposed, Petitioner was asked to come back before this body for that approval. M. Carlson stated that since this was a B6 zoning category, the steps for approval were that the Plan Commission recommended approval of the general development plan to the City Council. The City Council approved it. A specific implementation plan was pursued. In amending the SIP and amending the site plan, Plan Commission must make a determination as to whether this is a minor change or a major change. If it is a minor change, the Plan Commission makes that recommendation to the City Council and the City Council can agree or disagree. If they disagree, it goes back for a public hearing.

S. Strautmanis explained where they were in the process and displayed a drawing. He is in front of the Plan Commission for the redesign and lowering of the retaining wall. He stated that the solutions that engineers were coming up with and the original approval that they had was for a retaining wall that was 26' high at its highest point and it tapered down to about 8' on the east side of the property. When they came before the Plan Commission with this design they had had some preliminary discussions with an engineer that said that engineering can solve everything with no problem. He stated that he did not want a 26' high retaining wall back there. The engineering solutions that were coming back had very complicated designs. He asked his engineers to give him the most logical, stable, simple retaining wall design that they could. He explained how the proposed wall would be constructed. This new system made him a lot more comfortable. They had to increase the slopes (1.5:1) at the back of the property to achieve this new wall at 16' high. He thought they were creating a safer system. The dual safety mechanisms that will be in place were reviewed. He suggested that this was a better solution. P. Schuman asked about the possibility of terracing. S. Strautmanis explained that they had reviewed this and they felt that it was less stable. D. Curtis Costa asked about the kind of fence along the top of the retaining wall. S. Strautmanis stated that it was the kind that was the same fence that was approved in the original package. There is no change here in the original approval. It is a pre-fab, like a wrought iron type, but a decorative fence, with a traditional detailing with some circles on the top of it. It would be like a fence on a porch. They would like to use the same fence that was approved. The retaining wall is in the same location, but because it is shorter, the slope is steeper.

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Draft

M. Court stated that a design must be submitted along with a soils analysis to determine if it can be done. It is steeper than what has been put in the City before. M. Court would want to look at the actual soils. R. Dupler stated that it was his opinion that it should be considered a minor change. He stated that they are here tonight because the Plan Commission has already allowed them to exceed what is typically as respected as 25% slopes as the maximum slope 1:4 per ordinance. They have already been afforded not to exceed that slope with the Plan Commission's prior approval. The second issue is an aesthetic issue: is the wall as proposed an improvement over the previous wall, or is the fact that the wall is actually being reduced in height an aesthetic improvement and therefore warrants consideration. The third issue is whether or not they are still compliant with the all the other factors in the original approval. They still have fencing, they still have railings on top of it, they are still providing fire access across the back of the building, all those things could be compromised if they were to seek other solutions and they are seeking the most direct solution for the Plan Commission's consideration.

M. Gardner stated that this is minor change with the addition that aesthetically it would be a like nicer looking. It appears that they have gone through a lot of effort in trying to avoid any danger, like putting the sumac in.

M. GARDNER MOTIONED THAT IT WAS A MINOR CHANGE AND TO APPROVE SUBJECT TO ENGINEERING REVIEW. R. TRANSON SECONDED. THE PLANTING OF THE SUMAC WAS DISCUSSED AT THE TOP OF THE HILL. S. STRAUTMANI STATED THAT THEY WANTED A DEEP ROOTING GRASS THAT DIDN 'T NEED TO BE MOWED. HE STATED THAT THEY ARE MORE CONCERNED ABOUT SAFETY THAN ANYONE. R. DUPLER STATED THAT THIS WOULD BE GOOD WITH A COOL SEASON MEADOW MIX GRASS AND WOULD NOT NEED TO BE MOWED. M. COURT WILL LOOK AT THE SLOPES. HE STATED THAT THE STORMWATER MANAGEMENT ORDINANCE ADDRESSED EROSION AND SILT CONTROL. R. DUPLER STATED THAT THE STORMWATER MANAGEMENT AGREEMENT ALLOWS THE CITY THE TO CORRECT ANY PROBLEMS IF THE OWNER FAILED TO DO SO. C. MURSKY ASKED HOW TO DETERMINE IF THERE WAS TOO MUCH SILT COMING OFF OF THE SITE AFTER THE BUILDING WAS BUILT. M. CARLSON STATED THAT THE STORMWATER MANAGEMENT AGREEMENT AND THE STORMWATER MANAGEMENT CODE ALSO SAYS THAT IF THE PROPERTY OWNER DOESN 'T MAINTAIN THEIR PROPERTY, THE CITY COULD GO IN AND MAINTAIN IT FOR THEM AND PUT A CHARGE ON THEIR PROPERTY TAXES. THE CITY COULD GO IN AND FIX IT FOR THEM AND CHARGE THEM FOR IT. M. CARLSON STATED THAT THE MEASURES ARE IN PLACE TO ADDRESS THESE ISSUES, NAMELY THE EROSION CONTROL ORDINANCE, THE STORMWATER MANAGEMENT ORDINANCE, AND THE STORMWATER MANAGEMENT AGREEMENT. THE LEVEL OF ENFORCEMENT AND THE VEHICLE TO ENFORCE THESE ORDINANCES GETS STICKY. IF THE CITY GETS A COMPLAINT, HE STATED THAT THE INSPECTOR WOULD GO OUT AND INSPECT THE SITUATION AND DETERMINE THE MEASURES TO BE TAKEN TO GAIN

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Draft

COMPLIANCE. ALL WERE IN FAVOR OF THE MOTION. MOTION CARRIED.

5. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVALS

a. **Tax Key 798.946.007** . Approval of Final Plat for Delafield Commons.

R. Dupler stated that the final plat was reviewed by the survey contingent. There are a number of issues that need to be resolved and they are incorporated in memo addressed to M. Czubkowski dated 2/20/03. There are 11 issues all of which can easily be resolved. He added that item #4 identifies that building setbacks are to be shown, and considering that this is a PUD, he suggested that the entire building envelope unique to some of the specific modifications and items that are unique to the PUD as a result, those envelopes must be shown in their entirety. The one other issue yet to be resolved is in regards to the naming of the road. Both Plan Staff and the Fire Department are in agreement that the road name needs to be changed. The Petitioner has been made aware of this and some recommendation for a road name from them needs to be submitted in order to approve it. M. Carlson stated that at the Planning Staff level they discussed that it could be Devonshire Road (extended). R. Dupler stated that the actual break of the road name would occur at the Devonshire intersection between lots 9 and 10. The other option would be to give it a third name which would essentially revert from Stocks Drive to a new name along the east side of the lake and go back to Stocks Drive at the point of Stocks Drive and the project on the west. The fire and police department do not have a preference between these two options as long as the road has a different name. M. Carlson stated that this is a very important issue that Delafield has and that it is not just on this plat of subdivision. There are several streets in Delafield that have similar sounding street names or similar names and it creates some real issues in terms of emergency responses to these properties. The only way to solve this problem is for someone to change his or her address. He would like to put this on an upcoming agenda and provide the commissioners with a list of names that give the City difficulty. There are significant challenges with respect to some of these streets. He thought that this might be difficult due to the number of people who have lived on these streets for a long period of time and would like to keep the name of their street. It becomes a balance on the needs from a public safety perspective, to be able to get the emergency vehicles to the correct address. The trade-off is that someone in Delafield is going to have to change the name of his or her street if the problem is to be addressed. No representative from Delafield Commons was present at the meeting. The final plat must be approved within 60 days from when the final plat was submitted. M. Court stated that the concerns have been given to the developer, but have not been addressed.

M. GARDNER MOTIONED FOR A CONDITIONAL APPROVAL OF THE FINAL DELAFIELD COMMONS PLAT PROVIDED THAT THEY ADDRESS THE 11 ITEMS LISTED AND TO ALSO INCLUDE THE UNIQUE PADS THAT WERE SHOWN ON THE SETBACK LINES. R. TRANSON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Draft

- b. **Tax Key 786.999** . Approval of Preliminary Plat for Carriage Hills Subdivision.

Petitioner requested a delay.

- c. **Tax Key 733-990-003 and 773-998** . SW corner of STH 16 and STH 83. Owner/Applicant: Michael Schutte and Jonathan Spheeris. Referred back to Plan Commission from Common Council Meeting. - **Village Square** (tabled)

M. GARDNER MOTIONED TO TAKE THIS OFF OF THE TABLE. P. CRAIG SECONDED. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

J. Spheeris was present at the meeting. He stated that the Village Square has been redesigned in an effort to address the issues and concerns presented by the public and the City staff. He distributed a packet to the commissioners that included a table comparing the revision plan dated December 6, 2002 plans to the original June 11, 2002 plans; a table comparing traffic between the December 6 plan and the June 11, 2002 plan; a revised site plan dated December 6. He reviewed all of the revisions that have been made to Village Square in order to accommodate the requests and recommendations made by both the public and the City staff. As recommended:

- The pond has been moved to the west side of the property
- Food store has been moved 106 feet to the east—this has reduced parking and provides an additional buffer for the adjoining property
- Parking reduced from 833 spaces to 768
- Total square footage has been reduced by 24,000 sf by eliminating all of the office space and reducing the retail space by 2,000 sf
- Two small retail buildings along the north were moved closer together
- Two-story office building has been eliminated
- The bank was moved 16' to the west to preserve more trees
- The two southern retail buildings were each reduced in size and moved 50' to the west and the parking eliminated on the south side of these buildings in order to preserve more of the trees and the isolated natural area

He stated that these design changes were effective in accommodating the new pond location, reducing square footage, and saving additional trees. This is in addition to planting over 400 trees and it should more than meet the replanting requirements of the City.

In addition:

- The travel lane along the south portion of the shopping area has been redesigned, with the removal of all parking in order to provide a street appearance. This created a 30' buffer for the adjoining properties and will

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Draft

- save more trees.
- Multi-family housing has been added with staff recommending senior housing
- Traffic projections have been reduced
- Added a pump house and vault for the well on the east end of the property

M. Gardner asked for them to explain at the calculations for the traffic reduction. S. Garbitt, with the Albion Group, representing the architecture for the proposed project, responded. He stated that if you look at the last page in the packet that was distributed, it explains the comparison between the two. It is really a reduction of the office building and what they component input would be, the reduction of the area retail that was reduced (about 2000 sf), the addition of the residential component based on national traffic standards as far as trips per day. It came out to a net of about 170 trips per day reduction.

D. Curtis Costa asked if there was any other documents that needed to be reviewed such as the stormwater management agreement - all of the normal documents that would normally be reviewed. M. Carlson stated that all of these documents go with the general development plan approval: the conditional use permits, stormwater management agreement, development agreement, deeds covenants and restrictions. J. Spheeris stated that they had originally submitted these, but M. Carlson stated that these documents would need to be updated.

M. Gardner stated that when this was first reviewed it gave a maximum of usage, like Vettelson Road, for instance. Before they proposed this, they were right under the wire for maximum capacity. She asked if they could address this. M. Carlson stated that he thought she was referring to the level of service analysis with respect to traffic. S. Garbit stated that it would not change all that much. It would still be a better situation than the previous plan, but not significantly. It was 170 cars out of 13,000 projected total trips per day. It was not significant, but it is better than what it was as far as the usage and the number of trips per day. C. Mursky stated that according to the comparison that it would be 100 fewer trips per day. The representative stated that the current plan has 13,025 trips per day and the previous plan was 13,195 so the difference between them was about 170 trips per day. C. Mursky stated that on the comparison table it showed the gross number of trips in the previous plan at 10,555 and the current December 2002 plan at 10,455 trips. The representative stated that they were looking at the trips generated per day column. He did not know what the traffic engineer meant by gross number of trips specifically. He thought it was the difference between the linked traffic and did not know exactly what that meant.

P. Craig asked about the impact of the housing off of Vettelson, and how Vettelson would get any relief. Before there was a service entrance there and now there is a regular roadway. The representative stated that by going through the development the retail traffic on Vettelson would be reduced.

J. Spheeris stated that they are still planning on contributing up to \$400,000 for the Highway 83 improvements.

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Draft

P. Craig addressed the water pump and vault and asked where stands. D. Murn, Attorney for the Developer, stated that this was an engineering issue.

D. Curtis-Costa asked if they intended to build and maintain ownership. J. Spheeris answered yes and said some parcels may be sold but they will retain most.

J. Spheeris confirmed that it is their intention to do this in phases. Their intentions are to either do the south end or the north end first depending on what the market is. D. Murn stated that the residential component is something that would be a separate phase. It was suggested senior housing, but he did not think that that was totally ironed out as to exactly what the City's Planning Staff would like or what the Plan Commission would like. He thought that the residential component was to distinguish the development and the traffic flow. He stated that the road would be a private road built to a standard that DOT would find acceptable for through-traffic. They could control this more stringently than DOT. M. Gardner asked if it could potentially make that more difficult to use as a through street. The representative confirmed this. They could seriously dissuade people from thinking that using Vettelson was a short cut around an intersection. He reviewed some of the control measures that could be taken to inhibit people to enter there and encourage them to enter off of Hwy 83. The design is to have a light on Capitol and Highway 83 for entry. D. Murn stated that he drives on Vettelson quite a bit and it would probably not be a road that he would pick if he were going to try to get to this site if he knew he could get to a light. Vettelson Road is not a comfortable road to travel on - low speed limit, shoulders are not real good. He stated that that along with the possibility of using speed bumps - it is a private road so they could make it very difficult. This was just a suggestion for the residential. Staff has not yet reviewed the residential section being proposed and the layout could potentially change. There are things that could be done to the road subject to DOT because they want a pass-through, but he thought there were ways that it could be configured to make it even more difficult so that it's not convenient for people to enter that way.

M. Gardner stated that when the traffic situation was addressed before, they said it was not a significant change, and in the same sentence they said it would be a major change. The developer stated that it's not a large amount of trips saved percentage-wise, but they have reduced this by 20,000 sf so if you look at the percentage of how much they have changed the volume of the project versus the number, they don't really quite reflect an even percentage change, like so many cars per thousand square feet. He thought that some of the trips would be local trips and it would be more than what it reflects on paper. Numbers can say one thing, but in reality there is something else and that a traffic engineer could probably explain it a little better than he. It is not a one-to-one relationship. The other representative stated that one of the things of doing the residential component is that it does change the nature of the trips, how they enter and exit the development. Secondly, they must give the maximum in terms of what the traffic is going to be. M. Gardner stated that she would like to hear from the traffic expert - a personal concern is Vettelson Road and how it can hold up to the traffic and the levels of service. If you bring it up so close to the next level, then

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Draft

Vettelson Road will have to be reconstructed at the City's cost and this is something that she would like to see addressed, whether it is cost, whether is reduction in traffic, etc. The rep stated that level of service is getting confused; the level of service at intersections based on traffic lights and traffic control rather than the volume that any individual roadway can service at one time. Vettelson Road is not coming close to the capacity that it can handle at any one time; it's really the intersections that they are talking about as far as levels of service. He did not believe that the paved section of Vettelson Road would be significantly impacted by the amount of trips that would be generated by this development. This is in the traffic study that has already been submitted, but it has not been updated yet. They will bring the traffic engineer back to discuss this issue.

D. Curtis Costa stated that one of her concerns is that one of the directions of the Common Council was to come back to the Plan Commission with a smaller development and although they say it is smaller, actually with the residential component, which she thought was a nice touch being adjacent to a residential area, it is actually substantially bigger in square footage. She asked how they plan to downsize. D. Murn stated that they are not prepared to address this issue tonight for various reasons. They wanted to get this plan in front of the Plan Commission and get their feedback. They want to sit back down with Staff and work through some of these issues. They were not prepared to address the reduction in square footage.

C. Mursky asked if this was four-sided architecture on the buildings. J. Spheeris confirmed that it was.

D. Curtis Costa thought that the compatibility of noise, lighting, screening, hours of operation, etc. still needed to be addressed. P. Schuman suggested referring this to staff. He stated that the City does have a lighting ordinance, and setback and screening ordinances already.

M. Gardner stated that the major topics that she would like to see addressed are: traffic, well, water, Highway 83/16 agreement as far as traffic lights, different lanes being added, and the concern of when it will actually be developed. She would like to see in the development that possibly there is a time limit put on it, since they are doing it in phases, so if phase one is not completed within 3-5 years after starting, there would be a certain action with that. Perhaps this is something that staff would look at. Her concern is that if it would take too long, that there be some kind of timetable, that there be a referred action of some kind and that Staff put some kind of verbage together on that.

D. Murn stated that they had discussions with DOT regarding Vettelson and Highway 83. They had a discussed a Memo of Understanding where if the Developer donated this money it would basically go to the credit of the City. In discussing this Memo of Understanding with the DOT engineers (a Memo of Understanding would not be given until there is a basic plan in place), they don't have all of the engineering done for the expansion of Highway 83. Their comment to the Developer was "even if we could give you plans right now and even if you would be willing to do it, we might come through and tear it all out

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Draft

when the time comes to actually expand 83 because that's not a done project." They don't have all of their land acquisition, they don't have all of their right-of-ways, and they don't even have all of their final design and layout in terms of where the road is going to go. This is an issue they need to work through but he thought that the City may find that the donation of money that goes to the credit of the City so that when the DOT comes through and assesses and says that this is your improvement to your municipality, that you have something banked already that takes the pressure off of you in terms of that portion of the development of the road.

P. Craig commented that at a meeting that he went to at Kettle Moraine High School with the DOT they isolated this part and mentioned that they were talking to the attorneys of the Developers at the time. He said that the Developer opened up the door in the aspect that he is assuming that they were the developer that they were conversing with. D. Murn said he did not know that for sure, but that they did talk to them. P. Craig asked if the DOT gave them any insight as to the timing. D. Murn stated that the DOT has a lot of issues, funding, acquisition, design, they did not give them any timetable. They basically said "until you come with a development, basically, that's the only time they would give a Memo of Understanding and promise the City anything - once we know what you have." The intersection of Capitol will be looked at to make sure that it coordinates with the DOT's eventual plan in that area. Even then, they won't promise a final design at this point. P. Craig stated that on the drawing they are showing Capitol Drive directly across from their entryway. He asked if they were moving Capitol Drive. The representative stated that their entryway aligns with it as Capitol Drive. P. Craig was asking because of the number of trees that would be lost in this area. He wanted to know if there was any calculation or thought about this. The Developer stated that they have the tree study that was done. The driveway was moved slightly to the north.

R. Transon asked if they had any problems basing their occupancy upon sorting out the traffic on Capitol and 83. P. Schuman stated that he assumed that the concerns the Plan Commission had is that they might be too quick in generating traffic and the roads might not be able to handle it. He is understanding from the Developer that the DOT is not sure when they are going to build the roads until they find out what's there so they developer might create the demand for the increased traffic but we don't want to be too ahead of the demand. It is hard to read between what everyone is saying. The developer's representative stated that what they plan on doing, the ultimate ROW may not be determined by the DOT, but some of the intersection controls can be put in place and some temporary turning lanes, etc. until the rest of the roadway catches up so that the intersections and the through traffic are maintained at the level based on the demand for this center. As the rest of the roadway gets improved over time you would have bankable money to improve it the rest of the way when the DOT finally comes through. D. Murn stated that you need to keep in mind the demographics of this from their standpoint is the traffic that passes there today. That's what makes it go. Not bringing more traffic into the area. He stated that the traffic is brutal in this area right now. Traffic lights at 16 and 83 and Capitol Drive and 83 as proposed would alleviate the immediate traffic problems right

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Draft

now in being able to just move through that area. Before the project opens, the lights would be in. He did not think there would be a problem not putting any construction traffic on Vettelson and would assume they would enter off of Highway 83 for any construction.

D. Curtis Costa expressed concern about where the traffic from the development would go if 83 was rebuilt after the development was open. D. Murn stated he would anticipate that one lane would remain open, but he could not say for sure. D. Curtis Costa would like a fiscal impact analysis updated. M. Carlson will take care of this.

M. GARDNER MOTIONED TO MOVE THIS TO THE PUBLIC HEARING FOR THE MARCH MEETING. P. CRAIG SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. PRELIMINARY CONSIDERATION

- a. Presenter seeks approval of the conceptual plan for the Veteran's Memorial Riverwalk project.

M. Gardner recused herself as a Plan Commissioner in order to do the presentation.

M. Gardner is president of the Veteran's Memorial Riverwalk organization. She displayed a blueprint of the walkway. Changes made to the original conceptual design took the pathway along the north side of the river all the way to Cushing Park. This would require St. John's to give up land or easements and they decided this is not the way to go. The path will now come down to a bridge and also eliminate disruption of the wetlands. The entrance in the municipal parking lot will be the main entrance (facing north) with a boardwalk (ADA Accessible). They eliminated another bridge over the drainpipe. There are nine monuments (large boulders with war information depicted on the boulder). Walking plaques will also be on the trail. They have requested a permanent easement from St. John's. There is a circular area that will be a "peace garden". C. Mursky asked if there was already a path along the one side, why they were going through the wetland area. M. Gardner stated that it was in order to make a loop, to expose the river on both sides, and to clean it up. She stated that they are not going all the way through the wetland; they will be going through the hard area. For the public hearing, the commissioners will have drawings, etc.

P. Schuman thought it was a good way to clean the Bark River and have more access to it.

This was just for preliminary consideration. It will be scheduled for a public hearing.

- b. **Tax Key 742.984 and 742.994**, Action Marine seeks approval of amendment to existing Conditional Use Permit.

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Draft

R. Dupler stated that the largest concern was an amendment to a conditional use. He thought it was important to point out that the conditional use may actually be grandfathered as part of the original corporation. With the proposed modifications, he thought it was appropriate at this time to get it updated and make sure it was up to date with all of the current uses. J. Pfeil also submitted a business plan of operation and signage. The intent is to continue the existing marine operation with the boat storage and service to the building that will also include some display area in the front of the building to the south. He is also asking for the inclusion of automotive sales to be part of the operation. The automotive sales may be approved as part of this plan of operation and is a use permitted in the district with Plan Commission approval. There are two items: scheduling a public hearing to amend his conditional use and immediate action on the business plan of operation portion for used car sales. He has submitted signage for consideration. It falls within the requirements for the district. He has operated for a number of years with very substantial screening separation from his neighbors. There are no registered complaints from the residential property to the immediate north. Businesses to the east and west are similar uses.

It was clarified that it would be used car sales.

D. Curtis-Costa asked about advertising for cars. J. Pfeil thought that the exposure from Hwy. 16 would be adequate.

R. Dupler expressed concern that the parking spaces not be used to display cars. J. Pfeil showed the commissioners on the drawing that he would be using the center portion for customers.

R. Transon stated that he would like to see a better parking layout, a documented plan. M. Gardner agreed. M. Carlson suggested including the signage as part of the conditional use. T. Maney suggested that the parking issue be included in the conditional use also.

This will go to public hearing. J. Pfeil will work with R. Dupler.

- c. **Tax Key 754.999** , 18 acre parcel Nagawicka Rd. Owners' Agent: Larry LeMieux seeks input on a conceptual plan for Faire Lakes Commons.

L. LeMieux, 1623 Sunset Drive, Waukesha was present at the meeting. He reviewed the property. The plan that they have gone to staff with presents a road coming off of Nagawicka Road into the property. The road will be extended to the easterly property line to facilitate future development to the east of this property. This property is within the sanitary sewer district and all lots will be connected to sanitary sewer. At the end of the development there will be a turnaround put in place until such time as a future road would move through. They are coming to the Plan Commission for direction on whether this should be developed as a PUD versus a straight subdivision and also the intention would be to have deed restrictions on the various parcels. He would be happy to use the deed restrictions of a neighboring subdivision if that would be acceptable to the Plan

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Draft

Commission. It is his intention to build his own home in this subdivision. The roadway will be designed to drain stormwater into the detention pond. He would be happy to work out the stormwater maintenance programs with the City. He stated that he spent time with the SEWRPC people and they gave him a sheet and it was their feeling was that this none of this property lies within the primary environmental corridor, but it is relatively close. SEWRPC would commit to this in a letter if necessary.

R. Dupler stated that everything being proposed is within the recommendation of the comprehensive planning. One of the objectives out of the Comprehensive Plan is "to encourage lot ownership parcels to be developed as planned unit developments rather than subdivided into lots without a coordinated development plan." He thought that the intent is to avoid continual subdivision by CSM, splitting large parcels into smaller parcels which is legal to do, but must be discouraged. The question for this property is if there was an advantage to a PUD from the City's standpoint. He stated that the only thing that he could think of in the current layout is if it were done as a PUD it would allow for the creation of common open spaces, particularly the placement of the detention facility in a commonly owned parcel.

L. LeMieux stated that he understood that the property owners would be responsible for maintaining the ponds. R. Dupler stated that if it was developed on a commonly owned parcel, each would have equal ownership to it and it would be their responsibility.

P. Schuman asked if Staff had reviewed the entrance to Nagawicka Road. M. Court stated that one of his questions would be the sight distance; this needs to be verified by staff. M. Court asked if this would be treated as more than just a minor road if it were connected to Hwy 83. There are different standards for collector roads. M. Czubkowski stated that this is an official mapped road (Faire Lakes Parkway).

M. Gardner stated that she would like to see the development as a PUD. The other commissioners agreed.

M. GARDNER MOTIONED TO HAVE THIS DEVELOPMENT BE DESIGNED AS A PUD. P. CRAIG SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

7. ZONING AND ORDINANCE REVISION

The Public Works Commission recommended revisions to the subdivision control ordinance. These require a public hearing. They are regarding the water main specs as far as if the DPW wanted to add additional information. This public hearing will be held in March.

8. HEARING DATES

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Draft

- a. Water system specifications - minor change to water specifications in subdivision control ordinance. The public hearing will be held in March.
- b. Village Square
- c. Action Marine
- d. Faire Lakes Commons
- e. Veteran's Memorial Walkway

After discussion it was decided to hold the public hearing for Village Square at a separate location, possibly Lake County School, on March 19, 2003. The location will be announced after it is finalized. The rest of the public hearings will be held at the regular meeting.

9. ADMINISTRATOR'S REPORT

The question raised by Commissioner Costa has not been answered on the Waterleaf Subdivision. He will get her answer on this issue before Wednesday of next week.

He has talked to Atty. Chapman regarding his interpretation that he provided at the last Plan Commission meeting. Although he did not provide anything in written form, he will provide a memo to M. Carlson on it. Attorney Chapman asked to pass along that the issue of ownership determines whether it is a business or not. If the property owner owns all of those pieces of equipment, then you can make an argument that he is not conducting a business. As a result, there would be no zoning violation. If you wanted to change the code so that boats were treated similar to the way the City now treats recreational vehicles, a text amendment would be needed. This is a change to the wording of the zoning code. This would require public hearing, and recommendation from the Plan Commission to the City Council.

P. Schuman stated that it would be the responsibility of the property owner to prove ownership of all of the boats there.

M. Carlson stated that if the Plan Commissioners wanted this issue addressed like the City has done with recreational vehicles, then the code needs to be changed. This is the first complaint received since M. Carlson has been here. D. Curtis Costa stated that she didn't think that it was a big enough deal at this time and the zoning should be left as it is. It was the consensus of the Plan Commission to leave the zoning ordinance as it was.

10. BUILDING INSPECTOR'S REPORT

Total number of permits to date is 14, plus one occupancy permit. New permits include one new single family home.

11. BOARD OF ZONING APPEALS

None.

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Draft

12. CORRESPONDENCE

None.

13. ADJOURNMENT

M. GARDNER MOTIONED TO ADJOURN FROM THE MEETING. D. CURTIS-COSTA SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 9:42 P.M.

Respectfully submitted:

Minutes Prepared By:

Marilyn Czubkowski, CMC
City Clerk/Treasurer

Accurate Business Communications LLC