

CITY OF DELAFIELD PLAN COMMISSION MINUTES

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

Mayor Paul Craig
Phil Schuman
Chrys Mursky
Fred Welch
Robert Transon
Beth Leonard
Roger Dupler
Tom Maney
Marilyn Czubkowski

Absent

Dick Kuchler (entered 7:05 p.m.)
Matt Carlson

1. APPROVE PLAN COMMISSION MEETING MINUTES OF APRIL 30, 2003.

P. SCHUMAN MOVED TO APPROVE THE MINUTES OF THE APRIL 30, 2003 MEETING. B. LEONARD SECONDED THE MOTION .

B. LEONARD: SOME MINOR CHANGES... PAGE 145, COMMENT WHERE "ASCERTAINS" SHOULD BE "ASSERTIONS". I HAD A SECOND ONE ON PAGE 147, THERE'S A COMMENT TOWARDS BOTTOM OF PAGE, AGAIN IT WAS ONE THAT I MADE, WHERE THERE'S, "CITY NEVER TOOK STEPS TO MATCH ZONING AND PLANNER"... AND IT SHOULD BE "... MATCH ZONING AND THE PLAN."

MOTION MAKER AGREED. NO OTHER CHANGES. ALL WERE IN FAVOR. MOTION CARRIED.

2. DELAFIELD CITIZENS' COMMENTS PERTAINING TO SUBJECTS ON THIS AGENDA.

Resident: I was told that the agenda was available on internet. It was not updated as of 6 a.m. this morning.

Mayor Craig: We appreciate that comment. They are supposed to be. You are correct. We apologize if it inconvenienced you. That is something that we are definitely trying to do.

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

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P. SCHUMAN MOVED TO CLOSE THE CITIZEN'S COMMENTS. F. WELCH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. CONSENT AGENDA

P. SCHUMAN MOVED TO APPROVE. R. TRANSON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- a. **Tax Key 792.056, 803 Genesee Street, Delafield.** Owner: Robert Lang. Applicant: Ron and Debby Christman. Applicant seeks approval of Business Plan of Operation for an antique yard sale in front Antiques Center. Hours of Operation: June 21 through November 1, 2003 (once a month on Saturdays from 9:00 a.m. to 3:00 p.m.); 7 part-time and 3 full-time employees.
- b. **Tax Key 804.994.017. 2780 Heritage Drive, Delafield** . Applicant Dr. David Sigmond seeks approval of vaccination clinic at Petco's Wal-Mart Center Store. Hours of operation: Monday - Friday: 6:00 - 7:30 p.m.; Saturday: 12:00 - 1:30 p.m. 2 part-time employees.
- c. **Tax Key 798.026.001. 645 Wells Street, Delafield, Delafield** Owner: Lang Investments. Applicant: Tom Rebholz. Applicant seeks approval of a Business Plan of Operation for Xtraav, LLC, a commercial and residential audiovisual systems business. Hours of operation: Monday - Friday: 9:00 a.m - 6:30 p.m.; Saturday: 10:00 a.m. - 3:00 p.m.; Sunday: 10:00 a.m. - 3:00 p.m. during the holiday season. 2 full-time employees.
- d. **Tax Key 694.055, 817 Genesee Street, Delafield.** Owners: Kelli Stuckart and Donna Crump. Applicants seek approval of Business Plan of Operation for retail and hair salon for children for Tadpoles. Hours of operation: Monday - Friday: 9:00 a.m. - 8:00 p.m.; Saturday: 9:00 a.m. - 5:00 p.m. 2 full-time
- e. **Tax Key 802.997, 1760 Milwaukee Street , Delafield** . Applicant Jeff Groff seeks approval of building color change for 1760 Milwaukee Street.
- f. **Tax Key 787.053, 826 Genesee Street, Delafield.** Owner: Tom Aul. Applicant: Jane Lazynski. Applicant seeks approval of Business Plan of Operation for The Villard Company, Inc., a commercial real estate management company. Hours of operation: Monday - Friday, 9:00 a.m. - 5:00 p.m. 1 full time employee.

4. PLANS OF OPERATION, SIGNAGE AND SITE PLAN

- a. **Tax Key 807.978.007, 363 Austin Circle, Delafield.** Applicant: Craig Dretzka. Applicant seeks approval of amended Business Plan of Operation and outdoor display signage. Hours of Operation: Monday through Friday, 8:00 a.m. - 7:00 p.m.; Saturday, 8:00 a.m. - 5:00 p.m. Holiday shopping, 8:00 a.m - 8:00 p.m. 4 full-time, 3 part-time employees.

Mayor Craig: Welcome.

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C. Dretzka: I apologize for my tardiness.

Mayor Craig: I'm sorry I wasn't here the last time, but I did admire the beautiful coat that you had. That was quite good. Do you have any words of wisdom?

C. Dretzka: I believe you should have copies in your packet that were submitted the first time. I missed the rescheduling. It had been rescheduled some time since. My wife had had an accident and I've been tending to her with a broken arm and a broken knee. That's been my go at it the last couple of weeks.

Mayor Craig: Is she on the mend?

C. Dretzka: Yes. She's doing well. What we're trying to do is create a little more awareness of our existence at that location. The drawing probably shows a little more than what we're actually going to do. All I really want to do is somewhat in a semi-circle fashion present only new units, ATV's, maybe motorcycles, never more than six to eight units at one time because it is kind of a pain to wheel that stuff in and out every night. So you just want to put some of the special units out there so that people can see them from the road and just get a feel that we're there and in the business of selling and servicing motor sports equipment.

Mayor Craig: These units would be removed at night?

C. Dretzka: Yeah, every night. They would probably be brought out sometime around 9 or 10:00 in the morning and then probably before dark, wheeled back in the building. So, obviously the hours would be earlier in the winter months as daylight savings occur, and we close typically at seven, so it would probably be 6:00 or 6:30 in the summer months.

C. Mursky: How many did we approve for Delafield Motorsports?

R. Dupler: Delafield Motorsports did not have a specific unit. What they had is an area identified, which they've been pretty consistent with parking on the lawn immediately adjacent to the sidewalk.

C. Mursky: I recall some conversation...

Mayor Craig: Just a couple, not many.

R. Dupler: It was a rather limited area, they couldn't get more than two or three in that space.

P. Schuman: This has a little more space?

C. Dretzka: This property has a significant frontage. I don't recall the linear footage offhand. I believe it's 200-250 front feet along the frontage road there. Just the frontage of the building itself is, I believe 64 lineal feet, but then there's a significant space on either side of the building - green space. We'll keep the units closer to the building and I think in recent weeks we've done some work with

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plantings and stuff like that in the areas of the front. We really kind of want to keep that boutique affect.

P. SCHUMAN MOVED TO APPROVE. D. KUCHLER SECONDED THE MOTION.

C. MURSKY: CAN WE PUT A MAXIMUM ON THIS, PLEASE?

MAYOR CRAIG: DO YOU WANT TO TRY TO MATCH IT WHAT WE 'VE APPROVED ALREADY FOR THE DELAFIELD MOTORSPORTS?

C. MURSKY: WELL, THAT 'S WHY I WAS TRYING TO GET A FEEL FOR WHAT WE HAVE.

P. SCHUMAN: IT 'S A DIFFERENT SIZE LOT, IS IT NOT?

C. MURSKY: THAT 'S WHY I WAS TRYING TO GET A FEEL FROM ROGER AS TO SPACE AND NUMBERS THERE.

D. KUCHLER: THE AMOUNT OF SPACE FOR DELAFIELD MOTORSPORTS, WAS THAT LIKE 20 X 15? IT WAS ESSENTIALLY THE SIZE OF A PARKING SPACE IMMEDIATELY ADJACENT TO THE END STALL OF PARKING THERE. SO IF YOU WERE LOOKING TO DISPLAY UP TO SEVEN UNITS IN THIS SPACE, YOU COULD PROBABLY DO THAT IN AN AREA THAT WOULD BE, LET 'S SAY, 10 X 40? YOU MIGHT BE ABLE TO GET SEVEN MOTORCYCLES IN THAT SPACE.

C. DRETZKA: AND THAT WOULD KEEP IT IN THE CONFINES BETWEEN THE TWO EXISTING TREES THAT ARE THERE AND UP CLOSER TO THE BUILDING, OBVIOUSLY KEEPING IT AWAY FROM THE DITCH LINE.

C. MURSKY: IF WE COULD JUST INCLUDE THAT IN THE MOTION, I 'D APPRECIATE IT.

MAYOR CRAIG: MOTION MAKER AGREED?

P. SCHUMAN: YES.

D. KUCHLER: I 'M NOT SURE WHAT SHE 'S SAYING.

MAYOR CRAIG: DO YOU WANT TO CLARIFY?

C. MURSKY: THE MOTION WOULD BE TO APPROVE WITH A MAXIMUM OF SEVEN UNITS FOR DISPLAY.

NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

Mayor Craig: Congratulations.

C. Dretzka. Thank you very much.

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Mayor Craig: Look forward to seeing some of those beautiful bikes.

- b. **Tax Key 794.982, 22 W. Main Street, Delafield** . Applicant: Kurt's Steakhouse. Applicant seeks approval of signage.

Representative: I guess we're here because of the sign that we changed. We went from a reader board to a plain, old regular sign. The reason for that is we had one of our purveyors back into it. It broke all of the riveting out of it, out of the face. And it would have cost us as much money to fix it as to put the new face on it. So we thought we'd upgrade it and put bushes around it. We didn't change any code, no dimensions, anything.

R. Dupler: To refresh everyone's memory, Kurt's Steakhouse was in a couple of times over the last two years for modifications to the building and changes to the site plan. Most recently, in regards to the function of the parking lot and an addition on to what would be the west side of the building, there was discussion in regards to this sign. This sign is an existing nonconforming sign. It is grandfathered. The petitioner's were advised that changing the panel would indeed be the only thing they could do without jeopardizing their grandfathered status. As a result, their sign contractor has submitted for your review this evening, this graphic. It seems to be a color scheme that's evolving throughout the entire neighborhood down there. It's pretty similar to that of the Mason Creek Winery. It's fully compliant with the existing dimensions and, I think, warrants approval.

R. TRANSON MOVED TO APPROVE. P. SCHUMAN SECONDED THE MOTION.

C. MURSKY: WHAT 'S THIS MADE OUT OF? IT 'S NOT A BACK LIT SIGN?

REPRESENTATIVE: THE BASE IS PLASTIC.

C. MURSKY: SO IT IS BACK LIT?

R. DUPLER: AS WELL AS THE FORMER ONE WAS BACK LIT.

C. MURSKY: LANDSCAPING? DO WE NEED A PLAN FOR THAT?

REPRESENTATIVE: NO, WE JUST PUT SOME BUSHES IN AROUND.

R.DUPLER: IT WAS NOT REQUIRED AT THE TIME THEY WERE IN FOR THEIR SITE PLAN APPROVAL. I THINK THAT THE MINOR MODIFICATIONS I 'M NOT CERTAIN WOULD WARRANT A PLAN.

MAYOR CRAIG: ANY PROTECTION FOR SOMEONE BACKING INTO IT NOW, OTHER THAN THE BUSHES?

REPRESENTATIVE: DO NOT BUMP. WE DIDN 'T WANT TO DO ANYTHING LIKE THAT. WE WERE GOING TO PUT THE STONE BASE THAT WOULD

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RUN UP TO THE TOP, UNDERNEATH THE SIGN TO PROTECT THE POLES. BUT WE DIDN 'T GO FOR THAT YET. I DON 'T KNOW, IF WE HAVE TO GO THROUGH THIS. I IMAGINE WE CAN LEAVE IT THE WAY IT IS. THIS WILL NOT BREAK LIKE THE OTHER ONES DID AND KNOCK OUT ALL THE RIVETS.

MAYOR CRAIG: THIS IS WHAT I 'M LOOKING FOR.

R. DUPLER: IT 'S NOT A BAD IDEA AND IF I CAN SPEAK FOR THE PETITIONER, SOMETHING LIKE A UNITIZED CONCRETE RETAINING WALL WHICH YOU 'RE ALL FAMILIAR WITH. A FEW COURSES OF THAT COULD POTENTIALLY KEEP SOMEONE FROM BACKING INTO IT. IT WOULD REQUIRE A PLAN COMMISSION SPECIAL APPROVAL, BECAUSE THAT WOULD ESSENTIALLY CONSTITUTE A RETAINING WALL WITHIN THE FRONT SETBACK.

MAYOR CRAIG: WHAT IF THEY JUST ENCLOSED THE PYLONS WITH STONE POTENTIALLY IN FUTURE? COULD WE APPROVE THAT AT THIS TIME?

R. DUPLER: I THINK YOU COULD.

MAYOR CRAIG: I WANT TO GIVE YOU THE LATITUDE AND POSSIBLY IF YOU CHOOSE TO DO THAT. DO YOU HAVE A QUESTION OR PROBLEM WITH THAT?

C. MURSKY: JUST PYLONS, SO NOT ALL THE WAY AROUND?

MAYOR CRAIG: JUST TO DISGUISE AND HIDE THOSE METAL BEAMS.

REPRESENTATIVE: WE REPAINTED AND EVERYTHING. BUT, IF THEY HIT IT AGAIN, DON 'T WANT TO LOSE IT. IT WAS JUST A FREAK ACCIDENT.

MAYOR CRAIG: WE HAVE A MOTION ON THE FLOOR, IT 'S BEEN SECONDED. ANY FURTHER DISCUSSION?

C. MURSKY: HAS IT BEEN AMENDED TO INCLUDE?

MAYOR CRAIG: GOOD POINT. DO YOU WANT TO, BOB TRANSON MADE THE MOTION, APPROVE THE AMENDMENT?

R. TRANSON MOTIONED TO APPROVE THE AMENDMENT. P. SCHUMAN AMENDED HIS SECOND ACCORDINGLY. ALL WERE IN FAVOR. MOTION CARRIED.

- c. **Tax Key 801.999.008, 2901 Golf Road, Delafield.** Applicant: Kay Clabault, The Redmond Company. Owner: Brian Cummings. Applicant seeks approval of signage on drive thru pharmacy at Walgreens Store at on Golf Road.

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Kay Clabault: Good evening. I'm here on behalf of Walgreens to request some drive-thru pharmacy signage to the exterior canopy of their drive-thru area. Walgreens has had an increasing problem with customers coming through the drive-thru facility wanting to purchase or drop off film and purchase other items other than pharmacy. When it's explained to them that it is the drive-thru for the pharmacy items only, they become agitated and demand that the employee get them what they want because it isn't clarified that the drive-thru is for pharmacy. In your packet, you would have elevations of the building and it got highlighted where they would like to have the signage placed. Signage is a total of 12.6 square feet; it would be a lit sign, similar color to the Walgreens script screen on the building. I do understand that they are at their max for square footage allowed for the signage. Walgreens feels that this is such a problem that it does need to be addressed. They were allowed to have a monument sign placed out front, which they have not done at this point. They would be willing to give up approval on that signage in order to obtain the drive-thru signage. They're hoping that's an option that you would consider to help them address this problem.

Mayor Craig: Is it a trade-off, Roger?

R. Dupler: In regards to the signage square footage, as the petitioner had mentioned, they are currently at their maximum amount of square footage. There's clear evidence in the records, not only in the minutes, but motion to approve the original signage, that the ancillary signs, the one-hour photo, pharmacy and drive-thru were specifically identified to be removed from the signage package. Granted, they are experiencing some logistical problems. There are maybe other alternatives other than mounting another sign on the building. One of which could potentially be window signage. The only problem with that is that it wouldn't deter someone from pulling into the drive-thru before they encounter the sign.

C. Mursky: What about painting on the roadway?

R. Dupler: I thought of that, but it wouldn't be clear at all times during a snowstorm, if the pavement is wet you might not see it, if it's nighttime, you probably wouldn't see it too well.

P. Schuman: How about a small sign on the pylon saying "Drive-thru Pharmacy Only" or something?

R. Dupler: On the column rather than on the overhead?

P. Schuman: Yes.

Mayor Craig: I'd much rather see the window one first.

K. Clabault: Again, Walgreens, we presented that option as I spoke with Roger about this situation and again the problem with the window signage is that people are already up in the drive-thru. Customers become agitated that they're already there and that they can't get these items. And if someone should happen to be in that first drive-thru window, a van, someone pulling up in the second lane would

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not be able to see that window sign.

Mayor Craig: What about decreasing the Walgreens sign to get the square footage for the drive-in?

K. Clabault: We looked at that option as well. The only comment that I would have on that is that I would talk to Walgreens about that; however, because the store has been open for several years, there has been weathering against that efface and if you take down the larger sign, you're not going to be able to clean and match that outline of the larger sign. I don't think it would be a very good appearance.

B. Leonard: I had a question for Roger, this monument sign that they are talking about giving up, is that something where they're allowed additional square footage for this free standing sign that's not part of the numbers here in your report?

R. Dupler: One would assume that yes, that there would be square footage they're sacrificing in order to purchase the signage for the drive-thru. However, the code specifically here identifies wall signage, building signage.

B. Leonard: So they could still put up a monument sign.

R. Duper: They could still put up a monument sign, yes.

K. Clabault: Which they would be willing to give up and not do, should they be allowed to have this drive-thru pharmacy sign.

D. Kuchler: Would this monument sign, could they put a monument sign on the pavement? Stick it up on the pavement—that says drive-thru pharmacy?

R. Dupler: They're approved monument sign is actually on the corner.

D. Kuchler: The location of it? So you're saying that they couldn't move the location of it?

R. Dupler: What they're proposing is sacrificing the installation of that approved monument sign.

D. Kuchler: I don't know what the definition of a monument sign is.

R. Dupler: A monument sign is a ground-mounted sign and this one has probably 40 square feet and would stand about 8' off of the ground right at the intersection there.

B. Leonard: So, we could do without 40 square feet by letting them go and additional...

Mayor Craig: No, it's not a trade-off. The sign that they're requesting is a wall sign as opposed to a monument. And the monument sign is outside the conversation here because it's not a swap in our ordinances.

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B. Leonard: I'm just saying though, they're willing to not put up their monument sign, so we would not have a 40 square foot sign by allowing them to have an additional 20 square feet on their building.

K. Clabault: 12 square feet.

B. Leonard: Additional 12 square feet.

C. Mursky: Why hasn't the monument sign been installed?

K. Clabault: They felt at this point they wanted to see how the business went. They obviously liked to have the electronic reader board which wasn't allowed. So to this point they've just been waiting to see if ordinances would change. But when I approached them about giving up that sign in order to address the problem at the drive-thru they were willing to do that.

R. Transon: My concern has to do with the signage; I could do a quid pro quo. At least from my perspective, is that we deleted the mortared pestle neon thing. But ever since that time, there's a big white light there and I would like to see something like that cleared up. Like maybe some green panels to get rid of that white light. That is just obnoxious.

P. Schuman: Put a mortar and pestle sign in.

R. Transon: No, that's obnoxious to me.

K. Clabault: They do have some new options with the mortar and pestle that are non-neon designs. I'm going to check into some of those, they have a vinyl sign that would be applied to the back wall. I believe that they also have some new signs that have been down in Illinois. I've not seen them, but they're almost like an etched type of sign. I would be more than happy to get information on that and bring that back to the Board. Walgreens would love to have their logo up there and I'm sure they would be willing to work with this city to get something up there.

C. Mursky: Roger, that's more building signage though, right?

R. Dupler: Yes.

Mayor Craig: So you're making compounding problems by going down that road. Stay away from that. But to improve appearance would definitely be something that we do. I've also talked to several people that were on this Plan Commission at the time, and this was a lengthy conversation at that time. I'm almost getting the feeling that we're trying to get the nickel to dime here, in the aspect that you're trying to bring in one sign and deal with that. I'd much rather see you deal with it through the sign in the window - trying that aspect first before you come back to try to get this approved. I don't think all of the avenues after the last conversation you had with this body have been explored and used.

K. Clabault: I apologize because I wasn't involved.

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Mayor Craig: I understand. Neither was I personally and that is why I had to go and talk to these people.

C. Mursky: Does Walgreens have any stores where they have a drive-thru for anything other than the pharmacy?

K. Clabault: No, they don't. But the problem is customers are demanding because they do not identify that that is a drive-thru pharmacy, they're demanding that the employees serve them what they want through the drive-thru. And it's causing inefficiency in their operation, not to mention that customers are getting upset and they lose business for it.

Mayor Craig: I think if you notified them at the window, if there's a sign in the window saying that this is a drive-up pharmacy only, put it on that little carriage that goes in your tube, okay, "this is for pharmacy use only", I think that may alleviate the problem. I can understand the frustration on both sides. After waiting for some service for a while, which is a busy time, but that can be a hassle and I understand. But on the same hand, I'd like to see some of those other remediations attempted before we took a drastic move like this.

K. Clabault: Okay. Thank you.

C. MURSKY MOVED TO DENY. R. TRANSON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

Mayor Craig: I'm sorry to deny you, but I really look forward to some other attempts. I wish you the best of luck. Thank you.

- d. **Tax Key 787.053, 826 Genesee Street, Delafield.** Owner: Tom Aul. Applicant: Jane Lazynski. Applicant seeks approval of Business Plan of Operation and Signage for The Knitting Ark for retail sales of yarn for knitting and classes on site. Hours of operation: Monday, Tuesday, Wednesday, Friday: 8:00 a.m. - 5:00 p.m.; Thursday: 10:00 a.m. - 8:00 p.m.; Saturday: 10:00 a.m. - 4:00 p.m.; Sunday: 12:00 - 4:00 p.m.; 1 full-time, 10 part-time employees

Jane Lazynski was present at the meeting.

Mayor Craig: Welcome. Do you have any words of wisdom that you'd like to give to us first?

J. Lazynski: The whole diagram is sitting out in the car. I realized it after I got in here. I brought in the wrong folder.

Mayor Craig: I'll tell you what we can do. I noticed Mr. Dretzka came from 4a. We'll take him and we'll let you run and then we'll deal with that. How's that sound?

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J. Lazynski: Thank you.

J. Lazynski: Thank you. This is not to scale. The lower portion, which is approximately 2' would have the union blue and the ark logo would go on this. The red would be highlighting the outer area. The knitting ark itself would be a white background with black lettering.

R. Dupler: I think it's important to note that the petitioner is taking the space and utilizing a sign area that was previously approved by the previous tenant. This is the building that is immediately adjacent to the Mill Race on the east side of the street. There is a pole mounted sign, or was a pole-mounted sign. The poles are still in place, as well as the existing ground lighting to illuminate the sign. The size requirements and colors, I believe everything is in keeping with the historic downtown preservation district. The only comment that I would have is that I think it is essential that the white background actually be an off-white, something that's a little bit muted, rather than being this stark color. And the fact that it's a handwritten script I think it's not one of the approved fonts, but I think it's something that's appropriate in the historic district.

P. SCHUMAN MOVED TO APPROVE WITH OFF-WHITE BACKGROUND. B. LEONARD SECONDED THE MOTION.

M. CZUBKOWSKI: YOU 'RE APPROVING THE BUSINESS PLAN OF OPERATION ALSO?

P. SCHUMAN: YES.

B. LEONARD: YES.

M. CZUBKOWSKI: JUST WANTED TO MAKE SURE.

C. MURSKY: SO THE SIGN COLORS THAT YOU HAVE IN YOUR SUBMITTAL PACKAGE ARE INCORRECT?

J. LAZYNSKI: THAT 'S RIGHT. THE PURPLE AND THE RED HAVE BEEN CHANGED TO THE BLUE AND RED.

M. CZUBKOWSKI: IF THAT IS YOUR ONLY COPY, COULD I HAVE A COPY OF THAT FOR OUR RECORDS?

J. LAZYNSKI: SURE. YOU CAN HAVE THIS ONE.

M. CZUBKOWSKI: OKAY. THANK YOU.

THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

Mayor Craig: Congratulations. My wife is tickled pink you're coming.

C. Mursky: Can I just ask a question about parking? You have ten part-time

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employees?

J. Lazynski: Yes.

C. Mursky: Where are you going to park everybody, including your customers for these classes?

J. Lazynski: The part-time employees span the seven days with the different hours, so they're coming in and working shorter amounts of hours I think over that timeframe. My staff will be parking in the city lots, I believe, if that's okay? Unless there's not a problem with that?

Mayor Craig: Definitely.

J. Lazynski: But, to allow the space for the customers.

C. Mursky: And then how many people for your classes?

J. Lazynski: Approximately six.

C. Mursky: And where are you going to put all of them?

J. Lazynski: For the classes? They'll be on the lower level.

C. Mursky: The parking for that?

J. Lazynski: Most of the classes will be either at night, or on Saturdays and Sundays. I would anticipate that people that can't park in that lot will be parking in the city lot and walking. My understanding is that you folks want a lot of pedestrian traffic and people walking.

C. Mursky: I would like, I guess, to put in the record that we need to watch the parking situation with that because of that area down there. There's not a lot of good parking on streets.

R. Dupler: I believe she's in CBD 1, which has no parking.

C. Mursky: I understand that, but this street parking, we may need to post. I just want us to be aware of potential congestion problems in that area.

Mayor Craig: Sounds like the applicant is more than willing to work with us. Maybe post a sign please park across in the parking lot. I think that would be great. We appreciate that. Thank you.

J. Lazynski: Okay. Thank you.

Mayor Craig: Good point.

- e. **Tax Key 804.994.013 and part of 804.999.014, Hwy 83 and Hillside Drive.**
Owner/Applicant: Sig Strautmanis representing Capital Group, Marcus

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Corporation. Applicant seeks approval of signage for Hillside Terrace Shopping Center.

Mayor Craig: Welcome back.

S. Strautmanis was present.

S. Strautmanis: Tonight what I am on the agenda for is actually piggyback with three tenants; some initial tenants that we've actually signed leases with and are starting to design their spaces. And so, what I am looking for tonight is what I'm calling our Master signage proposal. When we came to you for our specific implementation plan, we actually had some very specific parameters for the signage package. We're living up to each of those points. The piece that we've encountered great difficulty with, which is, of course, no surprise, is that these tenants would like to have some flexibility with the font style. I'm sure this is, of course, no surprise. When we got approved in the specific implementation plan is Garamond. And what we're proposing tonight is to basically allow the tenants to use consistent channel lettering, consistent lighting, consistent channel letter boxes and also ivory plex, which is an off-white, a very nice tasteful white look, but give them some flexibility with the fonts, to use their corporate fonts. And basically, the other part of this is we don't want to permit and we're not asking to permit logos. Big difference. I wanted to actually show you some of the examples—you have many examples, but these actually are similar just on brick buildings, on what I'm going to call high quality shopping centers in Brookfield and Mequon. All of these examples, with the exception of Panera Bread which has what I'd call a logo, are all just font styles with off-white lettering and back-lit channel letters. The color that we're proposing, very specifically, is on the second page; again, ignoring the Panera Bread logo, but looking at Private Gardner, Art Elements and just the Panera word. That is actually a specific ivory plex color. It's a nice off white. These are actually samples that have been dropped off. This actually looks a little more red than it does in daylight. It's a deep maroon color that will go nicely on brick and also on the dark concrete board that's in the sign band. Here are the color samples that every tenant will have to use. We want a nice consistent look, but again just giving them a little flexibility with their font. The last page, the foldout actually identifies signage areas. It's something we didn't get approved or didn't even contemplate originally. But what I'm pointing out with this is that I want to make this easy on the tenants as they come in so that they fit into the program and they're within their sign band area, if you analyze it based on the size of the signage, etc. The final thing, I promise, is that I submitted on behalf of the three tenants that we have with you tonight an overview of these tenants. In there are the sign allocations. And what I'm going to ask the City to do and of course everybody goes through us with these approvals is that they have only their allocated percentage of signage available to each tenant based on their square footage. That's very important. So for example, tonight there are tenants up here that will be in front of you tonight and each of them are below their prescribed square footage. And that's good because obviously we're very specific about allocating only as much signage as they have area. That's all I have for my agenda item. The second thing that I submitted, however, was very tenant wants to get a "coming soon" sign. I don't know if it's appropriate to talk about it now as part of this package, too, but we want to consolidate everybody on to one. So as

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tenants come in, we'd like to do just one "coming soon" sign that is again, what I think, if I interpret your code, each of these tenants could hypothetically come in and apply for a "coming soon" sign. What I'd like to do is control the appearance a little bit, but then ask that this is slightly larger, so it's 6x8' as opposed to 4x8'. We'll just do one. It's something that I'd like to put out here and that was part of the submission that I'm not sure exactly how it fit into this agenda, but something that was submitted with this package.

R. Dupler: It didn't and we took it out. What the petitioner is illustrating for you is something that has traditionally been under the purview of the administrator approved because it is after all a temporary signage. We didn't want to confuse the issue this evening, knowing that the conversation as going to be about existing or proposed signs and logos.

S. Strautmanis: Got it. That's all I have.

Mayor Craig: Roger?

R. Dupler: The sign package, I think, is very thorough. It answers many of the questions that we've discussed on other projects and other similar situations. There are only a couple of comments that I would like to make, one of which I've shared with the petitioner. That is on the exhibit I think it's necessary to identify that the tower signage is not for any tenant use. It is there to identify this multi-tenant building and as such it's an identity sign. I don't believe that should be acceptable for any tenant use. The other thing is I think it would be in everyone's best interest if we could just identify height for the sign band. And by counting brick courses, it looks like these are designed to accommodate 36-42" in that range. I think it would be beneficial if we could identify that.

S. Strautmanis: We actually just in response to that point, in our shopping center signage package, we actually limit the height to 24". So we've kind of taken care of that for you and it's actually less than what you could permit. And we do that so that we don't get irregularity between signs that are on the brick band that could be 30-something inches and then signs that are in the other part where you can comfortably fit 24" signs. We just limit it to 24".

R. Dupler: So we'll make a graphic correction to this illustration so that the next time we pull it out, it's right there in front of us.

B. Leonard: Where is that illustration?

R. Dupler: In the left pocket.

C. Mursky: Roger, I can see that this works with this combination of fonts. Have you ever seen bad examples of where it really just doesn't work?

R. Dupler: No, because quite frankly, it's in no one's best interest to produce a bad-looking sign. Very seldom do you have instances where you have fonts that aren't going to work. Retailers are very concerned about visibility, readability of their sign. It's something that will police itself. I think overall this fits very well into

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the entire Delafield package. If you take a drive down I-94 in the evening, it's clear to see we have an accepted color presentation of red, mixed with a little bit of white. This is going to appear as white on top of the hill there. I think it's very well done.

Mayor Craig: We also just approved a shoe store that had white in the Wal-Mart Center which also had, I forgot the other business that was in white also that was in there?

R. Dupler: Wheel & Sprocket is in white.

Mayor Craig: Very good. Thank you. So, it's not out of the neighborhood already.

C. Mursky: It's not the color combination of fonts. I know we let go of some of the signage control with that whole Hillside thing and permitted all the corporate logos and I think it looks kind of trashy. So I'm just trying to project and see if there is the potential for that by not delineating a variety of fonts that can be used.

R. Dupler: One good example, I think, is on the other side of the Interstate - the Emperor's Kitchen. It's an extremely unusual font. Yet, it still works. I don't find it obtrusive and it is about as strange of a text...

Mayor Craig: I think the key point here and you made it already, is no logos are going to be allowed. I appreciate you coming in and saying that yourself initially. That means a lot.

C. Mursky: So, right now we're approving this master sign package?

C. MURSKY MOVED TO APPROVE WITH A LIMITATION ON HEIGHT OF 24 " AND LIMITED TOWER SIGN TO PROJECT IDENTITY AND NO TENANT USE. D. KUCHLER SECONDED THE MOTION.

MAYOR CRAIG: DO YOU HAVE ANY PROBLEMS OR QUESTIONS WITH THAT?

S. STRAUTMANIS: I DON 'T. WE HAVEN 'T LEASED THAT END SPACE AND I GUESS THAT THE FLEXIBLE SIDE OF ME WANTS TO RESERVE THE ABILITY TO COME BACK AND IF IT 'S THE RIGHT TENANT TO GO UP ON THE TOWER, BUT IT 'S NOT SOMETHING WE 'RE SELLING RIGHT NOW.

MAYOR CRAIG: BEWARE - NOW'S YOUR CHANCE.

S. STRAUTMANIS: WELL, HOW DO YOU FEEL ABOUT THAT? BECAUSE IF IT'S THE RIGHT TENANT, I 'D RATHER NOT DO SIGNAGE DOWN THE SIGN BAND AND PUT IT UP IN THE TOWER WHERE IT CAN HAVE THIS HARDY PLANK THAT LOOKS MORE LIKE A SIGNAGE AREA.

MAYOR CRAIG: YOU INITIALLY DID COME IN AND SAY THAT IT WAS GOING TO BE A PROJECT DELINEATION.

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S. STRAUTMANIS: I WILL STAND HERE AND LIVE UP TO THAT. BUT I GUESS WHAT I'D BE WILLING TO TRADE OFF IS THAT IF ONE OF THE TENANTS GETS THAT AND THEN WE FEEL THAT THEY'RE DESERVING OF THAT. IN OTHER WORDS, WE'RE NOT JUST GOING TO PUT A SMALL TENANT, ANY TENANT UP THERE, AND THEN THEY WOULDN'T GET WALL SIGNAGE.

P. SCHUMAN: THEY COULD ALWAYS COME BACK IF HE GETS A DEALBREAKER.

S. STRAUTMANIS: I THINK IT'D BE A TRADE OFF. IN OTHER WORDS, I WOULDN'T DO A SHOPPING CENTER SIGN. I WOULDN'T SAY HILLSIDE TERRACE. THAT ID SIGNAGE WOULDN'T BE THERE. BUT IF THERE'S A TENANT THAT AGAIN WHO WOULD BE OF THE RIGHT MAGNITUDE, I GUESS I'D CALL IT THAT WE DON'T PUT THEM ON THE WALL, THAT THEIR SIGN SIMPLY GO UP THERE. WE'RE NOT GOING TO DO TWO TIMES THE SIGNAGE.

MAYOR CRAIG: I'M JUST TRYING TO THINK OF THE SHOPPING CENTERS THAT WE HAVE IN THE AREA THAT DOES HAVE TOWERS AND THERE'S ACTUALLY NO SIGNAGE WHATSOEVER. WE KIND OF GAVE YOU THAT IDENTIFICATION.

S. STRAUTMANIS: I WILL BE QUIET NOW.

MAYOR CRAIG: SMART CHOICE.

S. STRAUTMANIS: I HEAR YOU. THAT'S FINE.

R. DUPLER: I WOULD JUST LIKE TO ADD THAT UNDOUBTEDLY BECAUSE SIG'S BACKGROUND IS OF A CITY PLANNER, THIS IS THE MOST THOROUGH PACKAGE. IT'S GOT EVERYTHING WE NEED - IT'S ALL RIGHT HERE.

C. MURSKY: I ALSO APPRECIATE YOU KNOWING WHEN TO FOLD.

NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

Mayor Craig: Congratulations.

S. Strautmanis: I'm here also as the owner and we have reviewed these packages and have actually submitted the next three packages on behalf of the tenants. So I'll be here to answer any questions about the shopping center itself and the tenants are here to focus on their own businesses. I just have that request; that the tenants may not know about minor issues of the shopping center.

Mayor Craig: I was going to ask that you stick around anyway. Thank you. I appreciate that.

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- f. **Tax Key 804.994.013 and part of 804.999.014, 2742 Hillside Drive.** Applicant: Dale Johnson. Applicant seeks approval of Business Plan of Operation and Signage for Cold Stone Creamery, Hours of operation: Weekdays and Sunday, 11:00 a.m. - 10:00 p.m.; Saturday, 11:00 a.m. - 11:00 p.m.; 1 full-time, 15 part-time employees.

S. Strautmanis was present and represented the applicant.

R. Dupler: The signage is fully compliant with the approved signage package. I might add that with this proposal, as well as the following two, are both restaurant uses. One of the first things that we did in an analysis of the business plan of operation was to determine for certain that the building does have adequate parking facility. Actually, all restaurants the fact that some of them may or may not be retailers will not have an impact on the parking demand. The site is appropriate for all restaurants should the petitioner elect to those possible tenants.

Mayor Craig: Even if we did the fourth tenant as a restaurant?

R. Dupler: Yes, there's adequate parking.

Mayor Craig: Excellent. Good job.

D. Kuchler: Isn't the height of the sign exceed what you said was going to be the maximum?

S. Strautmanis: Let me look, please. Indeed it looks like it does by 2" and that would be an acceptable change that I'd bring back to the tenant and make it 24". The leases are very clear about that and we'll adjust that.

C. MURSKY MOVED TO APPROVE THE PLAN OF OPERATION AND MODIFY THE SIGNAGE APPROVAL TO MAXIMUM OF 24 " HEIGHT. P. SCHUMAN SECONDED THE MOTION. NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- g. **Tax Key 804.994.013 and part of 804.999.014, 2736 Hillside Drive.** Applicant: Mark Dillon Applicant seeks approval of Business Plan of Operation and Signage for Pizza Hut, Hours of operation: Monday - Thursday and Sunday, 11:00 a.m. - 11:00 p.m.; Friday and Saturday, 11:00 a.m. - 12:00 a.m.; 8 full-time, 20 part-time employees.

Representative: We're available to answer any questions that you may have. I believe in our package we've submitted hours and close and so forth.

R. Dupler: Again, in regards to signage, everything is fully compliant in regards to the operation. The sign is acceptable for this type of use. My only caution or perhaps suggestion to this body is to make sure clear we have a clear understanding of the delivery service and that we're all comfortable with it.

P. Schuman: What is the nature of the delivery service that we need to

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understand?

R. Dupler: There seems to have been, there have been questions directed to myself and other members of staff regarding traffic and whether or not this site would indeed have an impact upon that—at the intersection of Hillside Drive. The appropriate answer to that is there was adequate planning taken into account, the time the traffic analysis was done, it assumed a volume of traffic generated by restaurants and commercial entities on this site. Originally this site was two sites, if you may recall. The potential traffic generation from those two sites is less than what is anticipated for this site. I just want to make sure that was all clear.

D. Kuchler: Do we have any regulations as it relates to parking? I'm assuming the delivery vehicle, when the store isn't opened will be parked there?

R. Dupler: We don't have any specific regulations in that regard, but as I understand, the petitioner is willing to designate spaces that are not immediately in front of the space and park in what would be to the east side of the parking lot near the service access drive.

D. Kuchler: Is there a number of vehicles that you're envisioning being involved in the delivery service?

Representative: Probably at maximum capacity would be on a Friday night. Again, it depends on the volume, but they're coming and going, so probably at the site I would say at a time maybe like four or five.

D. Kuchler: Are these private vehicles?

Representative: Private vehicles

Mayor Craig: There would be no overnight parking of those vehicles?

Representative: No, none.

T. Maney: What kind of delivery area do you have in mind?

Representative: Typically, our normal operation is about an eight to ten minute drive from the facility in a radius of circles.

Mayor Craig: I think you can hit all of our houses.

T. Maney: I live on Mill Road where across the street is an Oconomowoc mailing address and I'm Delafield. And Domino's pizza from Oconomowoc will deliver to an Oconomowoc mailing address, but will not deliver to a Delafield address. So I have no delivery.

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

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- h. **Tax Key 804.994.013 and part of 804.999.014, 2738 Hillside Drive.** Applicant: Derek Vanderpool Applicant seeks approval of Business Plan of Operation and Signage for Quiznos Subs. Hours of operation: Weekdays and Saturday, 11:00 a.m. - 9:00 p.m.; Sunday, 12:00 p.m. - 8:00 p.m.; 2 full-time, 6 part-time employees.

R. Dupler: The Quiznos Sub Shop. Their petition is fully compliant with the signage package and is appropriate for the site.

C. Mursky: No delivery?

D. Vanderpool: Yes, we have delivery. It's going to be more catering. The business is during the lunch hours. There's no real specific guidelines; it's sort of up to owner/operator to decide what he wants to do. Our restaurant is similar to a Subway or Cousins, it's a little higher quality, submarine sandwich and we have soups and desserts.

Mayor Craig: I have to ask the same questions about the vehicles. Are there going to be parked vehicles?

D. Vanderpool: No.

Mayor Craig: Painted, private?

D. Vanderpool: No. At the most, one delivery vehicle and it won't be there overnight. It will be a personal vehicle.

T. Maney: Are you affiliated with the one on Silvernail?

D. Vanderpool: I know the people. I was trying to buy that one, but they want too much money.

Mayor Craig: We're glad you came here.

D. Vanderpool: Initially I was going to do Silvernail, but then I heard about this site. I live in North Prairie so it's a lot closer.

T. Maney: Great operation.

D. Vanderpool: I think it will be a good addition.

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

Mayor Craig: Welcome. Best of luck.

- i. **Tax Key 733.993.002, 4615 Vettelson Road, Delafield** . Applicant: Jim Jendusa. Applicant/Owner seeks approval of Business Plans of Operation for MJ & J Enterprises, LLC. a property management company. Hours of operation:

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Monday - Friday: 7:00 a.m. - 5:00 p.m. 3 full-time, 1 part-time employee.

Postponed until later in the meeting due to the absence of the representative.

C. MURSKY MOVED TO APPROVE.

MAYOR CRAIG: DO YOU HAVE ANYTHING TO SAY ABOUT THE BUSINESS?

J. JENDUSA: WELL, MJ&J ENTERPRISES WAS BASICALLY FORMED TO PURCHASE THE PROPERTY AND THAT 'S ITS BASIC FUNCTION. ALL THE TENANTS BASICALLY LEASE FROM MJ&J ENTERPRISES. SO THEY'LL BE AN OFFICE SET UP THERE IN THE BUILDING FOR MJ&J ENTERPRISES WITH A SUITE NUMBER FOR GETTING MAIL. THERE 'S A POTENTIAL THAT MJ&J ENTERPRISES COULD DO FURTHER DEVELOPMENTS DOWN THE ROAD, ESPECIALLY IN CONSIDERATION WITH THIS SITE. IT 'S OUR ULTIMATE GOAL WITH THE ACREAGE THAT WE HAVE IS TO DEVELOP A REAL NICE OFFICE BUILDING AND TAKE DOWN THE METAL BUILDING. BUT THAT 'S IN THE FUTURE.

R. DUPLER: YOU SHOULD UNDERSTAND THAT THE ORIGINAL BUSINESS PLAN OF OPERATION THAT CAME THROUGH AT THE TIME OF THE CONCEPT PRESENTATION WAS JIM JENDUSA ENGINEERING WHICH IS NOW BEING REPLACED WITH MJ&J ENTERPRISES AS BEING THE PROPERTY MANAGER. ORIGINALLY, I BELIEVE IT WAS JENDUSA ENGINEERING. ALSO, THERE IS AN AMENDED BUSINESS PLAN OF OPERATION. THE NEXT ITEM, ITEM J, WHICH IS JENDUSA ENGINEERING RESOLVES THE CONFLICT BETWEEN TYPE OF BUSINESS INTENDED AND TYPE OF BUSINESS AS APPROVED. MR. JENDUSA 'S NEW BUSINESS PLAN OF OPERATION OBVIOUSLY IS CONSULTING ENGINEER.

MAYOR CRAIG: HOW ABOUT WE DEAL WITH "I" FIRST.

P. SCHUMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- j. **Tax Key 733.993.002, 4615 Vettelson Road, Delafield** . Applicant: Jim Jendusa
Applicant/Owner seeks approval of Business Plans of Operation for Jendusa Engineering. Hours of operation: Monday - Friday: 7:00 a.m. - 5:00 p.m. 3 full-time, 1 part-time employee.

Postponed until later in the meeting due to the absence of the representative.

Mayor Craig: Is there anything you want to add?

J. Jendusa: Just that we're an engineering consulting firm. Currently we have four employees and operating out of this building. Hopefully business stays well and we continue to expand and do well.

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P. Schuman: What kind of engineering do you consult on?

J. Jendusa: We're mainly structural engineering.

F. Welch: Do we want to designate these areas on the building plan that you brought up before? Would that be important?

Mayor Craig: Have we ever done that in the past?

T. Maney: Doesn't it give them a little more flexibility in case they wanted to swap office spaces?

F. Welch: Again, I'm thinking more of the shopping centers and so forth. We require that strip malls that they designate which area they're in.

J. Jendusa: We have submitted areas with suite numbers shown.

S. Maher: This plan shows where the companies are and designated suite numbers.

F. Welch: I would think you would do that.

Mayor Craig: If you'd like to submit that plan back to the clerk.

C. Mursky: So, Fred, are you suggesting that on the plan of operations we designate suite such and such for the approval?

F. Welch: I would.

M. Czubkowski: He has them on here.

C. Mursky: What about MJ&J?

M. Czubkowski: He has that as Suite 300.

D. Kuchler: Can't we just say as submitted?

P. SCHUMAN MOVED FOR APPROVAL WITH THE SUITE AREAS AS INDICATED IN THE PLANS SUBMITTED TO THE CITY. F. WELCH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- k. **Tax Key 733.993.002, 4615 Vettelson Road, Delafield** . Applicant: Sean Maher. Applicant seeks approval of Business Plan of Operation for SL Maher Architects, Inc., an architectural consulting firm. Hours of operation: Monday - Friday: 7:00 a.m. - 5:00 p.m; 2 full-time, 2 part-time employees.

Postponed until later in the meeting due to the absence of the representative.

S. Maher: Very similar to Jim's business, but it's architects. There will be two full

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time employees and two part-time, initially.

C. Mursky: And you're in Suite 100?

S. Maher: Yes, 100.

D. KUCHLER MOVED FOR APPROVAL. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- i. **Tax Key 733.993.002, 4615 Vettelson Road, Delafield** . Applicant: Patrick Johnson. Applicant seeks approval of Business Plan of Operation for Lake Country Boats, LLC. Hours of operation: Monday - Friday from May through September 7:00 a.m. - 5:00 p.m.; Saturday, 8:00 a.m. - 3:00 p.m.; 2 part-time employees.

Postponed until later in the meeting due to the absence of the representative.

J. Jendusa was present and represented P. Johnson.

P. SCHUMAN MOVED FOR APPROVAL.

C. MURSKY: DOES HE HAVE A SUITE?

J. JENDUSA: YES, HE 'S SUITE 900.

C. MURSKY: HOW 'D YOU GO FROM 300 TO 900?

R. DUPLER: HE IS IN THE ANNEX.

D. KUCHLER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- m. **Tax Key 733.993.002, 4615 Vettelson Road, Delafield.** Applicant: Gene Widenski. Applicant seeks approval of Business Plan of Operation for Nashotah Homes, Inc., a residential construction/management company. Hours of operation: Monday - Friday: 7:00 a.m. - 5:00 p.m.; Saturday, 7:00 a.m. - 12:00 p.m.; 2 full-time, 1 part-time employees.

G. Widenski was present.

C. Mursky: I'm really puzzled. Well, you should go first.

G. Widenski: Well, Jendusa, he owns the building. I'm just going to lease about 200-300 square feet from him. Nashotah Homes, I'm a low volume, high-quality builder. I've been in business for ten years. It's my wife and myself. I'm looking to hire someone else on.

C. Mursky: Did we, I know this property was in before. I don't recall that we approved any plan of operations for it. Did we approve the modifications to the

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property itself?

R. Dupler: What we had previously approved, keep in mind it's a B6 parcel. We approved business plan of operation for, at that time it was Jendusa Engineering, we approved a site plan, architecture, and that was followed then by a conditional use to allow them to store boats on the site as well.

C. Mursky: Did we approve the boat storage? That's what I was thinking was that we didn't do that.

M. Czubkowski: We did.

C. Mursky: We didn't approve the boat maintenance. Wasn't there something about the proposal we did not approve?

P. Schuman: We had them put some fences up, if I recall.

R. Dupler: We had them put up adequate screening and they have a limitation to their hours because they have residential across the street. What we have before us this evening now are a number of different issues. First of all, Jendusa Engineering they're changing their amended business plan of operation. It's now MJ&J Enterprises is going to be the real estate management company of this B6 parcel. So that's the first one. Then we have all the other tenants, one of which is Mr. Jendusa for the continuance of his engineering business in the property. And then four tenants with business plan of operation. Coupled with this is they're now asking for final consideration on their architectural improvements which were granted preliminary approval before we got into that conditional use of the boats.

C. Mursky: So can we be approving a plan of operation for a business that's going in to something that we haven't given final approval for?

R. Dupler: We have given approval for this property as a B6 that has a potential of being a multi-tenant facility. We can give approval for these business plans of operations. MJ&J Enterprises is back this evening to ask for your consideration of the architecture is a separate issue.

Mayor Craig: We can also do it contingent upon approval of the others also, which would make a lot of sense to me.

R. Dupler: Matt and I really struggled as to how to get all this stuff on the agenda.

Mayor Craig: Right. And then they don't show up which makes it more compounded.

P. Schuman: You had one gentleman in the back come in. I'm not sure where he's from.

C. Mursky: But we don't have any overall plan for this building. We approved the site plan, we approved some architectural changes, we approved a couple plans of operation and now we're getting all of these things piecemeal and we have no

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clue what the big picture is. Is that correct?

R. Dupler: I think we have a clue as to what the big picture is. This property with their initial presentation was granted the ability to have multi-tenants.

C. Mursky: Did we say how many?

R. Dupler: No. There was not a discussion on how many.

C. Mursky: That's when I say the big picture, I don't know. Maybe they don't know.

P. Schuman: Whether or not there's adequate parking for all the future tenants or not?

C. Mursky: Types of businesses and you know, what the potential is for how many tenants.

Mayor Craig: We had the conversation on the type of tenant from the aspect it was going to be architectural engineering and primarily ...

R. Dupler: Consulting organization.

Mayor Craig: It was not going to be retail at all.

R. Dupler: That's correct. And their site plan does accommodate the amount of spaces. It has the area to accommodate the appropriate amount of spaces for those uses.

D. Kuchler: Is the sign for the building been approved?

Mayor Craig: Preliminary.

R. Dupler: Preliminarily.

Mayor Craig: And I guess that's where it all would be contingent upon the final approval as Chris puts it, the "big picture".

D. Kuchler: There's a building there now? It's going to be remodeled or somehow rehabbed?

Mayor Craig: It's the old Redi-Gas building.

D. Kuchler: Okay. The other question I had in looking over this was do we have any regulations as it relates to paved parking lots vs. gravel parking lots?

R. Dupler: We do. We have regulations and they are triggered by the amount of parking spaces. The amount of parking spaces here would indeed trigger that requirement for a hard surface. In the original presentation to this body with their site plan, there was a time limit of, I believe of three years that was employed

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within three years it would actually have to surface and stripe it obviously.

D. Kuchler: Three years of the approval of this Board?

R. Dupler: Yes.

C. Mursky: How many parking spaces do we need?

R. Dupler: We need 25 spaces.

C. Mursky: They show 11 on the site plan.

R. Dupler: They show 19 on their site plan. They have the ability to expand their parking in the rear because in this existing condition it's all parking lot behind the building. My conversation with Mr. Jendusa as recently as Tuesday of this week is sharing with him that they need additional parking on their site plan and inform him that what it would do essentially is curtail the amount of boat storage that could be realized in the back of the building. They are comfortable with that and after explaining to them what the ordinance requirements are, they agreed that they could satisfy.

Mayor Craig: I guess my frustration is that your landlord isn't here to get his basic plan and you're here. You've invested the time and the effort to submit your plan. That's our frustration.

R. Dupler: I appreciate that.

P. Schuman: Approve his contingent on the other being approved and he doesn't need to appear again.

Mayor Craig: Is there an objection to that?

C. Mursky: Say that again.

P. Schuman: We'll approve his plan of operation subject to the basic plan being approved.

P. SCHUMAN APPROVED, CONTINGENT ON THE OTHER PLAN BEING APPROVED. F. WELCH SECONDED THE MOTION.

D. KUCHLER: IF WE APPROVE THIS, CAN HE START BUSINESS IN THAT BUILDING TOMORROW?

R. DUPLER: IF IT IS CONTINGENT UPON THE APPROVAL OF THE MASTER PLAN, THAN NO, HE WOULD HAVE TO WAIT UNTIL THE PETITIONER SHOWED UP AND HAD APPROVAL OF THE OVERALL PLAN.

MAYOR CRAIG: WHEN DO YOU EXPECT TO OPEN? TOMORROW?

G. WIDENSKI: NO, IT 'LL BE SEVERAL WEEKS BECAUSE THEY 'RE GOING

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THROUGH A TWO-PHASE REMODELING AND I WON 'T BE ABLE TO GET INTO THAT SPACE UNTIL THEIR SPACE IS COMPLETELY DONE. SO IT 'LL BE A COUPLE MONTHS, AT BEST.

P. SCHUMAN: THE NEXT TIME HE WOULD HAVE AN OPPORTUNITY TO SHOW UP WOULD BE THE END OF JUNE.

G. WIDENSKI: IT WILL BE AFTER THAT.

MAYOR CRAIG: I HATE TO PUT YOU OFF, BUT I 'M BEGINNING TO THINK THAT'S THE BEST PLAN.

P. SCHUMAN: WELL, WE HAVE A MOTION AND A SECOND APPROVED CONTINGENT UPON APPROVAL OF THE BASIC PLAN.

MAYOR CRAIG: MARILYN?

M. CZUBKOWSKI: IF YOU DON 'T HAVE A PROBLEM OR DON 'T NEED TO ASK HIM QUESTIONS AGAIN, MAYBE YOU COULD JUST EXCUSE HIM. THAT HE DIDN 'T HAVE TO BE PRESENT NEXT TIME.

MAYOR CRAIG: THERE 'S A MOTION ON THE FLOOR. DOES THAT MOTION WANT TO BE WITHDRAWN OR CONTINUED THROUGH?

P. SCHUMAN: CONTINUE THROUGH.

MAYOR CRAIG: OKEY DOKE.

P. SCHUMAN: I SEE NO REASON WHY YOU SHOULD HAVE TO SHOW UP AGAIN. HE 'S NOT GOING TO GO INTO THIS SPACE UNTIL AFTER JUNE WHEN THE REMODELING IS DONE AND IT 'S AN OPPORTUNITY FOR THE OTHER GENTLEMEN TO SHOW UP.

MAYOR CRAIG: MY PROBLEM IS IF WE APPROVE A DIFFERENT PLAN AND HERE WE 'VE APPROVED HIM ALREADY. AH..THEY 'RE HERE. HELLO! WOULD YOU MIND SITTING DOWN AND LETTING US GO THROUGH THE ORDER? THERE WE GO.

MAYOR CRAIG: MR. JENDUSA? I SUPPOSE WE BETTER WITHDRAW.

P. SCHUMAN WITHDREW HIS MOTION. F. WELCH WITHDREW HIS SECOND.

Mayor Craig: We'll do this right here.

Due to Mr. Jendusa coming in at this point, the Plan Commission proceeded to item 5a and then came back to this item.

M. Czubkowski: And now, Gene, who has been waiting so patiently.

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Mayor Craig thanked Mr. Widenski for his patience in waiting until this point and continued the previous discussion.

R. TRANSON MOVED TO APPROVE. F. WELCH SECONDED THE MOTION.

C. MURSKY: SUITE?

MAYOR CRAIG: SUITE NUMBER? DO YOU KNOW YOUR SUITE NUMBER?

G. WIDENSKI: NO, NOT YET.

MAYOR CRAIG: 400. CONGRATULATIONS! WE APPRECIATE YOUR PATIENCE. WE TRULY DO.

G. WIDENSKI: OKAY. NO PROBLEM.

THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

5. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVALS

- a. **Tax Key 786.999. Tax Key 786.999.** Applicant: Ryan Schultz. MLG Development seeks approval of the Carriage Hills Preliminary Plat.

Ryan Schultz with MLG and Joe Bukovich were present.

Mayor Craig: Welcome back.

R. Schultz: It's good to be back. We're on the agenda tonight for the approval of the preliminary plat and we really don't have a major presentation for you, even though there are some new faces on the Commission. But, we were back here in February/March and we were asked to go to the Public Works Commission and button up some of our stormwater issues and concerns that were brought up. We've worked over the last couple of months with the Commission—Joe primarily. We received approval on seven of those plans and so we're now here in front of the Plan Commission looking for the next step of approvals for the actual site. If you'd like me to, I'm sorry, Joe, can walk through some of the issues that were brought up for the stormwater plans, other than that, we're basically here for the feedback from the Commission. I know that the staff has put together a memo as far as those plans are concerned. We're more here tonight to answer questions and I guess to move forward to the next step.

R. Dupler: As the petitioner has mentioned they've been before Public Works and have worked very closely with the city engineer to work out solutions to some of these pending problems. The actual plat review was done in January with the preliminary plat that was before us for review. The actual technical issues of the plat proper are summarized in a letter by Welch Hanson & Associates that I included in your packet. They're rather minor geometry issues which we're suggesting are part of approval this evening. That is the plat could be approved

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contingent upon resolution of those issues. We also want to make note that the development documents which this body has reviewed in two separate meetings that the plat be approved contingent upon the final acceptance of those documents by the Council. Your input was incorporated in them months ago. The final issues then are those issues raised by Public Works. Public Works went through a thorough an analysis and has granted their approval contingent upon a number of issues. There are five that are outlined on the handout that was provided to you this evening. The memo written by Mr. Court and they are: 1) To install a stormwater pipe along the north eight feet of Lot 37, across West Shore Drive, and extending along the south side of Lot 43 for approximately 120 feet, 2) To install two stormsewer catch basins at the low point of West Shore Drive, 3) To install fieldstone rip-rap and special water quality plantings at the end of the pipe outlet. This is the pipe that's downhill nearest the lake, 4) Provide a good faith effort in obtaining easements through Lot 37 (eight feet wide), Lot 38 (two feet wide) and Lot 43 (20 feet wide) of the Nagawicka Heights Addition. The easements would be granted to the City with Carriage Hills being responsible for all maintenance, 5) The above mentioned improvements will be installed and restored before any work is started on the project. And by that I think it's important to note that since these are all offsite and downhill improvements, we want to make sure that they are in place with the appropriate erosion control measures restored to their pre-existing conditions in order that we preserve the integrity of any of the water rushing towards the lake before any grading operations begin on the site property. With all of those conditions, I would recommend approval.

B. Leonard: I have a question on your first condition, the storm sewer pipe along the north eight feet of Lot 37. Is that Lot 37 of this proposed subdivision or of Nagawicka?

R. Dupler: Of Nagawicka Heights addition.

C. Mursky: Where does that pipe go to?

R. Dupler: This is a series of conveyances conducting the stormwater from the Carriage Hills Subdivision through the right-of-way under West Shore Drive in route to the lake.

F. Welch: The reason for that Chrys, that this goes through a platted lot and the concerns are that we had an easement that was for a swale or something like that, it might prohibit the building of the lot. So it's a pipe, narrow easement and that then would not restrict the building because there are setbacks, I believe, of about eight feet. So that's how they arrived at that dimension.

C. Myrsky: The pipe's buried; it's not sitting on top of...

Mayor Craig: No, it's buried. I've been involved with a number of the neighbors with Mike, Matt and a great deal of the parties involved these last couple of weeks and I gotta say that they have been very cooperative and very positive to this change. We're appreciative that Carriage Hills people are willing to deal with this issue. In all honesty, this is not necessarily all their problem, Carriage Hills.

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This is also going to be helping us with a stormwater issue on West Shore Drive. The improvements of this catch basin will help us remove in a safe manner water that is coming from the north of West Shore Drive also which has been a long standing problem in that area. We're able to kill two birds with one stone shall we say. We're very appreciative that the developer is willing to do it.

C. Mursky: And the water quality out of that storm sewer pipe should be good?

R. Dupler: It's as good as we can make it.

Mayor Craig: Especially from them, but it's also going to be improved from again that stormwater from West Shore Drive in the aspect that wouldn't be able to retain it, lets a bit control the path of that water. Right now, it's basically eroding I believe it's Lot 37, the one that's the southwest corner of this area, eroding a good portion of their land away and is washing the sediment into the lake directly.

P. Schuman: Does it run across the road also?

Mayor Craig: There's some portions that do, I'm told, that comes from the east to the west. What it's doing is running down the hill, the road is pitched backwards, it then runs back across and causes a safety issues also in the winter. So we're working with the developer and the developer is working with us to solve not only their issues, but also the neighborhood issues with good faith. I'm very positive and very pleased that everybody...

R. Schulz: We have been too.

Mayor Craig: Unfortunately, we were unable to come up with all the legal documents to give you this package in a nice neat little bow at this time, but as this evolved, we were working with eight parties on this easement, then it was at 12, now it's at 56 and it keeps on growing. They're very willing to work with us and very pleased. I know there are a couple of people here from the neighborhood

Neighbor: Does the neighborhood have an opportunity to speak?

Mayor Craig: If you choose.

Neighbor: I'm just a little bit concerned at some of the wording of the letter. I haven't gotten a copy ahead of time, but I think I understood that you didn't address some of the concerns as far as the depth of the pipe and things of that nature. Specifically pertaining to the west side lot.

Mayor Craig: I haven't seen the new verbiage that came up at this time. I keep asking them and it must just be fresh. I wish Matt was here, but he's ill.

Neighbor: That's my only concern here, the basics of it. I'm very close to agreeing with this. But one of the concerns we had was depth of the pipe for grading purposes, not only for Lot 37, I believe, but also for 44 and across the street. That would all be based on the depth which is no where mentioned in

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here. I think that's an important piece.

Mayor Craig: If I recall correctly, when we left that Wednesday evening, it was to be covered in a safe manner and that depth was to be determining what everything else was supposed to be going to.

Neighbor: I haven't read this since you just handed it to me, but I didn't hear the depth mentioned anywhere, until Roger read it. It's an important piece.

Mayor Craig: I understand.

J. Bukovich: We haven't designed it yet. I know Mike forwarded that information to our engineer. I would say that the sewer on the west side would definitely have no problems with culverts when you start getting into the road and you see where the culvert is at now. I think Mike talked about dropping that culvert even some, that's why we're going 120 feet further to the east. I don't know what kind of cover that gives us in terms of grading. That still has to be worked out by our engineer.

F. Welch: You're concerned on the west side.

Neighbor: The concern I think when we discussed it at the last meeting we had it on site was pertaining more to the west lot, with the depth of it of the property of the two foot easement. It was too high. There might have to be a mound over the pipe. That water would go back to that one particular lot and affect our basement. But then also those too high might affect the grading of the street level. I just think if you guys are going to pass any sort of passage I think this all sounds good, but one of the things we need to address is the depth of the pipes so there would be no flooding under her property or affecting, we don't want to come down the middle of the street here with a speed bump.

Mayor Craig: There would not be any flooding on her property if we installed the pipe.

Neighbor: If you install the pipe too high, it would create a swale. That was an important piece. I'm just reading over this, we didn't hear any where mentioned the depth here, so it might be something that someone on the Board might want to amend it.

Mayor Craig: I'm seeing the nod of the developer in agreement.

R. Schultz: It makes sense what he's looking at.

J. Bukovich: I would agree to leaving the existing grade the way it is. If we have to go to an elliptical pipe of some type, that would save us three inches and keep the level the way it's at so it can overland flow however it's flowing right now and not create that hump that may block drainage from going.

Mayor Craig: I understand what you're saying, but I've got to make you make sure that we're all on the same page in the aspect that that's going to drop the

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culvert in the road to a lower elevation. Do you understand what I'm saying?

J. Bukovich: Right. That's what Mike forwarded on. That's why we're going so far to the east with the pipe is to drop that cone underneath the road and maybe the possibility of using a squashed pipe, too. So you save some extra cover on that. But we would agree to that, too that we'd keep the existing grades the way they are.

D. Kuchler: How does the water flow into this pipe? Does it come through culverts to get there?

Mayor Craig: On your end, why don't you explain that?

J. Bukovich: We have other water that basically flows, most of the water flows except this area down here flows to this pond out an outlet structure out of our pond. And will continue through the pipes to the lake.

D. Kuchler: The pipes will go directly to the lake?

Mayor Craig: No, there's an open grade...

J. Bukovich: Right. It'll flow to a ditch and the ditch will flow to the lake and again there'll be some rip rap and that's in planning to help clean that. The water that's leaving our site also has to help clean that. Our water is being cleaned prior to getting into the system and there will be a little bit more cleansing of the water after it leaves the pipe and gets into the ditch and overland flow.

D. Kuchler: I'm curious how it gets into this pipe?

J. Bukovich: There's two catch basins that were added in two locations in the rear lot. And one along the road so we can collect that water.

D. Kuchler: And a catch basin is...?

J. Bukovich: An open grate where the water flows in.

D. Kuchler: Okay, so a small child or something couldn't fall in.

J. Bukovich: It's what you see where there's curb and gutter with the metal inlay on it. That's basically a catch basin structure.

F. Welch: On all pipes in the City we require grates on them now if they're over 15" in diameter.

Mayor Craig: Another concern of the neighborhood and those grates was that it wasn't going to be a massive concrete structure; that there would be some pleasing consideration taken into account.

J. Bukovich: There would probably be a field inlet either the beehive type or something that's flat on the ground where you just see the rectangular cast iron

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structure.

Mayor Craig: Okay.

J. Bukovich: Working with staff we'll decide if it's a beehive and that just helps with the leaves and stuff like that to capture those.

B. Leonard: What percent of the run-off from this site is ultimately going into Lake Nagawicka?

J. Bukovich: Eventually all of it will. This water all flows, it'll get to the lake and this will flow out the site into another depressed wetland area and through a culvert to the lake also. And it also drains, if I'm correct, 80 acres from the west and to the north, so basically the whole water shed flows towards the lake.

B. Leonard: So the ponds are not to retain water, they're just there for help? To facilitate the flow of water?

J. Bukovich: There will be some infiltration type capacity in those to detain the water from the smaller storms. This middle pond will also be a wet pond with water quality plantings to remove the nutrients from the water and not allow those to move on towards the lake. So, our water cleansing all the water coming from off-site too, so it should have a very positive impact on all the water getting.

B. Leonard: So their primary purpose is stormwater?

J. Bukovich: Both quality and quantity. So we're reducing the flows getting to the lake and we're also improving the water quality of it.

R. Transon: Would your wet pond have aeration in it?

J. Bukovich: Probably. We're going to try and make it into an aesthetic pond too so it would be an aeration to stop it from getting the algae and different green. With a higher end development like this we don't want that water to turn green.

D. Kuchler: Is there a water source other than runoff?

J. Bukovich: No. We haven't quoted anything like that at this time.

D. Kuchler: But what would prevent these ponds from the middle of summertime? Are you lining these ponds with anything to prevent water seepage to the bottom?

J. Bukovich: We've done infiltration, soil tests out here and these ponds all infiltrate, we've got other areas infiltrating, so it's designed to be dry in the summertime. This pond here, there's a real compressed layer of clay so that water won't seep into the ground. There is a possibility that it will be dry, though, if you're not getting the rain and it evaporates and that type of deal which in my opinion isn't the worst thing in the world.

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D. Kuchler: As long as the homeowners are aware of it when they buy their lots.

Mayor Craig: Sounds familiar. Something else I need to get an approval. A shake of the head yes would be a correct response here would be that these easements and all these improvements are at no expense to the City.

J. Bukovich: Yes.

Mayor Craig: Thank you.

J. Bukovich: We agreed to that at the Public Works Commission.

Mayor Craig: I had to get it on record. I'm sorry.

J. Bukovich: No problem.

B. Leonard: Are there any future plans or have you, any plans for the residents of the new subdivision to have lake access?

J. Bukovich: No.

P. Schuman: We have an anti-pyramiding ordinance. They are fully aware of that. They have access through the Bleeker Street public launch area being they're residents of the City of Delafield.

Mayor Craig: With parking permit.

C. Mursky: What happens if #4 doesn't happen?

Mayor Craig: Well, I got a note here that again in all honesty I've got to say that this developer does not need this pipe to make his plan work. He's in complete compliance without this pipe. In all honesty; that's the truth. However, he/she/they have gone above and beyond public duty and are willing to work with the City to solve again a neighborhood issue and make it more appealing and pleasing to the neighborhood. So they've done this plan. I'm very confident, I haven't heard anything lately from neighbors, we're still in title search and again I said it went from a few, to massive title searches and that's why we're delayed. Have you heard anything?

Neighbor: No, everyone I've talked to without seeing final documents and final drawings I won't say that everyone's agreed to it, but everyone has been very open to it. We all believe that it's a positive thing for our neighborhood. Helps with some of the disturbances we're going to face over the next months. I think it's a good thing.

Mayor Craig: I hate to put her on the spot, but the alderperson of that ward, Linda Kuklinski, is in the audience. Linda, do you have anything that you would like to say on this issue?

L. Kuklinski: No, again, everyone is anxious. The title search has gone through

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and as quickly as the title company can get that information back and those documents finalized, we can start working on the signatures which again, that list has grown. But, it's been a real cooperative effort.

R. Schultz: We actually did the title search ourselves and I delivered that stuff to Mike and I think he got it to Bill Chapman today.

Mayor Craig: Excellent. We can get that process going.

R. Schultz: Yes. I also e-mailed a copy of the actual legal easement itself to Bill as well.

Mayor Craig: Super. Any other questions on this issue before I open another one? There is an interesting situation we have with the water system. I hate to mention that word, water. But we do need to include language in your deeds, covenants and restrictions to make the homeowners be aware that there will be a special assessment if potable water system is installed at a later date. And we're in agreement that the water system needs to be designed and approved by the Public Works Committee and I just want to make sure that everybody is aware of that and that you're in agreement that that can go into your deeds.

R. Schultz: Absolutely.

Mayor Craig: We're all aware of what that said? Excellent. Any other questions?

P. SCHUMAN MOVED TO APPROVE PENDING THE RESOLUTION OF THE ITEMS LISTED IN THE WELCH HANSON LETTER OF TODAY 'S DATE.

MAYOR CRAIG: SO YOU WANT TO ADDRESS THE CHANGE TO THE DEEDS, COVENANTS AND RESTRICTIONS TO DEAL WITH THE POTABLE WATER SYSTEM?

M. CAUBKOWSKI: I THINK WE SHOULD REFER TO THE MAY 28TH LETTER ...

P. SCHUMAN: I ALSO AMEND MY MOTION TO INCLUDE THE JANUARY 24TH WELCH HANSON LETTER, THERE 'S TWO LETTERS IN THERE.

C. MURSKY: AND THERE WERE A COUPLE OTHER CONDITIONS THAT WERE RECOMMENDED.

R. DUPLER: THAT IS DOWNSTREAM RESTORATION PRIOR TO THE ISSUANCE OF ANY GRADING PERMIT.

C. MURSKY: I MEAN, DO WE WANT ANYTHING IN THERE ABOUT THE DEPTH OF THE PIPE, OR THE STORMWATER PIPE?

MAYOR CRAIG: DO YOU HAVE THE ENGINEERING OF THAT DEPTH YET?

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R. SCHULTZ: WE DO NOT.

MAYOR CRAIG: I DIDN 'T THINK SO, SO I DON 'T KNOW.

C. MURSKY: THE ENGINEERING HAS TO COME BACK TO US OR TO PUBLIC WORKS?

MAYOR CRAIG: PUBLIC WORKS.

C. MURSKY: IT NEEDS TO BE CONDITIONED UPON COMMON COUNCIL 'S ACCEPTING THE DEVELOPMENT DOCUMENTS?

MAYOR CRAIG: YES.

P. SCHUMAN: I AMEND MY MOTION ACCORDINGLY.

C. MURSKY: THE COMMON COUNCIL - APPROVAL IS ALSO CONDITIONED UPON THE COMMON COUNCIL ACCEPTING THE DEVELOPMENT DOCUMENTS. DOES THIS RESOLVE THE PUBLIC WORKS ISSUES?

R. DUPLER: IS THAT THE 28TH MEMO? THAT 'S MIKE 'S MEMO OF TODAY.

C. MURSKY: YES. AND SITE GRADING. DID YOU TALK ABOUT THAT?

R. DUPLER: THAT 'S THE DOWNSTREAM IMPROVEMENTS IN EROSION CONTROL.

MAYOR CRAIG: IS THE MOTION STILL IN AGREEMENT WITH ALL OF THOSE AMENDMENTS?

P. SCHUMAN: YES.

C. MURSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

B. Leonard: Just to clarify. The one we got tonight is the same as the one that was in our packet as far as our handout said. The dates are the same on it, so they look exactly, I just didn't know why we had one on the table. We had one in our packet and one on the table tonight.

R. Dupler: They are the same. In my packet this was a missed Xerox and I didn't know if they were that way in all the packets, that's why.

B. Leonard: Thanks.

Mayor Craig: Thank you. Linda, thank you for your effort. Thank you for the neighbors working with us. And a special thank you to the developer.

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- b. **Tax Key 733.993.002, 4615 Vettelson Road, Delafield** . Applicant: MJ & J Enterprises, LLC seeks approval of Specific Plan of Implementation, Site Plan, Architectural and Signage.

Mayor Craig: Are you aware of what transpired before you came? I don't know if you got filled in in back. What we did was we're holding off on your other approvals until we get the overall plan.

Jim Jendusa and Sean Maher were present.

Mayor Craig: Do you have anything you'd like to start us out with?

J. Jendusa: We're in the process of a remodeling project. We purchased the Old Redi Gas property as part of MJ&J Enterprises which is myself, Sean and Pat Johnson who isn't here tonight. We've started our consulting business in the building. Did plans, sent them to State, got State approval for an interior remodel. Part of the interior remodel is replacing the windows and we were told that when we went to change the building at all we needed to go to Plan Commission to get approval for that. So that's basically why we're here. There were also some site issues that we were asked to address as far as showing parking and landscaping.

R. Dupler: Jim, I suggest we start with the site plan. To elaborate on our conversation previously, this site is a B6 and it was approved for multi-tenant use with the reconfiguration of interior spaces of the building. They have multiple tenants, one of which is an operation that performs maintenance and storage of boats. They went through the conditional use approval to accommodate that use. There were limitations to the hours of the maintenance operation. There were limitations to not so much the number of boats to be stored, but the screening and the visual barriers established around the property so as to ensure that those boats would be out of public view. We have since their last presentation nailed down the number of tenants that they want to have in the building. They've been to plan staff to present their modifications both interior and exterior to staff. They don't impact the site plan per se, with the exception of parking that is necessary to accommodate the actual floor area of the building and all their multi-tenant spaces would amount to 25 spaces. Currently on the site plan it's illustrated 19 spaces; there's an additional 6 spaces that will be required. Those six spaces can be accommodated in the rear of the building in its existing condition. It is parking lot already and the petitioner has been made aware that the impact here would just be to the number of boats that could be stored. We can't overlap the boat storage with designated parking. In regards to the parking in their previous approval at the preliminary stage, there was a commitment to hard surface the parking lot after three years and by rights and by ordinance would indeed then facilitate the appropriate striping that has to be in place as well. With the existing site plan as proposed this evening, there are a few modifications to the parking on the south side of the building. Primarily, the spaces that are immediately adjacent to the right-of-way. By ordinance if they have a residential zoned property adjacent, they have to provide parking screening. There is R3 district immediately to the south across from them on Vettelson. Staff has requested that they curtail the amount of parking there and employ a landscape buffer

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immediately adjacent to the right-of-way. The other issue with the site plan is the proposed location of the sign. In this B6 district, the Plan Commission may approve the location of a sign anywhere on the site. This is not unlike some of the previous actions taken by this Board, particularly Mason Creek Winery where instead of respecting the building setback, they were allowed to pull their sign forward on the property. The petitioners are asking your consideration in that regard this evening. The only other alternative for them involves the signage. Because of the existing vegetation out there would probably be something on the buildings. Is that correct Sean?

S. Maher: By the time we hit the setback, it would almost be to the building, so we were looking at doing something on the building.

R. Dupler: And there are a number of existing trees out there that curtail your visibility into the site. The sign petition itself is only for the structure and the size at this time. There are no graphics or fonts that are proposed for your consideration. Each of those would be a separate petition, or they could be done not unlike the previous for Hillside Terrace where signage package is approved and the multiple tenants then would not necessarily have to come back before the Plan Commission each and every time they change. There are some modifications required in regards to the landscaping as I mentioned previously. The landscape buffer. We'd like to see a revised landscape plan come back to staff for review in that regard and also on the site plan, we'd ask for your consideration of approving this evening with staff review of the relocation and additional parking spaces that are required. That's the site plan.

Mayor Craig: A natural question would be if we are using parking spots behind the building and there's a fence that should be closed to screen the boats, how do people get to use the spots behind? Is that going to be designated as employees only?

S. Maher: Employee parking.

Mayor Craig: And then there would be no employees up front to allow for the public parking?

S. Maher: There would be designated areas for public parking, but employees would park back here.

R. Dupler: If you are all ready, we will go on to architecture.

Mayor Craig: Do you want to take the site plan first?

P. SCHUMAN MOVED TO APPROVE. D. KUCHLER SECONDED THE MOTION.

C. MURSKY: YOU HAVE PARKING PLACES UP THERE THAT AREN'T ON HERE.

S. MAHER: CORRECT. WE TALKED TO ROGER THIS AFTERNOON AND

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TRIED TO ADDRESS, MAKE SURE WE COULD ADDRESS THESE ISSUES AND BE ABLE TO COMPLY. SO YOU 'RE TALKING ABOUT THESE IN THE BACK HERE?

C. MURSKY: RIGHT.

S. MAHER: WE WERE SIX STALLS SHORT, SO WE WANTED TO MAKE SURE WE COULD PLACE THEM IN THE BACK HERE AND THAT THEY 'D FIT.

C. MURSKY: SO WHAT WE HAVE SUBMITTED TO US IS NOT ACCURATE. SO WHAT ...

P. SCHUMAN AMENDED HIS MOTION TO APPROVE THE STIPULATIONS THAT ROGER MADE TO ADD SIX PARKING SPACES IN THE BACK.

D. KUCHLER: DOES THIS DEAL WITH SIGNAGE TOO AT THIS POINT OR IS SIGNAGE A SEPARATE ISSUE?

R. DUPLER: SIGNAGE - THINK OF IT AS AN ARCHITECTURAL FEATURE. IF YOU ARE TO ADDRESS SIGNAGE THIS EVENING IT WOULD BE AN APPROVAL ONLY AT THE LOCATION AND THE OVERALL DESIGN.

D. KUCHLER: IT 'S NOT PART OF THE SITE?

R. DUPLER: IT IS AN ELEMENT OF THE SITE. THAT 'S WHY I SAY IT SHOULD BE APPROVED IN REGARD TO ITS LOCATION AND ITS DESIGN. FURTHER PETITIONS WILL BE BACK BEFORE YOU FOR CONSIDERATION OF THE GRAPHICS OF THAT SIGN.

P. SCHUMAN AMENDED HIS MOTION TO INCLUDE SIGNAGE BY THE ROAD.

F. WELCH: DO THE DETAILS OF THE LANDSCAPING, DO WE JUST SAY LANDSCAPING HAS TO BE APPROVED BY STAFF?

R. DUPLER: TO ANSWER YOUR QUESTION, THERE ARE NO SPECIFIC REQUIREMENTS FOR LANDSCAPE DETAILS.

P. SCHUMAN AMENDED HIS MOTION TO INCLUDE THE LANDSCAPE PLAN FOR APPROPRIATENESS.

S. MAHER: THE IDEA IS TO ENHANCE THE PERIMETER AND FOUNDATION PLANTINGS. WE 'RE REMOVING A LOT OF WHAT 'S HERE AND ADDING A LOT OF LANDSCAPING. ALSO LANDSCAPING NICELY AT THIS SECONDARY ENTRANCE.

MAYOR CRAIG: AND IT ALSO IS SCREENING THE PARKING SPOTS.

S. MAHER: YES, EXACTLY. RIGHT NOW THERE IS A VERY LARGE

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BERM ALONG VETTLESON ALONG THIS SIDE THAT IS ABOUT FOUR OR FIVE FEET TALL AND EVERGREENS ON TOP OF THAT. THEN WE HAVE OUR TURN-IN FOR PARKING. SO HERE WE 'RE GOING TO ADD SOME ADDITIONAL GREEN SPACE AS WELL AS IN HERE. SO RIGHT NOW YOU CAN THE EXISTING CURVE GUT . SO WE 'LL BE ADDING ALL THIS AREA IN HERE, TURN SPACE, AND THIS WILL BE THE SIGN WITH LANDSCAPING AROUND IT. AND ADD SOME SCREENING.

MAYOR CRAIG: WHAT ABOUT THE NEW PARKING IN THE BACK?

S. MAHER: THE NEW PARKING AREA, THERE 'S SPACES HERE AND HERE, TWO HERE AND THREE MORE OVER HERE.

MAYOR CRAIG: THANK YOU.

P. SCHUMAN AMENDED HIS MOTION TO HAVE LANDSCAPING PLAN COME BACK TO STAFF FOR APPROVAL.

C. MURSKY: AND THAT INCLUDES THE SCREENING FROM THE RESIDENTIAL AREA? I 'M ASSUMING WE 'RE USING LANDSCAPING FOR THAT, RIGHT?

R. DUPLER: YES, THAT 'S PRIMARILY THE REASON FOR ...

C. MURSKY: THE SIGN IS NOT LIT?

J. JENDUSA: WE 'RE SHOWING UP-LIGHTING SO THERE WOULD BE FLOOD LIGHTS AT THE GROUND LEVEL SHINING UP INTO THE SIGN.

C. MURSKY: I SEE THAT, SORRY.

P. SCHUMAN: THEY 'LL BE COMING BACK FOR THE ACTUAL SIGN ITSELF AS I UNDERSTAND IT.

J. JENDUSA: THE STRUCTURE OF THE SIGN IS BEING PROPOSED.

P. SCHUMAN: BUT WHEN YOU COME INTO THE FONTS AND COLORS.

J. JENDUSA: EACH TENANT WILL HAVE ITS OWN SIGN THAT WILL HAVE TO GET APPROVAL FOR.

C. MURSKY: YOU 'RE USING BRICK ON THE EXTERIOR OF THE BUILDING EVENTUALLY, IS THAT RIGHT?

J. JENDUSA: A PORTION OF IT, YES.

C. MURSKY: SO THIS WILL MATCH?

J. JENDUSA: YES.

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D. KUCHLER SECONDED ALL OF THE AMENDMENTS. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

R. Dupler: Part 2, the architecture. The petitioner was before you with the conceptual architecture, November of last year, perhaps, at which time they had committed to face-lifting the existing building. Face-lifting it by repainting it, adding an entrance feature, what would be the south elevation, dressing it up with windows across the second story of the building. There was, at that time, I believe, I'm certain, there was a commitment to upgrade the material of the siding as well using a brick watertable up to 32-42" of height. This plan was accepted; it's illustrated on the upper right of the exhibit there. What the petitioner's are now here asking for your consideration is a phased approach that would eventually yield the building on the lower right; the one with the exaggerated entrance, the broken roofline, the nicer shaped windows. In route to that end product, they want you to consider the one illustrated in the lower left, which is very consistent to the exhibit that was originally proposed. So with that, I'll let Sean, the architect, tell you more about it.

S. Maher: You can see the way the building exists now and the way it was. We really want to dress it up with our businesses. It's very important. So when we came in with this idea, this came along with getting the approval for the boat storage. We wanted to at least show some ideas of what we were thinking of doing to dress this up. There were some comments about some of the windows and that they were too linear, so this time around we wanted to come up with our plan that the Board would accept. So we're looking at 4x4 windows were regulated that work well with the office layouts and we are looking at the brick; sticking with brick below the window sill down and then going with a horizontal siding eventually all the way up, but in Phase 1 we're looking to stop it here until we do the windows on the other floor. This would be the end result of what it would look like. It fits in well with the character of the area and again we continue up with hearty plank. We're looking at raising the roof to make that a much more useable loft office-type space. We're going with a metal, standing seam roof.

Mayor Craig: What's your timeline for this phasing?

J. Jendusa: This is Phase 1 that we would like to get approval for right now, because this includes all of our office remodeling right now. And then Phase 2 would be to do the rest of this. We're not quite sure; it depends on how fast we grow. When we grow our expansion is upstairs. This is a two-story building. Right now the upstairs is vacant. We're anticipating 2-3 years where we could be finalized with this project. We'd like to ask for five years just to give us a buffer to complete this.

D. Kuchler: Is that siding board, is that that sumptuous board? It's very low maintenance?

S. Maher: Yes. It could be painted any color you want. It holds really well and it's low maintenance.

B. Leonard: You have south and north there. They're both the south? Okay.

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J. Jendusa: We think this building looks less like a metal building than this one does. This building is okay, it's just it still looks like a metal building.

S. Maher: We were contemplating where existing windows were, the kind of long, broad windows with aluminum. There were some negative comments on that type of window.

D. Kuchler: What would be, Roger, the issue to expand the upstairs as far as, are they out of parking spaces that they have to add more to accommodate that?

R. Dupler: The amount of parking spaces that we discussed this evening would accommodate the entire square footage now in the building. The second story is a mezzanine; it's not an entire second story. So, if they were to actually modify their plans to make it a full buildout, Tom is going to raise a red flag when it comes through for a permit. Then they'd have to modify their site plan accordingly. Currently, as it's designed, there's 2,000 square foot mezzanine. That's what they're planning for.

D. Kuchler: And the drawing that you have on the bottom right, is that with a full buildout: The drawing that you have on the bottom right, is that with full buildout or is that with a mezzanine?

T. Maney: Full buildout.

D. Kuchler: Okay. So that the bottom left would be you could potentially, would there be tenants on this mezzanine?

S. Maher: Could be.

J. Jendusa: That's our intent to make it a two-story building.

D. Kuchler: You would actually have additional tenants in this building prior to or on the upstairs or second level versus before the actual buildout would take place?

J. Jendusa: There's a potential for maybe one additional tenant in the building. Currently, there are four tenants occupying the first floor area. And really as the tenants grow, the idea is that they would move upstairs. Like my firm as it grows, and Sean's firm as it grows...

D. Kuchler: You'd occupy both? You'd have an upper and lower?

B. Leonard: Is there any reason why you don't have second story windows on the east elevation but you do on the west? I mean, if you ultimately buildout?

J. Jendusa: Yes. This is just Phase 1.

S. Maher: These down here are just part of Phase 1.

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B. Leonard: So Phase 1 will have second story windows?

S. Maher: There's an existing set of windows here now. We would want to fill those in. There may end up being additional windows.

T. Maney: Even if you guys get approval tonight from the Plan Commission on the full phases 1 and 2 prior to the full second story buildout, you'll be coming to revise the site plan to address the parking issues, right?

J. Jendusa: We'd have to add more parking.

C. Mursky: Do we require an interior diagram?

R. Dupler: Do we require, no, but can request that. They have shared such with us at staff level.

Mayor Craig: Do you have those here?

J. Jendusa: No we didn't bring a floor plan with us.

Mayor Craig: Have the staff approved those?

F. Welch: I think where that would be beneficial when you lease the portions out that we know what section you're talking about.

S. Maher: We did drop off, I think Roger, didn't we, sets of where we're leasing. With the suite numbers?

T. Maney: I think we did have four suite addresses.

Mayor Craig: When you looked at it did you see any problems? Realizing that there isn't an approval of those floor plans.

T. Maney: There were no structural problems.

Mayor Craig: So staff looked at it? Even though they don't have to approve it, they didn't see any problems?

Discussion took place on the interior floor plan.

P. SCHUMAN MOVED FOR APPROVAL. B. LEONARD SECONDED THE MOTION.

C. MURSKY: MATERIALS. DO WE NEED THOSE; DO WE HAVE THOSE?

R. DUPLER: THE HEARTY PLANKS IS A COMMON MATERIAL. I DON'T KNOW IF IT IS REQUIRED. YOU COULD ASK THEM FOR A BRICK SAMPLE JUST TO HAVE A RECORD OF IT.

C. MURSKY: WHATEVER WE NEED, I WANT TO MAKE SURE WE HAVE

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IT. WHATEVER IS REQUIRED.

R. DUPLER: HAVE YOU MADE A SELECTION ON BRICK MATERIAL?

S. MAHER: WE HAVEN 'T ACTUALLY PICKED IT OUT, BUT IT 'S GOING TO BE A RED BRICK.

P. SCHUMAN MOVED FOR APPROVAL WITH SAMPLE OF BRICKS AND THE HARDY BOARD PUT ON FILE. B. LEONARD SECONDED THE AMENDMENT.

D. KUCHLER: ARE WE APPROVING THE COLOR OF THE BUILDING, TOO OR NOT? OR DO WE NOT HAVE TO APPROVE THE COLOR OF THE BUILDING? SO ARE WE APPROVING THIS COLOR THAT 'S SHOWN HERE.

R. TRANSON: DO YOU LIKE YELLOW?

J. JENDUSA: IT 'S GOING TO BE A LITTLE LESS YELLOWISH.

P. SCHUMAN: GOOD ANSWER.

S. MAHER: THE BASIC IDEA OF WHAT WE WANT, BUT ...

J. JENDUSA: I SHOWED SEAN THE COLOR OF MY PANTS ...

C. MURSKY: WE 'RE SUPPOSED TO HAVE COLOR SAMPLES, TOO, AREN'T WE?

J. JENDUSA: IT WILL BE AN EARTHTONE; SOME TYPE OF SANDALWOOD OR TAN.

C. MURSKY: DOES STAFF HAVE THE SAME COLOR TASTE AS THE REST OF US?

NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

At this point in the meeting, the Commission returned to Item 4i.

- c. **Tax Key 786.059 and 786.060, Lots 5, 6, and 7 of Nagawicka Lake Heights**
Applicants: Lance and Debra Jochims seeks final approval of Certified Survey Map.

M. Czubkowski: This has been removed. They could not attend this evening.

6. PRELIMINARY CONSIDERATION

- a. Lang Investments seeks approval of their Certified Survey Map for the property bounded by Main, Genesee, Wells and Dopkins Streets. Rob Gerbitz from the Lang Company.

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Mayor Craig: Do you have anything that you'd like to start us out with?

R. Gerbitz: Not really. I don't think I'm really changing too much other than looking to clean up the parcel in general.

R. Dupler: The CSM produces parcels that are fully compliant with the zoning district requirements. It has been reviewed by Welch Hanson Associates letter from Mr. Kindred dated May 22nd. It has five items. They are rather technical and rather minor issues. The one issue that both Mr. Kindred and myself asked for your consideration, Mr. Gerbitz, is whether or not there should be or do you desire to have shared access and parking amongst these parcels?

R. Gerbitz: Yes, we do.

R. Dupler: We would ask that that be illustrated on the CSM and Plan Commission may approve it contingent upon

Mayor Craig: Do you want to get access also? Easement access?

R. Dupler: Yes, shared parking and access.

Mayor Craig: Sorry, I didn't hear that. I heard parking...

P. SCHUMAN MOVED TO APPROVE CONTINGENT UPON THE CREATION OF SHARED PARKING AND ACCESS EASEMENTS. F. WELCH SECONDED THE MOTION.

B. LEONARD: ARE ALL THESE FIVE CONDITIONS PART OF THE APPROVAL?

M. CZUBKOWSKI: THIS IS JUST A PRELIMINARY. IT WILL COME BACK FROM CSM. THERE ARE NEW GUIDELINES ABOUT CSM 'S. THEY HAVE TO BE SIGNED AND FILED X AMOUNT OF DAYS AFTER APPROVAL, SO THIS WILL LET ME GET ALL THE DOCUMENTS IN PLACE.

C. MURSKY: SO DOES THE MOTION NEED TO REFERENCE THIS MEMO OR NOT?

M. CZUBKOWSKI: I WOULD SAY IT 'S A PRELIMINARY APPROVAL AND WE HOPE IT COMES BACK WITH ALL THESE ITEMS TAKEN CARE OF.

MAYOR CRAIG: ARE YOU IN AGREEMENT IN UNDERSTANDING WHAT WE JUST SAID?

R. GERBITZ: YES.

MAYOR CRAIG: OKAY, GOOD. JUST MAKING SURE.

THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR.

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MOTION CARRIED.

7. ZONING AND ORDINANCE REVISION

- a. Discussion to extend duration between Plan Commission recommendations and Council action for Planned Developments (Conditional Uses).

M. Czubkowski: Extending the time line from Plan Commission recommendation counsel. Right now, I'll let Roger take this.

R. Dupler: This zoning text amendment is provided for your consideration this evening. We have a few problems that we've experienced in the past. We have a logistical problem in that by ordinance any recommendation of the Plan Commission, particularly in regards to conditional uses are concurred by the next Council meeting. It's just not possible to get the minutes done and in their hands, particularly when we have a Council meeting that's meeting five days after this Board's recommendation. As such, there are three specific areas in the code that need to be modified. What we're proposing is that the time from our recommendation to Council be extended to 45 days to allow ourselves a little bit of breathing room. It would not modify any other procedural process or approval consideration.

Mayor Craig: I'm concerned about timelines where we have other timelines of other approvals that we would be bumping into the back end of those also. Forty-five days seems like an awful long extension.

R. Dupler: Forty-five days, we figure, would allow us to put it to not only the second Council meeting of the month, but then the first Council meeting of the following month.

P. Schuman: This has gone through our City attorney?

R. Dupler: It has been forwarded to the City attorney. We don't as yet have a response.

B. Leonard: I've got a question on the section called Detailed Plans and Information. The existing text doesn't have a time limit and we're adding a time limit. Is that just so we're consistent? We have 45 days in all sections?

R. Dupler: Yes, just to be consistent.

P. Schuman. It does say, I think, the next Council meeting. That's what our existing ordinance says.

R. Dupler: This is only a problem with the conditional uses and as such a B6 approval, any planned development is a conditional use. So we are experiencing this more and more regularly. We need to buy ourselves a little extra time.

D. Kuchler: Does this mean that it would automatically be 45 days or is this the maximum?

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R. Dupler: The maximum.

D. Kuchler: Okay, so it is possible that on some issues it could actually appear at the next Council meeting if the logistics.

R. Dupler: If it could be accomplished, yes it certainly could. In some instances, just to give you an idea of how this schedule works, this meeting, the Plan Commission meeting is held on the 24th of the month. And we do have a full week before we have a Council meeting in which case we are sometimes able to have the minutes available. So, we could still achieve the next Council meeting, but, unfortunately, there's some instances where we have four days.

Mayor Craig: As in this past time, we had from Thursday to Monday?

P. Schuman: Next council meeting is on Monday.

M. Czubkowski: And another thing, if this body gives direction that was for a change, they sometimes can't even implement those drawings by the next Council meeting. So therefore, the Common Council is not seeing a document; they're just paraphrasing a motion rather than seeing a document. This allows them for people to visualize that document also, which is sometimes good.

B. LEONARD MOVED TO APPROVE THE AMENDMENT.

M. Czubkowski: This is preliminary. If you want to consider this, then this is something that would have to go to a public hearing because it's a change in our zoning ordinance.

R. Dupler: What would happen with your recommendation this evening, Mr. Chapman would be given the direction to draft ordinance language. A public hearing would be scheduled and we would be reconsidering this again next month.

Mayor Craig: If I'm correct, this is a non-action, just more of a guidance.

R. Dupler: Yes.

Mayor Craig: Are there any questions then? I still question the 45. That seems awfully long. I'm worried about some of those timelines that we have to live within.

C. Mursky: Like what, Paul?

Mayor Craig: We've got development plans and things of that sort that we have 90 days from submittal. I'm worried that that might cause a problem.

R. Dupler: Ninety days from submittal required Plan Commission action.

Mayor Craig: But isn't there approval also on some of those? I'm trying to

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remember some of the past experiences that we've had that we've had to ask the developer for extensions and the sort.

R. Dupler: One of them was this evening for MLG.

Mayor Craig: Right. I don't want to appear to have that problem again. It gives a bad face and impression to the developer and community. I'm worried about that issue.

P. Schuman: Could we review the other statutes and see if it bumps up with anything?

Mayor Craig: That or even par it down to 30 days instead of 45. They'll get it within the next month.

R. Dupler: The 30 days might not always catch the second meeting of the month of the Council.

M. Czubkowski: And what I would be concerned about is that if you limit it to a time, say 30 days, and what if you didn't have a Council meeting because you didn't have a quorum, you'd be calling a special meeting to meet the 30 day requirement.

Mayor Craig: Let's put it to hearing and see what comes out.

C. Mursky: Can we have the attorney or planner check and make sure that it doesn't cause problems with other timeframes?

Mayor Craig: Sure.

R. Dupler: Another check will be with state statutes.

C. Mursky: I had a question about that, too, if there was anything we had to worry about with that.

R. Dupler: As far as I can ascertain, there isn't, but I'm going to defer to Bill to make the final recommendation on that.

P. Schuman: Good idea.

- b. Discussion regarding Tree cutting ordinances continued from May 14, 2003 meeting.

R. Dupler: Tree cutting was in your packet last month. We asked you to take a look at it and give us some feedback. A little bit of a guideline as to how you'd like to a tree cutting shaped up in our fair community. I see that Matt has provided some additional information this evening. This is the first I've seen it. So if anyone has any input for us and give us some direction as to keep in mind the three different categories for purposes of a tree ordinance. One is maintenance, the other is aesthetic preservation and the other is disease control.

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So, there were like four or five sample ordinances provided to you. Do you have any direction for us today?

Mayor Craig: My neighborhood has been a busy one for Wisconsin Electric. I think we need to consult them also. Also, I came home this evening to a Digger's Hotline gentleman notifying again that another utility is going to be needing to prune some vegetation in our neighborhood to install some phone lines. I think that they may need to be consulted.

P. Schuman: Has this gone through our City Forester?

Mayor Craig: That not a bad idea also.

P. Schuman: Several of the items here reference a Village Forester or a City Forester. We already have one of those. I think it needs to be staffed through Shantelle. It is also a discussion of having another committee. I don't know you feel about other committees.

M. Czubkowski: We do have a tree committee. Park & Rec is our tree board.

P. Schuman: Good. So we have another job description.

Mayor Craig: Let's say you didn't realize that that was buried in there?

B. Leonard: We've been talking about it actually. One of our members brought up a reforestation policy so we thought we'd try and dovetail with this.

Mayor Craig: Getting their input would be very beneficial also on which direction they would like to go to.

M. Czubkowski: I can include this in your next Park & Rec package and put it on the agenda.

R. Dupler: Would you like Shantelle to give you a summary or can we make a quick presentation?

P. Schuman: I think maybe a presentation or at least a summary. I'd like to hear her thoughts on this.

Mayor Craig: And it doesn't have to be in person; it could be written also. I'm trying to save her an evening. I do like Fontana's introduction. I think that some of these are very good in their depth, but I do like that narrative and introduction and reason behind it so that we're aware that not only are we trying to preserve the trees, but we're also trying to preserve the soil retention into the lake.

P. Schuman: And the Bark River, too.

D. Kuchler: I like Fontana's and I like Mukwonago's as far as going into depth as far as identifying different percentages that can be cut based on the size of the lot.

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Mayor Craig: I'm not sure that Mukwonago, that they had to do the past trees that had been removed also and they felt that might be difficult in a transitional area?

D. Kuchler: Yes, but the aspect of them breaking out both Fontana and Mukwonago. Those are the only two I remember have specified based on acreage of what percentages can be cut. I did have a question regarding, I don't know, Roger, would you believe that if we enacted something like this it would cross boundaries between zones? Zoning would have no affect on any of this?

R. Dupler: No, it shouldn't. Zoning boundaries are political boundaries. Something like this is a natural resource and would cross all those boundaries.

D. Kuchler: So, regardless of how much acreage you had as far as if a farmer had a big wooded area and decided he wanted to knock it down, he would potentially be covered by something like this if we had an ordinance that said that based on acreage you could only cut down a percentage of the trees?

R. Dupler: I believe if the ordinance is crafted properly, it would afford you the control to not only monitor what's happening within the city and the urban area, but also be able to curtail what a farmer would assume to be his property rights under agricultural exemption in harvesting those trees. If it were crafted properly you could essentially prevent that from happening

Mayor Craig: Several of these had clear cutting clauses in them.

D. Kuchler: You could potentially even do something that might not be termed clear cutting, but that would be a significant harvest where you would lose 50% of the trees or something like that of a certain diameter, which I think we should have an ordinance that specifies the percentage that can be cut down over a certain diameter. I guess you can debate whether it should be a five-inch diameter or an eight-inch diameter tree, but I agree with you that the verbiage of Fontana really speaks to the heart of the issue as far as what you're attempting to do with the ordinance.

P. Schuman: One of the ordinances calls for a forfeiture of \$500 per violation - that's per tree. And another one here, it's not less than \$500 per violation, so I think not less than because there may be some significant trees and some people may consider just cutting it down for the cost of development—the cost of doing business and just pay it. We need to have some teeth into this.

Mayor Craig: I'm also looking at the homeowner who is putting on an addition. I'm looking at myself; I had to take a tree down. It was a silver maple, though. I didn't feel all that bad. I did not like cutting the trees down. I'm not a fan of that. But when in need, that sort of thing may be needed. All property owners are notified of this constantly so that there are no surprises brought up to them. We do notify annually.

R. Dupler: Notification to adjacent property owners?

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Mayor Craig: No. So that they're aware of this ordinance. That's built in to the ordinance itself so that it's done.

P. Schuman: It's part of the Park & Rec mandate, I think.

B. Leonard: I guess we could get time on the TV channel.

Mayor Craig: Hey, you're welcome. You say, you supply, you got. Lake Welfare has done a great job. I love those pictures. Those are awesome.

R. Transon: We constantly see with the lake, the cutting of the islands, where they'll go and do the shrubbery and the scrub trees for view.

P. Schuman: We've had discussions with the DNR on that. That's owned by individuals. So they probably should have had a permit to do that.

R. Transon: Every other year they go about clear-cutting that area.

B. Leonard: Since when have we had an island floating in our bay the other morning?

R. Transon: They destroy integrity of bog.

R. Dupler: There was an instance this February, someone was actually trimming, cutting all of the vegetation on one of their islands. The research that I did, trying to find out the whole history of the thing, is that they are able to skirt around the DNR control of it, because DNR actually isn't as concerned with vegetation as they are with the soil disruption. People get out there on the ice, they're working on frozen ground, they're clearing material and they're not disrupting the soil. So they're able to skirt the DNR.

B. Leonard: But isn't the State law changing like the first of June where now they're going to have greater protection of the vegetation of wetlands? They came to one of our Riverwalk meetings. The woman from DNR, Gerry Urban, and said that there's a new law coming into affect June 1st or something.

R. Dupler: The reason I called, I asked these very questions.

D. Kuchler: Does the City have any ordinances that deal with that?

Mayor Craig: I don't believe so.

D. Kuchler: Couldn't that be part of this ordinance that would affect the lake or those areas?

P. Schuman: One of the Polk County zoning ordinances talks about the wetland, flood lands, conservancy regulations and tree cutting and shrubbery clearing. It probably could be expanded for that too.

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Mayor Craig: Something to check into—put it down. Also, jurisdiction as far as how far we can extend into the lake.

8. HEARING DATES

None.

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9. ADMINISTRATOR'S REPORT

- a. PRESENTATION OF WAUKESHA COUNTY COOPERATIVE LAND USE PROPOSAL AND RECOMMENDATION TO PARTICIPATE BY JEFF HERMANN, WELCH HANSON ASSOCIATES.

R. Dupler: Jeff Hermann is a member of our staff. Jeff is a certified planner. He has extensive experience working at the County level. Jeff does both the Town of Oconomowoc, Town of Genesee, doing their master planning. He is our appointed liaison and following of the Smart Growth initiatives. He will make a presentation and a recommendation for you this evening in regards to the cooperative agreement with the County

J. Hermann: Distributed handouts. Presented a Power Point presentation.

J. Hermann: I've been with Welch Hanson for about a year and a half. Before that I was with Waukesha County for 8-1/2 years. So this Power Point presentation that you're going to see this evening was given to us by Waukesha County. Dale Shaver was kind enough to let us use it in this presentation for them. It's kind of a cooperative agreement between the Southeastern Wisconsin Regional Planning Commission, Waukesha County and the local municipality, in this case, the City of Delafield. If you want, I can start?

Mayor Craig: Yes, go ahead.

J. Hermann: The whole idea here is the coordinated Smart Growth planning. I'm not sure if everybody here is aware of what Smart Growth planning is, but in 1999-2000 bi-annual budget, former Governor Thompson signed a bill which basically identified a Smart Growth planning initiative in which communities had to adopt a comprehensive plan. And this comprehensive plan has nine elements that have to be complied with by January 1, 2010. Those elements, and I don't have them memorized, include issues and opportunities element, a housing element, transportation element, utilities and community facilities element, agricultural and natural and cultural resources development, economic development element, inter-governmental cooperation element, land use element and implementation element. This comprehensive plan has to be adopted by ordinance. Right now, a lot of the land use plans that were previously adopted were adopted by resolution. The change is that they have to be adopted by ordinance, therefore they are law and therefore your zoning as well as your land use planning all have to be complied with your Smart Growth plan. So, as part of this initiative, SEWRPC, as well as Waukesha County, are trying to form an advisory committee, a comprehensive plan advisory committee. The first step that is taking place is that SEWRPC has for several decades prepared a comprehensive land use plan. The new plan will be a 2000 regional plan that they are currently working on. It usually doesn't get done the first year because they just get the census data and with the entire region that they have to cover, it takes a few years to get that completed. As I said, the next plan is to begin the 2000 census effort, which is underway. The other issue with Waukesha County is their development plan. There is a lot of animosity amongst the communities with the County that this was the County's plan. What Dale Shaver has indicated to most

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of the municipalities is we want to change that attitude. This is actually a land use plan for Waukesha County, not the County's plan. So what they're trying to do is get involvement from all the local municipalities, the original plan was adopted in 1997. The integrated adopted land use plans for the municipalities, what that means is that if the City Delafield had a land use plan, by law, Waukesha County was required to incorporate that land use plan into their plan. This also needs to be updated with the 2000 census information municipal land use planning in Waukesha County. Currently there are 24 municipalities with adopted land use plans. We do have some communities, such as the Town of Genesee, the Village of Butler, which do not have plans. Right now the Town of Genesee is in the process of adopting a comprehensive plan. It will not be Smart Growth compliant, but we will work towards that with the County and SEWRPC and the advisory committee. Plans will need to be updated using the 2000 census data. Plans will need to be updated to comply with the Smart Growth law, which are the nine elements that I previously discussed. Some of the benefits of the coordinating Smart Growth planning effort, through the preparation of county-wide document all participating communities meet the Smart Growth compliance. What this means is that these communities that buy into the County, as well as SEWRPC's advisory committee, they are going to adopt a comprehensive Smart Growth plan for the County as well as for the Region. The individual municipalities can adopt that plan for their municipality and would be Smart Growth compliant and meet all the Smart Growth requirements. Another benefit is it's cost effective to coordinate. When you have more than one municipality preparing a plan, it's cheaper for each individual municipality rather than doing their own. It is efficient use of professional planning resources. A lot of different municipalities have their own planners, the City of Delafield does. Bringing those professionals together and the efficient use of those resources. SEWRPC, Waukesha County municipalities have an active role in this plan. It continues to build cooperation on land use issues as well as cooperation between municipalities. This is the proposal that Waukesha County and SEWRPC came up with as far as who is going to handling what areas. The individual elements that you see are highlighted. Inventories and analysis is highlighted in yellow, and down in your lower right you can see there's a key there. That key represents the lead or the liaison for that particular element. In this case, inventories and analysis will be SEWRPC. They will be the lead on that. The greens are Waukesha County and the blues are the individual municipalities. The housing element would be the City of Delafield prepared forecast of their housing stock needs, identification of policies, goals and programs for their housing. The orange that you see here are the cooperative agreements with the municipalities, the counties and SEWRPC. Under each element, utilities and community facilities element you will see objectives and goals, the sanitary sewer. SEWRPC will be the lead on that. But under each one of these elements, there will be a sub-advisory committee. And what that is is, the City of Delafield, if they sign on will have a member as part of the Advisory Committee for the County, the SEWRPC and the county-wide development plan advisory committee. Under that committee, there will be sub-committees. What happens is if the City of Delafield is really interested in park and open space, they would become involved in this under this agricultural natural resources element under the park and open space where it talks about counties and municipalities. They will have the opportunity to bring on members, citizens, park boards, members

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that they think are needed as part of this county-wide plan. So it tries to bring in all different facets of the municipalities as well as the county and SEWRPC. This just goes through, and again, I don't know if I need to highlight each individual element and the objectives and goals that are provided. That is provided in your handout. This again, we talked about the cooperation effort between the three units of government in the responsibilities to coordinate the sub-committees. The different sub-committees are shown. Those are six of the elements that need to be provided in the Smart Growth plan. Again, the individual local municipality may choose that they're very interested in economic development of Waukesha County. They can provide extra committee members to that sub-committee. This is just an example of the agricultural, natural cultural resources element sub-committee. It goes through their objectives and goals, flood plains, wetlands, ground water, agricultural lands, the parks and open spaces, historic preservation. And if the City of Delafield feels very important about one of those elements, they can get on this sub-committee or a few members on this sub-committee to get their input on the County's plan. And this again goes through inter-governmental cooperation element sub-committee. I think that's the end of my slide presentation. I'm here to answer any questions that you may have. A lot of municipalities ask what is the benefit to the City of Delafield, what are the costs to the City of Delafield? There are no costs involved. The City of Delafield will assign a committee member that will meet, I believe it's quarterly; they're going to try to meet quarterly. The only cost to the City is if they're having a consultant attend this committee or if they're having one of their own staff. There might not be any charge. This sign on ability would allow the City to participate in this plan. One of the things they would like is if you are going to participate, you're participating for the entire formulation of the County's land use plan.

P. Schuman: How long do you think that would take?

J. Hermann: Right now it's projected at 2006 or 2008, I believe if you look at your handout, 2008 is plan adoption. So it's over several years in which this will take place. Once this plan is adopted by the County, the City will then have a decision to make. They can adopt the County's land use plan which is Smart Growth compliant or they can go on their own and take some of the resources that they have or they've gotten from Waukesha County and this advisory committee and adopt their own plan. If they adopt their own plan, the City of Delafield's plan will become an integral part of the County development plan. Therefore, your plan supercedes the County's plan is basically what it comes down to. As far as participation on here, I think it's good to have somebody from each individual municipality involved with this participation effort. It doesn't cost anything, it doesn't hurt anything, you don't have to adopt a plan, but it gives you some input.

D. Kuchler: Do you have, as an example, let's assume that Delafield was willing to go along with Waukesha County's plan on eight of them, but one of them, is that something that as a City we could decide that that particular element we wanted to write our own?

J. Hermann: Yes, you modify, you can change anyway you want. You can use, the good thing about this is SEWRPC is going to do a lot of the data analysis and get all the data for you, so you don't have to go out and gather that information.

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You can use that information anyway you want. Like I said, the City of Delafield's plan will have to be implemented in the County land use plan eventually by State law.

D. Kuchler: I had asked Matt at the last meeting when he introduced this and obviously he's not here tonight, but do you have any input, I noticed that the handout that Matt handed out I'd say most of the communities had signed on board. Some of them had no decision yet, but there were a few that had declined. Do you have any rational reason why they would have declined?

J. Hermann: I know a couple of the communities I have talked to and one, I'll just indicate because I think they're pretty well known that they won't sign on because of a political reason and that is the City of Muskego. There's an issue with the shared dispatch. And therefore, they said we are not signing on.

D. Kuchler: What is shared dispatch?

J. Hermann: With Waukesha County Police Services.

B. Leonard: Would they also be concerned about their representation on the committee that they're feelings would be diluted? I'm trying to think of a reason why they wouldn't and that's the only downside I would see is that the City of Delafield could have a much smaller voice than what a policy might be on sewer extensions or something because they'd be just one of many, many people on that particular committee. So I guess, that's the only downside I could see for a committee.

Mayor Craig: If we had a concern or issue when we adopt the plan we need to adopt as required by the State, we could modify it to be our own.

B. Leonard: Right, but then whatever we decided to do would have to be part of their plan.

P. Schuman: Our plan would be part of their plan. But, some of the surrounding communities, like the Town of Delafield, Summit, Hartland, Nashotah, have all signed on to this.

Mayor Craig: It an action that our Council will have to take to sign on. This is for information's sake.

P. Schuman: This is not looking for a recommendation for the Council? Not at this time?

M. Czubkowski: No.

Mayor Craig: But to pass it on to the Council for recommendation to Council.

P. Schuman: I think with our surrounding communities we have already voted to participate when it makes some sense. At least we have a seat at the table and maybe some opportunity for shared services which might come out of this, which

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we might not know about if we're not talking to each other.

B. Leonard: I have one other question, if the final plan would be done, you're thinking 2008, between now and 2008, when we have zoning issues or planning issues that come up, we're dealing with the 1991 plan right now. What would you recommend in the interim that a city use to guide its growth? Are some of these cities doing this ahead of schedule? What do we use as a guide between now and 2008?

J. Hermann: Some communities, Village of Merton for instance, they have an adopted Smart Growth compliant plan. So they're using that plan.

B. Leonard: That's why they're, well, they signed.

J. Hermann: Other communities are taking certain sections, certain elements. What you can do is you can adopt a certain elements by resolution, which most plans are adopted by resolution now unless they're Smart Growth compliant. You can adopt it by resolution and use that plan as your guide. The whole issue comes up before 2010, you need to adopt an entire plan by ordinance.

B. Leonard: So, an individual community might be updating a certain element of their plan ahead of that schedule and then just somehow it gets folded into.

J. Hermann: That's correct. If you have a housing concern and you want to get your housing element done, you can do that, adopt it by resolution, you'll have to adopt it again by ordinance with the entire plan otherwise you won't be Smart Growth compliant. But you can do that, that's one way of handling that.

B. Leonard: When would inventory be done?

J. Hermann: The inventory analysis is being completed right now. I think the completion date on that is 2004.

B. Leonard: So that information would be available to any community that wants to move ahead and at least update.

J. Hermann: One of the things about the participation, if you choose to participate in this, you will have access through a web site where you can access all the data, land use information, mapping, and so forth. Which is a benefit to the community.

P. Schuman: In the past I understood some of the reasons why some municipalities do not sign on and go do something as that there could be some changes in the Smart Growth law and you don't want go ahead and do something before it's finalized. How final is this Smart Growth?

J. Hermann: Well, it is law now, but laws are meant to be changed and there is legislation out there, legislators that want to change this that want to abolish Smart Growth by 2010. So if there's no requirement by 2010.

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B. Leonard: But it is a national initiative. But Smart Growth is a national initiative. I mean, it's going on around the country.

J. Hermann: All you're doing right now, this agreement is just to participate. When you sign this agreement it says you are going to participate through the entire process. I think that even if they abolish the Smart Growth legislation, I think you're going to see the counties going to go through with this 2008, Smart Growth compliant even though you do not need to be.

P. Schuman: Do we have a feel for what Matt feels about this?

Mayor Craig: Not personally, no.

P. SCHUMAN MOVED TO COUNCIL WITH RECOMMENDATION FOR PARTACIPATION. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

10. BUILDING INSPECTOR'S REPORT

Total number of permits, 20, plus one occupancy permit. No new construction permits.

11. BOARD OF ZONING APPEALS

None.

12. CORRESPONDENCE

- a. Letter from Waukesha County Clerk dated April 24, 2003 regarding shoreline jurisdiction.

13. ADJOURNMENT

P. SCHUMAN MOVED TO ADJOURN FROM THE MEETING. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 9:43 P.M.

Respectfully submitted:

Minutes Prepared By:

Marilyn Czubkowski, CMC
City Clerk/Treasurer

Accurate Business Communications LLC