

CITY OF DELAFIELD PLAN COMMISSION MINUTES

PUBLIC HEARINGS

MLG DEVELOPMENT, CONDITIONAL USE FOR AN RE-1 PLANNED UNIT DEVELOPMENT FOR 41 SINGLE-FAMILY LOTS.

M. Czubkowski stated that letters that were received on this item were included in the commissioner's packets.

Ryan Schultz, of MLG and other members of staff were present at the meeting. Paperwork on the development was included in the commissioner's packets.

Tom Kelly, 2218 W. Shore Drive – He is directly east of the proposed site. Currently has a major problem with run-off around the curve of West Shore Drive. When there is a rainstorm the water is up to his ankles. He would like to see this parcel of land kept to one-acre lots. He stated that it is zoned one-acre, it should stay one acre. He is also concerned about the run-off into Nagawicka Lake from this new subdivision. Asked the committee to do what was planned out 14 years ago and leave the development zoned for one-acre lots.

Joyce Wessel, West Shore Drive – She stated that she helped write the zoning 25 years ago for the City. Addressed PUD's and stated that they were not meant to be used as indiscriminately as they are now. She reviewed out lots, right of ways and other parcels that could not be used for development in this proposed subdivision. There is presently a water drainage problem near her home when rains occur. Read 2.6 of the Subdivision Code. Stated that the land is not suitable for subdivision. Section 7.6 was read. Discussed the width of some of the lots. She found a letter from County Highway Department and addressed one of the subdivision's roads being lined up with a road across the street and suggested that this road be realigned.

Katherine Lyman, 1743 Genesee Street – Lives across the street from where the entrance will be. Has lived here for 17.5 years. Not opposed to subdivision, but stated that Genesee Street is totally saturated with subdivisions. The density of the population and vehicles versus control was addressed. The entrances are a concern. The number of lots seems out of line. Primary issue is the water, but is also concerned about density and traffic issues. She is concerned mostly about the lake water and the needs of the environment. Green space availability should be paid attention to. This city needs the green space. Asked that the water, traffic and congestion, and green space issues be considered.

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Jerry Issacs, 1644 West Shore Drive – Lived here since 1978. He is down the hill with the wetland across the street. Asked if the subdivision is concerned about the wetlands. Wanted to see a plan that would address where the water would go and was concerned about his well being polluted or drying up, and the affect this would have on his basement. He would like to see an impact study. He would like to see these issues resolved. Discussed the ditch and drainage point in the area by his house.

Pat Barwig, 1832 West Shore Drive – Issues were the number of lots and size. The topography of the land was addressed. She currently has a water problem in the spring and has a lot of water in her basement during that time. Concerned about fertilizers in the water. Overcrowding in this area is a concern. The schools will be greatly impacted by the number of children that this subdivision will most likely have.

Bonnie Fieber, 1814 West Shore Drive – She is an advocate for Lake Nagawicka. She can visibly see that the lake is currently under stress. Get rid of the density issue. Had safety issues regarding traffic. The traffic generated by the church and church's day care in this area is dramatic. Suggested that the church have different entrances to help ease the congestion on Highway C. Wanted to know what would be done to prevent the run-off on the subdivision property.

James LaFore, 1441 Genesee Street – Lives on corner of B & C. Discussed the traffic in this area. Would like to see that the developer do a study of all of the wells, give the owner and City a copy, so that the landowner has something to fall back on if something happens to their wells. They should be liable in case anything happens to the property owners down the line from them so that the present landowners are not put at risk. Protect the landowners that are already there.

Marty Sawall, 2234 West Shore Drive – Discussed the water/run-off problems in the area. He is concerned about the density of the proposed development. Thought that the lots should stay at one acre. The crowding of the school and the impact of this subdivision is a concern.

Pat Ohlendorf, 1826 West Shore Drive – Presently has a lot of water in her basement. She is concerned about the water run-off. At times water covers the road by her property. A lot of silt is being deposited on her property. Suggested that a topography map be used to determine where the water is going to go. Discussed the size of the lots and in her career (real estate) she felt that land purchasers would prefer larger lots.

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Jeff Anderson, 2126 West Shore Drive – Has lived on West Shore Drive since 1982 and has seen a lot of water coming through the area. The water will go into a culvert system that presently plugs up and goes over the road. Additional water will be detrimental. He has a water problem on his land in the swale that was created to take the water away from his house. The lake is getting shallower because of the silt. Suggested that plans take into account the water retention so that it doesn't go into the lake. There is a swamp area that is not shown on the developer's maps. This is an area to be concerned about. Asked to keep zoning at one-acre lots.

Jim Zahorik, 1948, 1942, 1911, 1919 West Shore Drive – His properties will be impacted if this goes in. Discussed the proposed density. Suggested keeping the lots at one acre. By reducing the number, you will reduce the impact to schools, reduce the impact to the restricted highway (Hwy. C). This development would change the entire complexion of what is across the street.

Gerry Stone, 2111 West Shore Drive – Addressed water issues and how this development would affect him with water problems.

Joyce Wessel – Discussed a neighbor who had wanted to subdivide, but could not because they could not come up with one-acre lots. Other lots in the area are at least one acre or more.

Pat Ohlendorf, 1826 West Shore Drive – Discussed the size of the homes that would be built in this subdivision.

Katherine Lyman, 1743 Genesee Street -- Felt that the map was very deceiving. There is no orientation to the other properties and other lands. This is not an accurate picture.

Mike Feyler, 2521 Genesee Street – All the properties where he lives are all at least one acre. If it is zoned one acre, it should stay one acre.

Tom Kelly, 2218 W. Shore Drive – Reminded the committee that in Nashotah the issues of the two subdivisions that are polluting the lake are still trying to be resolved. To correct a mistake is very, very expensive.

Kirt Kehl, 1945 Genesee Street – The proposed entrance will have cars' headlights shining directly into his house. He would like the location of the entrance to be reconsidered.

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Mike Behnert, 911 West Shore Drive – Likes the nature, darkness, etc. in his neighborhood. Would like to see the density of the subdivision decreased. The number of cars, lights, etc. would be too much.

Barb Rinder, N38W329 Lake Country Drive, Nashotah – Lives in Lake Country Estates, two houses in from Highway C. The traffic on Highway C is becoming a big issue. This proposed subdivision is not in accordance with the rest of the area at all and should have larger lots. In regards to the run-off, she is very concerned about the affect this proposed subdivision will have on the lake. The schools will be greatly impacted by this subdivision.

Jim Zahorik, 1948, 1942, 1911, 1919 West Shore Drive – Addressed the absence of density in the perimeter of the map showing surrounding area. He stated that he was instructed to not increase the amount of run-off when he rebuilt his home. Storing the water in underground tanks so that it can be used during drought conditions was suggested.

Judy Henrick, 1829 Nagawicka Road – Concerned about the lake. The one-acre rule should not be by-passed. Concerned about the health of the lake.

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

R. TRANSON MOVED TO CLOSE THE PUBLIC HEARING. P. SCHUMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE PUBLIC HEARING CLOSED AT 8:23 P.M.

CALL MEETING TO ORDER

The meeting was called to order at 7:03 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

Mayor Paul Craig
Phil Schuman
Chrys Mursky

Absent

Fred Welch
Tom Maney

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Robert Transon
Marilyn Gardner
Diri Curtis Costa
Roger Dupler
Matt Carlson
Marilyn Czubkowski

Also present:

Mike Court representing Welch Hanson Engineering

1. APPROVE MINUTES OF JULY 24 AND AUGUST 28, 2002.

M. GARDNER MOTIONED TO APPROVE THE MINUTES OF THE JULY 24, 2002 MEETING. P. SCHUMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. D. CURTIS COSTA ABSTAINED. THE REST WERE IN FAVOR. MOTION CARRIED.

P. SCHUMAN MOTIONED TO APPROVE THE MINUTES OF THE AUGUST 28, 2002 MEETING. D. CURTIS COSTA STATED THAT ON PAGE 8, 2ND PARAGRAPH, 7TH SENTENCE IT SAID “CONCLUDING, BUT NOT LIMITED TO” AND SHOULD READ “INCLUDING, BUT NOT LIMITED TO.” P. SCHUMAN AMENDED HIS MOTION TO MAKE THIS CORRECTION. D. CURTIS COSTA SECONDED THE AMENDED MOTION. THERE WAS NO FURTHER DISCUSSION. M. GARDNER ABSTAINED. THE REST WERE IN FAVOR. MOTION CARRIED.

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

It was stated that this would be open to anyone who wished to speak, regardless of his or her locale. Speakers were limited to three minutes. Pooling of time was allowed.

Bob Borkowski, 4521 Vettelson Road – Spoke in regards to the Village Square. Asked that the commissioners vote for #3, denial. Trees, traffic, bussing, train traffic, archeological study, things not compatible with this development, and economics were issues that were discussed. He is against the proposed development.

Dave Meyer, Wetland and Waterway Consulting – Spoke in regards to the Village Square. Prepared a position paper on issues. Isolated natural resource area and archeological issues were discussed. The tree survey

CITY OF DELAFIELD PLAN COMMISSION MINUTES

that was conducted was not done in the manner that the City ordinance requires. The extent of the tree cutting on this site is in conflict with a City ordinance. Archeological issues were reviewed. Letters from Dr. Richards and her associate were discussed along with other negative environmental impacts related to the project development. He is against the project.

Atty. Mike Schober, 16845 W. Cleveland Avenue – Spoke in regards to the Village Square. He discussed the pro's and con's of the development, duplication of services already provided in the area, economics of the development and the money that it may/may not bring in for the City. The Foth & Van Dyke report is 80-90% the same as the other reports done. The neighbors feel that the size of the building should be reduced. He stated that this should be voted on tonight and that it is a terrible development that doesn't fit there. The concept doesn't work for this site. He is against the proposal.

Ellen Restock, 4527 Vettelson Road – Spoke in regards to the Village Square. She is against the development. Stated that she felt slighted by having a time limit whereas the public hearing tonight had unlimited time. Wanted the vote to be no.

Don Boche, W310 N6575 Chenequa Drive – Spoke in regards to the Village Square. Moved here 27 years ago. He was told that Hwy. 83 was going to be expanded. This area has been zoned commercial for a long time. Someone should have rezoned this property a long time ago. Asked the Plan Commission to look at this. The area needs the tax money that this would bring in. He was in favor of the proposed development.

Jeff Krickham, 4506 Vettelson Road – He spoke in regards to the Village Square. He contacted Dept of Transportation and an access road on Vettelson is not mandated by the DOT. If an access road is put on Vettelson Rd. an egress and ingress lane would be needed, thus tree cutting would need to take place in order to put these lanes in. He does not think that this development is neighborhood friendly. Three years ago the Plan Commission said no. He asked that the commissioners vote "no" now. He is against the development.

Larry Schouten, 4518 Vettelson Road – Spoke in regards to the Village Square. He has read the two reports requested by the City. After review he read M. Carlson's memo dated 9/19 and stated that the memo is biased in favor of the shopping mall. He reviewed various portions of the

CITY OF DELAFIELD PLAN COMMISSION MINUTES

memo. Doesn't think M. Carlson should influence the Plan Commission. Mayor Craig stated that he asked for the comments from M. Carlson. L. Schouten recommended that the Plan Commission members read the reports and make the decisions based on what they get out of the reports and not what is suggested. He is against the proposed development.

Alice Schouten, 4518 Vettelson Road – Has talked to people in several cities in Southeastern Wisconsin – all have said that development on Hwy 16/83 is inevitable. She does not believe it is inevitable; does not believe that shopping center on this piece of land is inevitable. She is against the proposed development.

Tom Rolfs, 4978 N. Maple Lane, Nashotah – Spoke in regards to the Village Square. Asked the commission vote no. This is not wanted by anyone. Developers who do not submit complete packages should not be allowed. He is against the development.

Michael Rambousek, AIESP Planner, Chenequa Conservancy – Spoke in regards to the Village Square. Found 17 violations of zoning code with the original proposal. Some have been rectified, but not all. Land use compatibility is one of the major issues. This development creates traffic, etc. undesirable for this neighborhood. He has read the Foth Van Dyke report and agrees with it 80-90%. Land use compatibility factor is one issue that he is not in agreement with. Traffic issues have not been addressed. This proposal is too dense for the site. Archeological issues should be addressed and a study should be undertaken. He is against the proposed development.

Tom Kelly, 2218 West Shore Drive – Spoke in regards to the Village Square. This was talked about 3.5 years ago. The run-off to Nagawicka and Pine Lakes are a major concern. Does not think that the taxes will go down if the development is built. More City services will be needed. Stated that another shopping center is not needed here. Vote "no". Was against the proposed development.

Judy Henry, 1829 Nagawicka Road – Spoke in regards to the Village Square. Addressed the traffic and safety issues on Hwy 83/16. Highway 83 is very busy, too busy now. Should not even consider this with the problems that are already there now. Should not have to take on costs that will not bring in enough revenue to cover it. Vote "no". She was against the proposed development.

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Pat Barwig, 1832 West Shore Drive – Spoke in regards to the Village Square. Asked that the commissioners vote “no” – this would be appropriate. Stated that the City does not need the high-end stores here. If the City is going to lose money on this, it should not go in. She was against the proposed development.

Kirt Kehl, 1945 Genesee Street – Spoke in regards to Carriage Hills Subdivision. Spoke in regards to the amount of traffic that will be coming out of the proposed subdivision and that the car lights would shine directly into his home. Asked that the entrance be moved. Was against the proposed development.

Jim Zahorik, 1948 West Shore Drive – Spoke in regards to Item 5c, Village Square. Stated that the Pabst development was not going to allow any big box buildings on that land. The size of the building being proposed for the Hwy 16/83 land is very big (55,000 sf). The road (Hwy. 83) cannot handle this proposed development. Either vote no or table this until there is a highway system that can handle the impact that this will provide. Also spoke regarding Item 5d, Carriage Hills. Asked that the commissioners pay heed to the gentlemen who lives across the street from the exit from the subdivision and relocate the road. He was against the proposed developments.

Barb Rambadt, 3440 Nagawicka Road – Spoke in regards to the Village Square. She wrote a letter to editor but it did not get into the paper. Even if people don't get up and speak, there is a lot of interest in this subject and a tremendous amount of opposition. She was against the proposed development.

It was stated that correspondence received on items on the agenda were copied and included in the commissioner's packet. Copies of the correspondence will be put in the library for public viewing.

Pat Barwig, 1832 West Shore Drive – Spoke regarding Waterleaf Subdivision. M. Carlson stated that the issues have been improved with amendments to the site plan.

Mayor Craig asked three times for more citizen comments.

3. CONSENT AGENDA:

- a. **Tax Key 784.973, 1100 Hwy 83.** Owner: Westbrook Church. Applicant: Mark Hagerup. Applicant seeks approval of a

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Temporary Business Plan of Operation for the **Westbrook Church Worldfest**. Hours of operation, Friday, October 11, 5:00 PM – 10:00 PM, Saturday 9:00 AM to 10:00 PM, and Sunday October 13, 9:00 AM to 12:00 PM.

- b. **Tax Key 754-989-004, Price Rd and Nagawicka Rd.** Owner/Applicant: Jorgensen & Taugher. Applicant seeks approval of the General Development Plan for **Waterleaf** Subdivision a Plan Unit Development.

P. SCHUMAN MOVED FOR APPROVAL. D. CURTIS COSTA WANTED TO REMOVE 3B. P. SCHUMAN AMENDED HIS MOTION TO APPROVE ITEM 3A. R. TRANSON SECONDED THE AMENDED MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

D. Curtis Costa discussed the building pads being shown on the plat. M. Carlson stated that this was on the agenda because it was left off the last agenda and was just procedural. The Preliminary plat, Covenants and Restrictions, Storm Water Maintenance Agreement, and Developers Agreement were approved at the August Plan Commission meeting and subsequently have been approved by the Common Council.

P. SCHUMAN MOTIONED TO APPROVE. R. TRANSON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. D. CURTIS COSTA OPPOSED THE MOTION; THE REST WERE IN FAVOR. MOTION CARRIED.

4. PLANS OF OPERATION, SIGNAGE AND SITE PLAN

- a. **Tax Key 0807.977, 3960 Hillside Drive.** Owner: Hillcrest of Wisconsin L.L.C. Applicant: Edwin Sage. Applicant seeks approval for a Business Plan of Operation for **Open MRI of Delafield**. Hours of operation: Weekdays, 6:30 AM to 5:30 PM, Saturday 7:00 AM to 2:00 PM. 4 full-time and 3 part-time employees.

R. TRANSON MOTIONED TO APPROVE. M. GARDNER SECONDED. PAGE BORCHART, ONE OF THE OWNERS, WAS PRESENT. THEY ANTICIPATE APPROXIMATELY 200 PATIENTS PER MONTH. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

CITY OF DELAFIELD PLAN COMMISSION MINUTES

- b. **Tax Key 804.996.001, 3960 Hillside Drive.** Owner: Hillcrest of Wisconsin L.L.C. Applicant: Jeff Senglaub. Applicant seeks approval for a Business Plan of Operation and signage for ***Executive Pension Consultants***. Hours of operation: Weekdays, 6:30 AM to 5:30 PM, Saturday 7:00 AM to 2:00 PM. 4 full-time and 3 part-time employees.

Jeff Senglaub was present at the meeting.

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

- c. **Tax Key 800.000.003, 2410 Milwaukee Street.** Owner: John Shuder. Applicant: Dana Duquaine. Applicant seeks approval for a Business Plan of Operation for ***Dana & Katrina's Grooming***. Hours of operation: Weekdays, 6:00 AM to 8:00 PM, Saturday 6:00 AM to 4:00 PM, and Sunday 10:00 AM to 4:00 PM. 2 full-time employees.

Dana Duquaine was present at the meeting.

M. GARDNER MOVED TO APPROVE. P. SCHUMAN SECONDED THE MOTION. IT WAS CLARIFIED THAT THIS IS THE SAME BUSINESS BEING APPROVED AS BEFORE; THERE ARE NO CHANGES, PARKING IS ADEQUATE, AND NO SIGNAGE IS BEING PROPOSED AT THIS TIME. ALL WERE IN FAVOR. MOTION CARRIED.

- d. **Tax Key 804.996.001, 2750 Golf Road.** Owner: Lake Country Real Estate. Applicant: Mike Schuchardt. Applicant seeks approval of Business Plan of Operation for ***Lasting Skin Solution***. Hours of operation: 8:00 AM to 8:00 PM Weekdays, Saturday 8:00 AM to 4:00 PM. 5 full-time and 1 part-time employees.

Mike Schuchardt was present at the meeting. R. Dupler stated that no signage is being proposed. The type of use of appropriate. There are no issues. Waste disposal was discussed and it is very limited.

CITY OF DELAFIELD PLAN COMMISSION MINUTES

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

M. Czubkowski stated that they have applied and been approved for a temporary sign.

- e. **Tax Key 793-019 and 793-018, 524 Milwaukee St.** Owner: Lang Investments, Ltd, Applicant: John Lill. Applicant seeks approval of Business Plan of Operation and signage for **Good Frienz, Inc.** Hours of operation: 10:00 AM to 6:00 PM Weekdays, Saturday 10:00 AM to 5:00 PM, Sunday 12:00PM to 5 PM, and special events 10:00 AM to 8:00 PM. Four part-time employees.

John Lill was present. R. Dupler stated that two options for signage were submitted. The differences were reviewed. There were no issues. The railings would be matched. M. Gardner asked if there would be wine tasting. It was stated that this is not something that they are asking for now.

M. GARDNER MOVED TO APPROVE. R. TRANSON SECONDED THE MOTION. C. MURSKY ASKED ABOUT THE PARKING IN FRONT OF THE RAILING. M. GARDNER AMENDED HER MOTION TO INCLUDE OPTION 2. R. TRANSON AGREED TO THE AMENDMENT. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- f. **Tax Key 803.988.003, 2566 Sun Valley Drive.** Owner: Gary Storts, Applicant: RLO Signs, Inc. (Bonnie Ehlert). Applicant seeks approval of amended Business Plan of Operation and Signage for **Wachovia Securities.** Hours of operation: 8:00 AM to 5:00 PM Weekdays, Five full-time employees.

Bonnie Ehlert was present. R. Dupler stated that the proposed sign is in complete compliance.

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

- g. **Tax Key 804.985, 3215 Hillside Drive.** Owner/Applicant: Guy Brittain. Applicant seeks approval of Business Plan of Operation and Signage for **Stockade Grill.** Hours of operation: 10:30 AM to

CITY OF DELAFIELD PLAN COMMISSION MINUTES

1:00 AM Weekdays, Saturday 10:30 AM to 1:00 AM, and Sunday 10:30 AM to 1:00 AM. Four full-time and 20 part-time employees.

Guy Brittain was present. R. Dupler stated that the sign has been pre-approved with the site plan over a year ago. Hours of operation have changed slightly.

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

- h. **Tax Key 803.979.003, 2325 Sun Valley Drive.** Owner: Penn-Ten Real Estate L.L.C. Applicant: Paul Seul. Applicant seeks approval of Architectural Modifications for ***Pennzoil Car Wash***.

Paul Seul was present. Modifications are very minor. The window is being removed, and a window and door are being put in its place.

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

5. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVALS

- a. **Genesee Street Reconstruction Project** Design and Committee recommendations.

J. Romanowski reviewed the conceptual plan for the south end of the project, downtown commercial area. A representative from Schreiber and Associates was also present. D. Curtis Costa discussed the plantings. The plantings would be as shown as on the drawings. M. Gardner thanked all of the people on the Steering Committee. Asked about Option B – it is the one that is in the packet. Lighting in the commercial area would be with 100 watt lamps, in residential areas it would be 75 watt lamps. The lights are the same as those chosen for downtown Milwaukee Street. The commercial street scraping will be carried further south through the Caston's property and Delafield State Bank and up to Cushing School on the west side of the street. Benches have not been chosen at this time. Wooden benches are preferred over metal. There was a concurrence with the motions from steering committee meeting.

CITY OF DELAFIELD PLAN COMMISSION MINUTES

P. SCHUMAN MOVED TO APPROVE. M. GARDNER SECONDED THE MOTION. MAYOR CRAIG THANKED THE PEOPLE WHO HAVE SPENT TIME ON THIS PROJECT. D. CURTIS COSTA ASKED WHAT AFFECT THE SALT WOULD HAVE ON THE PLANTINGS. IT WAS EXPLAINED THAT THE PLANTS WOULD BE CHOSEN FROM A LIST OF SALT TOLERANT PLANTINGS. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **Tax Key 792.995, 1411 Genesee St.** Owners/Applicants: Dwayne Hanon and David Leef. Applicants seek final approval of a joint Certified Survey Map.

Dwayne Hanon and David Leef were present at the meeting. A review letter from Welch Hanson was included in the commissioners' packets.

C. MURSKY MOTIONED TO APPROVE CONTINGENT ON FULFILLMENT OF THE 14 ISSUES AS LISTED IN THE WELCH HANSON LETTER AND COUNTY APPROVAL. M. GARDNER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. **Tax Key 733-990-003 and 733-998. SW corner of S.T.H. 16 and S.T.H. 83** Owner/Applicant: Michael Schutte and Jonathan Spheeris and/or assigns. Applicant seeks final approval a General Development Plan and Conditional Use.

M. Carlson reviewed. He stated that the City of Delafield is reviewing this because it is the Planning Commissions job. This is what their responsibilities are – to make a recommendation to the Common Council.

Foth & Van Dyke was hired by the City to conduct an independent analysis of the land use, the planning, engineering, and traffic issues. An outside consultant was also retained to review the fiscal impact analysis that was provided by the developer.

Bruce Woods from Foth & Van Dyke reviewed the plan. They looked at it to see if it met ordinance and zoning codes and industry standards. Mike Lehman, Bill Besick, and Bob Rice were also present. They discussed the findings of their report which the

CITY OF DELAFIELD PLAN COMMISSION MINUTES

commissioner's had received. In regards to lighting, they need to show property boundaries on the photo metrics plan. The lighting plan has improved from the first version to the second version. Existing vegetation and the need to complete the mapping of the trees was discussed. The landscape plan, land use and compatibility, cultural resource management, and comprehensive plan review were also discussed. Mike Lehman discussed the water/stormwater issues. There are questions regarding stormwater management, etc. Bill Besks discussed the traffic analysis. Analysis of Capital Drive/Vettelson Road was not included in the submitted documents by the documents and it was recommended to look at this intersection. The Traffic Study that was generated by the developer still needs to be approved by Wisconsin DOT. The improvements to Hwy. 83 should be completed prior to the opening of the development. Bob Rice discussed their findings from their review of the Developer's Revenue Assumptions. There may be a negative impact to the operating budget, a positive impact to the library, no impact to the school, and a reduction in property taxes. The City of Delafield would have a negative impact of approximately \$45,000. There would be a \$0.24 reduction in property tax rate for Lake Country School residents.

The following is a summary presented by the developer.

Jon Spheeris was present. He stated that is their intent is to build a first class development.

Steve Gartman was present and addressed misconceptions of how this does/does not meet the B6 zoning. A document entitled B-6 Commercial Holding Zone was distributed. Fencing and plantings were proposed along the impact areas from neighboring properties. The impact of this development on the development of surrounding properties on Vettelson Road was discussed. Photometric plans were discussed. Light fixtures will be down-shielded. The buildings will shield the internal lights. Heavy landscaping and fencing will deter light pollution.

The tree survey was discussed and will be provided to Foth & Van Dyke and was provided to the commissioners at the meeting. Also discussed were business areas presently located in environmental

CITY OF DELAFIELD PLAN COMMISSION MINUTES

corridors in different areas of the City and land use compatibility. Permitted uses per the City's zoning code were read.

Steve Gartman discussed the loading docks and daily trash removal. Most of the building does not have loading docks, but are loaded through the front door. Semi loading docks would be screened with landscaping and fencing. The food store would have screenings of fencing, heavy landscaping, and a retaining wall.

Dan Rosenfeld talked about noise and hours of operation. Retail hours would be 10 a.m to 8 p.m. Office hours would be 9 a.m. to 5 p.m., and restaurants would be open to about 10 p.m. or 11 p.m. Sunday hours for retail would be 10 a.m. to 5 p.m. and Saturday hours would be 9 a.m. to 5 p.m. There would be no late night or early morning hours.

In regards to character and density, J. Spheeris stated that he thought that best use for adjacent properties would be commercial, not residential.

Dan Rosenfeld talked about design. It is not a typical suburban strip center. It is intentionally designed for a village square effect while maintaining critical design elements to guarantee long term success.

J. Spheeris addressed the issues of grade changes and the tree cutting not compatible statement. He stated that the grade has been changed to accommodate the location of the retention pond. Cultural Resources (an archeological study) Phase I from several years ago was distributed. It is believed that a Phase II study was conducted and the location of this study is being determined. He is willing to have a member of the UW department present on-site during major grading of the parcel.

Chip Leedom from Sigma Development commented on the Comprehensive Plan Review. The environmental corridor is shown on the tree inventory. The map contained in the Comprehensive Plan overstates the area considerably.

It was stated that there is no limit to the amount of water purchased from the Village of Hartland. M. Carlson clarified that the Village of Hartland assigns a double penalty to the City of Delafield, not the customers of the property, and this is his main

CITY OF DELAFIELD PLAN COMMISSION MINUTES

objection. C. Leedom stated that either a connection would be made to the Village of Hartland water system or a deep well system would be used, but not both. Sanitary sewer would be used through a gravity system to a lift station and then pumped through a force main with a connection to Village of Hartland sanitary system. Stormwater management was addressed. Dr. Thornton will be sending a letter to the City.

Traffic analysis – The developer has proposed to contribute \$350,000 towards the widening of Hwy. 83 and traffic signals. Documents were distributed to the commissioners. They showed that with the worst case scenario, traffic would only be 39% of the capacity that Vettelson Road is capable of handling. The other chart showed the effect of signaling the exit ramps.

Mixed use, stormwater (he does not believe there is a functional issue), and parking issues were discussed.

They have positively replied to all points raised in the Foth & Van Dyke review.

Rick discussed the economic impact. The \$45,000 cost to the City is an outside, maximum cost. The Friedman report was discussed. They felt that the report was overly conservative. The Village Square would be a positive impact. P. Schuman asked about page 4 of the report – what further analysis needs to be done? Discussion took place. M. Carlson stated that you are still projecting the financial impact and asked if the developer would be willing to accept a condition to guarantee a positive impact to the City; J. Spheeris stated that they would need to look at the numbers.

M. Carlson recommended that the Plan Commission review this parcel in relation to the surrounding land uses and to look at the potential development and potential for interconnecting properties.

P. Schuman stated that one of the major objections he sees is that the pond is clay lined, thus not fool proof. People are concerned about their wells, etc. J. Spheeris stated that the pond is oversized to accommodate adjacent properties.

J. Spheeris clarified that he did not know where the rumor started that Roundy's was going to close their two stores, but it was not

CITY OF DELAFIELD PLAN COMMISSION MINUTES

true. He distributed a letter to the commissioners. He summarized, made closing statements and asked that a business decision be made tonight based on the facts.

P. SCHUMAN MOVED TO CONTINUE TO WORK WITH THE DEVELOPER AND MAKE CHANGES IN THE LAYOUT TO MAKE IT BETTER SUITED FOR THE AREA SPECIFICALLY IN REGARDS TO THE STORMWATER POND, PRESERVATION OF TREES, AND SOME RELOCATION OF BUILDINGS TO PRESERVE TREES. C. MURSKY SECONDED THE MOTION. THE SIGNIFICANT CHANGES MADE IN THE PLAN INCLUDE REDUCED PARKING, ADDRESSED ACCESS AND SCREENING TO THE SITE AND ADDRESSED NOISE AND LIGHT POLLUTION. TWO WERE IN FAVOR, THREE OPPOSED. THE MOTION DIED.

D. CURTIS COSTA MOVED TO DENY THE GPD AND CONDITIONAL USE PERMIT. R. TRANSON SECONDED THE MOTION. D. CURTIS COSTA STATED THAT THE COMMUNITY, NUMBERS, ROADS, AND COMPATIBILITY DO NOT SUPPORT THE PROJECT. DISCUSSION TOOK PLACE AS TO WHETHER THE PRESENT PLAN COULD BE REVISED TO ADDRESS THESE ISSUES. R. TRANSON IS CONCERNED WITH THE TRAFFIC ON 83 AND WOULD WANT TO SEE THE IMPROVEMENTS BUILT BEFORE CONSIDERATION OF A DEVELOPMENT. HE SUGGESTED THAT NO DEVELOPMENT OCCUR ON THIS PARCEL UNTIL THE INFRASTRUCTURE IS IN. M. CARLSON DISCUSSED TRADE-OFFS. M. GARDNER STATED THAT THE CITY OF DELAFIELD IS NOT READY BECAUSE OF THE LACK OF INFRASTRUCTURE, THAT SERVICES ARE A HUGE PROBLEM, AND THAT THE TIMING IS NOT RIGHT. DISCUSSION TOOK PLACE ON HOW TO BALANCE THE RIGHTS OF PROPERTY OWNERS. C. MURSKY ASKED IF WAITING FOR THE INFRASTRUCTURE WOULD IMPLY THAT THE COSTS WOULD BE BORNE BY THE CITY. M. CARLSON STATED THAT THE CITY WOULD HAVE TO PUT IN THE INFRASTRUCTURE DEMANDED BY THE REGION. THE CITY WOULD BE RESPONSIBLE FOR THEIR PORTION OF WIDENING 83. C. MURSKY STATED THAT WITH THIS MOTION THE POSSIBILITY OF GETTING HELP FROM THE DEVELOPER MIGHT BE LOST. M. GARDNER STATED THAT ANOTHER ISSUE THAT NEEDS TO BE ADDRESSED IS THAT OTHER MUNICIPALITIES ARE OPPOSED TO THIS - THE

CITY OF DELAFIELD PLAN COMMISSION MINUTES

COMMISSIONERS DID NOT AGREE WITH THIS. MAYOR CRAIG COMMENTED. M. GARDNER IS ALSO CONCERNED ABOUT THE WATER ISSUE. ALL WERE IN FAVOR OF THE MOTION.

- d. **Tax Key 786-999, CTH "C" and North Westshore Drive.** Owner: Gerald and Dianne Jens, Applicant: MLG Development, (Ryan Schultz). Applicant seeks approval for a Conditional Use, General Development Plan, Fiscal Impact Analysis, Storm Water Management Agreement, Covenants and Building Restrictions, and Developer's Agreement for **Carriage Hills**. A single family residential Planned Development.

Ryan Schultz was present. Support staff was also present. Spoke on the density; 41 lots versus the traditional one-acre lot. The purpose/goal is a layout that provides ample open space and it lends itself to the changing topography on site. It was stated that this plan looked at the natural lay of the land. In regards to the traffic issue, Waukesha County sent a letter granting preliminary approval (included in commissioner's packet). The center of the road has been changed so that it is located between the two lots across the street so that headlights will not shine into the house. The stormwater design was discussed. An ecologist is working with the developers in the developing the property. The Fiscal Impact Analyst was addressed; the commissioners had a copy of it in their packets. The impact of the subdivision on local schools was reviewed; it was expected that 13-14 students would be in high school and 29 would be in elementary (K-8). It was thought that the impact on the school system would not be significant. A tree location/preservation statement was received and they have also since received a detailed report. Trees have been flagged and tagged. The adjoining property information was addressed. Proposed covenants and building restrictions were included.

R. Dupler noted that on the plans that were submitted that he felt it was possible to relocate the drive. The developer did not think that this would be a problem to change the road to align with what appears to be a road on the west side of the road. A water run-off study was done on this property and showed that the basins for the property fit but that they need to tweak the ponds. R. Dupler stated that one of the other issues was the depth of the buildable envelopes. He suggested increasing the potential open space by curtailing the buildable envelope. The actual acreage of the site

CITY OF DELAFIELD PLAN COMMISSION MINUTES

was discussed. The 46 acres was determined from the centerline of the roads. Discussion took place as to how much actual acreage there really is. There is a big concern about stormwater.

R. TRANSON MOTIONED TO TAKE THIS BACK AND RECONFIGURE BASED ON ACTUAL ACREAGE. D. CURTIS COSTA SECONDED. R. TRANSON AMENDED HIS MOTION AND ADDED "WITH CONFIGURATION COMING UP MORE TOWARDS A MINIMUM OF A 35,000+ SF PER LOT." D. CURTIS-COSTA WITHDREW HER SECOND. C. MURSKY SECONDED THE AMENDED MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- e. **TAX KEY 804.994.013 AND PART OF 804.999.014, HWY 83 AND HILLSIDE DR.** OWNER/APPLICANT: GENERAL CAPITAL GROUP, MARCUS CORPORATION. APPLICANT SEEKS FINAL APPROVAL OF A SPECIFIC PLAN OF IMPLEMENTATION.

Sig Stramantus was present and reviewed the project. The changes that the Public Works Committee recommended have been implemented. The building has been lowered by three feet and the entrance is now straight. Architectural changes have taken place and include: an upgrade in the building materials, the creation of three distinct elements across the façade that break up the linear nature with different rooflines, and the addition of knee-wall of brick along the bottom. The materials consist of real brick, custom awnings that complement the color scheme to further differentiate the spaces, Ecostar slate for use on the roof (not as heavy as slate and therefore they did not have to change the structure of the building to support it (has a 50 year warranty)). M. Carlson would like to look at buildings with these installed roofing materials. A traffic study was done and it concluded that this development would not have an impact or would be inconsequential to the level of service. The DOT setback process has not yet taken place.

R. Dupler stated that there are a couple of issues. The entire site plan is predicated on the relaxing of the set back by the DOT. The petitioner should be afforded the opinion of this body whether or not to proceed. He stated that a full SIP approval should not yet be granted as the landscape needs to be redrawn or resubmitted. There is concern about the pedestrian ramp system – they need to make it safer and more appealing. Everything else is in order. Discussion took place on the possibility of land banking. D. Curtis

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Costa asked that they pave no more than necessary. Discussion took place on how visual the retaining wall would be.

R. Dupler suggested granting approval of the retaining walls within the setback lines, 3-1 slopes approval.

M. Carlson stated that in consideration of the SIP, that the customary documents go with it, the conditional use permit, the stormwater agreement, the development agreement, and the deeds, covenants, and restrictions, he suggested that if the commission was inclined to recommend this to the Common Council that they include these conditions.

M. GARDNER MOTIONED FOR APPROVAL OF THE SIP TO CITY COUNCIL WITH CONTINGENCIES AS STATED BY M. CARLSON PLUS THE LANDSCAPE PLAN, SETBACK, RETAINING WALLS, GRADING WITHIN THE SETBACK, WIS DOT SIGN OFF ON THE BUILDING SETBACK RELAXATION, ACCEPTANCE OF ROOFING MATERIALS AND THAT THE CITY WOULD HAVE THE RIGHT TO CHANGE THE ROOFING MATERIALS TO SHAKER SHINGLES, REVISED LANDSCAPE PLANS TO BE SUBMITTED, AND MODIFICATION OF THE HANDICAPPED SYSTEM. R. TRANSON SECONDED. DISCUSSION TOOK PLACE ON SIGNAGE. ASKING FOR GARAMOND TYPE FONT LESS THAN PERMITTED BY CODE. ALL WERE IN FAVOR. MOTION CARRIED.

6. PRELIMINARY CONSIDERATION

- a. **Tax Key 733.993.002, 4615 Vettelson Road. (Commonly known as Redi-Gas)** Owner/Applicant Jim Jendusa. Applicant seeks preliminary feedback for the proposed site plan/business concept.

Jim Jendusa and Sean were present at the meeting. They are proposing to develop the building and make it look nice. A rendering of the building was displayed. There will be offices in the building and will seek tenants to fill out the building, probably one additional tenant besides themselves and their other partner (boat winterizing/storage). Plan to put in screening fence 8' high. This is B6 zoning.

CITY OF DELAFIELD PLAN COMMISSION MINUTES

R. Dupler stated that it must be built as a PUD because it is B6 zoning.

They plan on storing 80-100 boats, but the commissioners felt this was a lot of boats and they would like to see the number of boats reduced. The basic concept of the building met with the approval of the commissioners. D. Curtis-Costa stated that it was an improvement but she would like to see something else done to improve the look of the building. The existing bathroom needs to be revised.

- b. **Tax Key 0798.966 416 Genesee Street.** Owner/Applicant KRK Investments. Applicant seeks preliminary feedback for the proposed site plan, business plan of operation and signage.

Larry Castons and Tom Aul were present. This is the building just south of the fire station. By adding on to their present building and ripping down some of the older building, they plan on making a more attractive building. They are proposing putting the current retention pond underground and installing a parking area over it. Materials for construction were reviewed. This building would have office and professional tenants.

The commissioners liked the concept. The building design fits within the area. The commissioners appreciated the developers taking on parking responsibility.

It was stated that they should get an engineer out to look at the stormwater plan. They could work on the project sequentially and deal with the parking later. The commissioners agreed with this.

7. ZONING AND ORDINANCE REVISIONS

- a. ZONING TEXT – FLAG LOT

The verbiage was included in the commissioner's packet. Because of the significant changes that have been made, another public hearing must be held. Atty. Chapman will be preparing a resolution for a moratorium for the Common Council's consideration. It was suggested that if subdividing of lots is being considered a requirement to notify anyone within 300' of the proposed property to be subdivided should be notified. This will be included as part of the ordinance for public hearing.

CITY OF DELAFIELD PLAN COMMISSION MINUTES

8. HEARING DATES

No dates were reported.

9. ADMINISTRATOR'S REPORT

None.

10. BUILDING INSPECTOR'S REPORT

Twenty-three to date, four occupancy. New include two single family homes.

11. BOARD OF ZONING APPEALS

None.

12. CORRESPONDENCE

a. Regarding Village Square

1. Letter from Daniel and Pamala Yerke (September 13, 2002)
2. Letter from the Village of Hartland
3. Letter from Schober, Schober & Mitchell, S.C.
4. Letter from Robert J. Jeske, Ph.D.

b. Applicant: Lang Companies. Applicant seeks approval of Fall 2002 Events Calendar.

13. ADJOURNMENT

R. TRANSON MOTIONED TO ADJOURN FROM THE MEETING. M. GARDNER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 2:13 A.M.

Respectfully submitted,

Minutes prepared by:

Marilyn Czubkowski, CMC
City Clerk/Treasurer

Accurate Business Communications