

CITY OF DELAFIELD PLAN COMMISSION MINUTES

CALL MEETING TO ORDER

Mayor Craig called the meeting to order at 7:22 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

Absent

Mayor Paul Craig
Phil Schuman
Chrys Mursky-(entered 9:31 p.m.)
Marily Gardner
Diri Curtis Costa
Roger Dupler
Tom Maney
Matt Carlson
Marilyn Czubkowski

Fred Welch
Robert Transon

Also Present

Mike Court

- 1. APPROVE MINUTES OF OCTOBER 30, 2002.

P. SCHUMAN MOTIONED TO APPROVE THE MINUTES OF THE OCTOBER 30, 2002 MEETING. M. GARDNER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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

Joyce Wessel, West Shore Drive – Spoke regarding the Jens Farm and thought it still had too many lots. She stated that the proposal was not on file prior to the last meeting for anyone to see and she thought that that was illegal. She stated that the out lots are needed. Drainage issues were addressed. She would like to see lots sized at a minimum of 35,000 sf. This would give them 32.5 lots. She would be okay with 33 lots, but no more and to include the drainage plan. She didn't want the drainage areas to be used for recreational uses.

Jim Zahorik, 1948 West Shore Drive – He feels the same as Mrs. Wessel in that the Plan Commission had stated 35,000 sf lots. He is concerned about out lot #2 and compared to 30,000 sf proposal, the waterways interconnect; where out lot 2 abuts lot 34 on West Shore Drive, there is a currently a problem that

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exists with any amount of rain. This portion of West Shore Drive has a lot of water. In Pewaukee the people who enforce the stormwater said that new developments must provide ways for the stormwater not to leave the development. He would like to see this happen in Delafield also. There is another possible problem S/SE on lot 34, tax key #0768693001 – there is a wetland area. They do not want that area to be damaged. Spoke on reduced lots and the affect on the surrounding area. Many of the homes on the east side of West Shore Drive have very good well water with shallow wells; run-off could really affect the purity of that water.

The Mayor asked three times if there were any further citizen comments. There were not.

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

3. CONSENT AGENDA

Mayor Craig requested that Item D be pulled off of the Consent Agenda.

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

- a. **Tax Key 794.014, 78 Enterprise Road, Unit D** Applicant: Guy and Jenny Miller. Applicant seeks approval for a Business Plan of Operation. **Hydrofinish LLC**. Hours of operation: 9:00 a.m. to 4:00 p.m. weekdays, 2 employees.
- b. **Tax Key 787.088, 725 Milwaukee Street.** Owner: Robert Lang. Applicant: Rob Gerbitz. Applicant seeks approval of modification to their landscape plan for the **Lang Town Center Building**.
- c. Extraterritorial review of final plat of Maple Fields Town of Delafield subdivision.
- d. **Tax Key 803.994.000, 2675 Sun Valley Drive.** Owner: E&K land, LLC. Applicant: Kelly Mindiola, Applicant seeks approval of Business Plan of Operation for **Open Pantry Food Mart of WI, Inc**. Hours of operation: 365 days a year/24 hours. 3 full-time and 6 part-time employees.

Mayor Craig asked about the hours of operation and whether there was a past practice of allowing this. T. Maney stated that this is a gas station and it has been done before. It presently is a 24 hour operation. This is only for the plan of operation.

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

4. PLANS OF OPERATION, SIGNAGE AND SITE PLAN

- a. **Tax Key 804.994.01, 2780 Heritage Drive.** Owner: Jim Flanagan. Applicant: Timothy Finke. Applicant seeks approval of a revised Sign Permit for ***Petco Animal Supplies, Inc.***

R. Dupler reviewed the background. Representatives were present. It is a sign that is presented in less nonconformity.

The size that was proposed was 48" logo and 48" Petco lettering with a total lettering of 100 sf, 50 sf less than permitted by the tenant. After the last meeting they reduced the size and are now proposing a 3.5' logo and 3.5' lettering size or 80 sf.

M. GARDNER MOVED TO APPROVE. P. SCHUMAN SECONDED THE MOTION. R. DUPLER THOUGHT THAT THE PROPOSED ARRANGEMENT WOULD LOOK GOOD IN THE SETTING OF THE FACADE. D. CURTIS-COSTA ASKED ABOUT CHANGING THE COLOR OF THE BLUE CAT. THE REPRESENTATIVE STATED THAT THIS IS PART OF THEIR TRADEMARK. MAYOR CRAIG COMMENTED THAT THERE IS BLUE IN THE BLOCKBUSTER SIGN AT THE SAME LOCATION. THE REP STATED THAT THERE ARE OTHER COLORS ON THE PROPERTY. THE IMPACT OF THE BLUE COLOR IS NOT GOING TO BE STRESSFUL. THE BUMP-OUT WILL STILL BE CONSTRUCTED. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **Tax Key 803.999, 1101 W. Highway 83.** Owner: Hardee's Food System. Applicant: Mike Phillipson. Applicant seeks approval of Sign Permit for ***Hardee's Restaurant.***

R. Dupler reviewed. This is a switch-out of existing panels on existing pylons. The colors are relatively the same as the other Hardee's signs. This is a replacement of existing signage. Mr. Phillipson stated that the wall-mounted sign would be removed.

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

- c. **Tax Key 800.003.000, 2410 Milwaukee Street.** Owner: John Shuder. Applicant: William Schultheis. Applicant seeks approval of Sign Permit for ***Waukesha Physical Therapy Clinic.***

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R. Dupler reviewed. The proposed sign is fully compliant for that building.

M. GARDNER MOVED TO APPROVE. D. CURTIS-COSTA SECONDED THE MOTION. MR. SCHULTHEIS ASKED IF HE COULD BANK THE EXTRA SIGNAGE AMOUNT THAT THEY ARE NOT USING. R. DUPLER STATED THAT THIS IS WOULD BE BETWEEN HIM AND HIS LANDLORD. ALL WERE IN FAVOR OF THE MOTION. MOTION CARRIED.

5. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVALS

- a. **Tax Key 733.933.002, 4615 Vettelson Road (Redi-Gas).** Owner/Applicant: MJ & J Enterprises, LLC, Jim Jendusa. Applicant seeks final consideration for a Conditional Use Permit, Planned Development, General Development Plan.

P. Johnson, a partner with J. Jendusa, was present at the meeting. He spoke about the comments regarding boat storage. He stated that the properties in Oconomowoc that were referred to do not have screening. In this proposal, they are looking at storing less than 100 boats. Photos were displayed showing views of the property from various angles. They are planning on putting wood slits into the fence. The trees shield the building from Sandy Bottom. The back of Sandy Bottom and the fence line has a solid line of trees. The view from Highway 16 is all woods and a berm. From all sides, except Vettelson that will have the building and wood slit fencing, the boats would not be seen. The boats would be stored in October and November and would go out in spring. They are planning on four to five years for boat storage. A letter from Sandy Bottom in support of this was in the possession of P. Johnson and will be provided at a later date.

R. Dupler stated that this is a B6 parcel and needs to be developed as a PUD. He asked the commissioners to make judgments as to the outdoor storage of boats. P. Johnson stated that the fence is 8' high. A suggestion of not having the boats visible was made. Mayor Craig expressed concern about the tanks that Redi-Gas would be leaving there. J. Jendusa stated that any repairs would be conducted indoors in the small building on the east side of the site. Small engine repair may take place, but that is not the main stable of the business. In regards to the propane tanks, M. Court did not think there were any concerns. M. Czubkowski recommended asking the Fire Chief.

P. SCHUMAN MOTIONED TO APPROVE, CONTINGENT UPON REVIEW BY THE FIRE CHIEF, THAT THERE BE A PROVISION OF AN 8' SOLID FENCE TO SHIELD BOATS FROM THE ROADWAY AND THAT THIS BE REVIEWED IN ONE YEAR. D. CURTIS-COSTA OFFERED A FRIENDLY AMENDMENT THAT THERE BE A RESTRICTION FOR NO

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WINTERIZING. P. SCHUMAN DID NOT AGREE. DISCUSSION TOOK PLACE. D. CURTIS-COSTA OFFERED A FRIENDLY AMENDMENT THAT BOAT REPAIR/WINTERIZATION BE DONE INSIDE. P. SCHUMAN AGREED. M. GARDNER SECONDED THE AMENDED MOTION. D. CURTIS-COSTA DISCUSSED THE 8' FENCING. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **Tax Key 786.999, CTH "C" and North Westshore Drive.** Owner: Gerald and Diane Jens, Applicant: MLG Development (Ryan Schultz). Applicant seeks final consideration of General Development Plan, Conditional Use Agreement, Covenants and Restrictions, Developers Agreement and Stormwater Maintenance Agreement for the ***Carriage Hills Subdivision***

R. Schultz from MLG was present. J. Bucovitch was also present. He recapped where they have been over the last two months. The first proposal from last month was reviewed. The new proposal was addressed. This new plan has 38 lots and increased open space and allows them to do all of stormwater mechanics and landscaping in open areas. He stated that one month ago, this plan was presented as an alternative and they were not asking for approval on it then. Drafts of the legal documents were included in the commissioner's packets. A statement on the use of pesticides and herbicides being used in the development and having this included in the agreement were addressed. The developers thought that this could be included in the developer's agreement.

R. Dupler stated that this plan (30,000 sf) is a very good representation of the PUD process and what it is intended to be. This is a reasonable solution to the stormwater issues, buffering along Genesee Street, and incorporating open space. He and the staff were satisfied with the project as proposed. When asked about whether the building depth could be limited to 80' particularly along the east side, R. Schultz stated that he thought that this would be fine. R. Schultz has not seen the Waterleaf pesticides and herbicides restrictions, but all organic would be fine with him. M. Gardner discussed out lot 2, the fear of the draining into lots 34/35 and/or 33, and containing all drainage onto the development. J. Bucovitch stated that the water will still flow the same direction and they would not be able to contain every single drop. They have set aside 12% (4.5 acres) of surface area to accommodate the stormwater detention (over and above what is required). Regarding the shallow wells, J. Bucovitch stated there were state codes that governed this. The location of the wells of surrounding residents should be addressed on the final engineering plans. The downstream capacity should also be analyzed and worked out on the final engineering plans. Pewaukee's ordinances were discussed. M. Court was not aware of an ordinance for all water to stay on-site. Mayor Craig stated that he was concerned about these areas and the drainage and that they should pay

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close attention to this area. Drainage by 20, 21, and 22, tax key 0786993, the drainage into the wetlands, and over by West Shore Drive was discussed. J. Jendusa stated that you have to be very careful to keep the same amount of water in the wetland.

D. Curtis-Costa stated that on the conditional use presented this evening (dated November 20, 2002) stated a 41-lot subdivision. R. Schultz responded that it is a misprint and would be revised. P. Schuman discussed the silt fencing requirement wording. M. Carlson stated that a signature of a developer agreement does not eliminate the requirements for them to comply with all other city codes and requirements, particularly those in the subdivision code and the erosion control code.

P. SCHUMAN MOVED FOR APPROVAL CONTINGENT ON APPROVAL OF THE STORMWATER MANAGEMENT AGREEMENT, THE DEVELOPER'S AGREEMENT, CONDITIONAL USE PERMIT, AND THE DEEDS, COVENANTS AND RESTRICTIONS, AND BY THE COMMON COUNCIL. M. GARDNER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. **Tax Key 798.966, 416 Genesee Street.** Owner: Larry Kassens. Applicant: Larry Kassens. Applicant seeks final Approval of Site Plan and Architectural Plan for first phase of **416 Genesee Street Building**.

L. Kassens and T. Aul were present at the meeting. Phase I is the building front, Phase II is the parking/detention pond. Drawings were distributed to the commissioners. Provisions to allow them to re-develop the parcel of land to put a parking lot on top and a detention underground are taking place. This will accommodate the building that they are building. The parking requirements and land will give them 81 parking spaces which is more than required by the building.

R. Dupler provided the commissioners with a one-page summary. His recommendation is that the Planning Commission approve Phase I contingent upon the execution of the lease agreement. M. Carlson suggested that the building permit also be contingent upon proof of the lease. He asked the approval be conditioned upon part of the parcel being granted of any temporary easements or ROW that would be required to accomplish the Genesee Street project. T. Aul did not think that this would be a problem. Fourteen feet of land across the front of the property is being dedicated to the City. M. Carlson stated that another point would be that the developers would pay for the connection of the rear parking lot in Phase II with the rear parking lot of the City Hall.

The timing of Phase I and Phase II was discussed at length.

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M. GARDNER MOTIONED TO APPROVE WITH THE CONTINGENCY THAT THEY DELIVER THE SIGNED LEASE FOR PHASE II, THE DEDICATION OF LAND FOR THE GENESEE STREET RECONSTRUCTION PROJECT, THAT A TRASH CONTAINER IS INCLUDED IN PHASE I, AND AGREEMENT TO THE STORMWATER MANAGEMENT AGREEMENT. D. CURTIS-COSTA SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. PRELIMINARY CONSIDERATION

- a. **Tax Key 804.993.005 and 802.987, STH 83 & Golf Road.**
Owner/Applicant: Told Development Company, Gregory Kost. Applicant seeks preliminary consideration for Conceptual Presentation for ***Shoppes at Nagawaukee/Dix Property.***

G. Kost of Told Development was present. M. Carlson stated that this started a very long time ago. May 2001 the City hired Hay & Associates to do stormwater analysis of the intersection of Highway 83 and 94. They looked at the stormwater shed for that entire intersection. Looked at if the stormwater facilities already constructed out there functioning as they were designed and constructed. Secondly, are there actions that could improve stormwater water management as it ends up in Nagawicka Lake. One recommendation was that the City should pursue construction of a regional stormwater detention facility in this area of Highway 83/94. He reviewed SEWRPC's requirements. A grant application to the DNR was submitted to implement the stormwater management plan that was completed by Hay & Associates and a grant was received for to cover 50% of the total costs of the construction of a stormwater management facility in the vicinity of the Highway 83/94 area. The second grant was where the DNR provided about \$125,000 to consider construction of and design regional stormwater facilities in both northeast Delafield and in northwest Delafield. By receiving this grant fund from the DNR the City is able to take this regional look and work with the Village of Nashotah and look at the regional stormwater management on the northeast side of the community and design a more rational and comprehensive stormwater system for northwest and northeast Delafield. The grant that the City received for one-half of the construction costs for this stormwater facility was conditioned upon a couple of sites on that Highway 83/94 corridor. In the upcoming proposal, part of the Dix property is used for this kind of a regional stormwater facility. This project has a great deal to do with the protection of Lake Nagawicka.

G. Kost reviewed the original development at the corner of Highways 83/94. They are proposing a life style retail center with a mixture of upgraded retails with restaurants and interesting architecture. It is their desire to give it a town center feel. It would amend the GDP to increase it

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from 42 acres to 48 acres. They are focusing on development on the commercial corridor. The Dix property could be used for green space/water detention.

The commissioners thought that this was a good idea and was very creative. This would cut down on the amount of water visibly flowing down Milwaukee Street after a rain. This pond is meant to filter out the solids and the water leaving will be much cleaner.

M. Carlson stated that the grant would assign these as eligible expenses and would be a 50/50 share with the DNR. The amount of the detention pond that can be counted as green space needs to be investigated.

Mayor Craig stated there are a number of people in that area with wells and the contamination of the wells is a concern. Safety considerations are an issue that needs to be addressed. Stormwater issues were discussed. D. Curtis-Costa wanted to make sure that they were not sacrificing green space.

7. ZONING AND ORDINANCE REVISIONS

a. DISCUSSION OF PROPOSED LANGUAGE FOR REQUIRED NOTIFICATION OF SUBDIVISION.

R. Dupler reviewed. This dealt with modifying the amendment for notification of residents in any minor subdivisions. It was suggested that notification be for all land subdivisions. A public hearing will be scheduled.

8. Hearing Dates

- o Proposed Language for Require Notification of Subdivision will be on 12/18/02
- o Shoppes at Nagawaukee/Dix Property will be in January 2003.

9. ADMINISTRATOR'S REPORT

M. Carlson asked R. Dupler for summary on the Growing Greener presentation. R. Dupler summarized the information included in the commissioner's packets. Copies of the paper will be provided to the library. M. Gardner stated that a reference to this article could be linked on the website. It was stated that Delafield is making very wise decisions regarding green space and areas to protect.

10. BUILDING INSPECTOR'S REPORT

12 permits plus one occupancy.
New include one single family

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11. BOARD OF ZONING APPEALS

No report.

12. CORRESPONDENCE

- a. Moertl Marine dated October 9, 2002 regarding a request for a 60-day extension on project.
- b. Wisconsin DOT dated October 10, 2002 regarding plat review of Ruff's Preserve.
- c. Randall Arendt article.

13. ADJOURNMENT

P. SCHUMAN MOTIONED TO ADJOURN FROM THE MEETING. D. CURTIS-COSTA SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. THE MEETING ADJOURNED AT 9:44 P.M.