

**CITY OF DELAFIELD
PLAN COMMISSION MEETING MINUTES**

Present:

Mayor Ed McAleer,
Ald. James Romanowski,, Dist 7
Robert Trunzo
Robert Transon
Fred Welch, City Engineer
Roger Dupler, City Planner
Matt Carlson, City Administrator
Marilyn Czubowski, City Clerk-Treasurer

Absent:

Diri Curtis Costa
Tom Maney, Bldg. Insp.
Marilyn Gardner

Meeting was called to order by Mayor E. McAleer at 7:00 PM. A quorum was present and acting. The Pledge of Allegiance was recited.

Roll Call was taken.

1. Approve minutes of February 28, 2001.

MINUTES UNAVAILABLE. MINUTES TABLED UNTIL NEXT MEETING.

2. Citizen comments on items pertaining to this agenda.

Jim Zahorik, 1948 West Shore Drive, commented on agenda item 4a, regarding the approval for three signs at the Wooden Eagle restaurant. He asked Commission Members to review Chap. 17, of the Zoning Code and Ordinance as it pertains to erecting signs in a downtown historical district. J. Zahorik believes that the sign appears to be “garish and ostentatious.” He also stated that sign should conform to the signs found on neighboring properties. J. Zahorik also wanted to bring to the Council’s attention that the Fish Hatchery Parking Lot should have an addition that shields the lot from view, per the guidelines of a historical downtown site. He is unsure of why this was not planned for or if this was a simple omission, but advised the Commission that it needs to be corrected.

3. Approve Consent Agenda

- a) **Tax Key 803.993.001, 2553 Sun Valley Dr.,** Owner, Dayton Hudson Corporation; Applicant, Nancy Russell (Store Manager). Applicant seeks approval for temporary amended Business Plan of Operation to include seasonal garden center at *Target*. Hours of operation will be from 8 AM to 10 PM Mon. – Sun. from April 16, 2001 through 6/24/01.
- b) **Tax Key 804.994.002, 2863 Heritage Dr.,** Michael Evert, Manager, Robert McQuillan, Applicant. Applicant seeks approval of temporary

**CITY OF DELAFIELD
PLAN COMMISSION MEETING MINUTES**

Business Plan of Operation to sell onions outside of the Wal-Mart store, for the purpose of raising funds for the Tripoli Temple Shriners (non-profit). Dates of onion sales would be April 26, 27 & 28, 2001; hours of operation would be 8:30 AM to 5:00 PM.

- c) **Tax Key 804.994.002, 2863 Heritage Dr.**, Michael Evert, Manager, Dan Uttech, Applicant (Assistant Manager). Applicant seeks approval of temporary amended Business Plan of Operation to include seasonal garden center at Wal-Mart. Hours of Operation 7 AM to 10 PM, ten full time and five part time employees.
- d) **Tax Key 793.014, 615 Genesee St.**, Owner Robert Lang; Applicant, Craig Hanna. Applicant seeks approval of Business Plan of Operation for *Delafield Fine Wine and Spirits*. One full time employee. Hours of operation: Weekdays, 8 AM 9 PM, Saturday, 10 AM to 9 PM, and Sunday, 10 AM to 9 PM.
- e) **Tax Key 794.022, 157 Enterprise Rd.**, Owners, John Trzesniewski & James E. Yaresh. Applicant, Newman Sign Co., Rick Newman. Applicant seeks approval of sign for *Grade A Construction*.
- f) St. John's Northwestern Military Academy, Owner/Applicant seeks approval of a petition to vacate an alley, a segment of Church Street, and a segment of Smythe Lane.
- g) Approve extra-territorial preliminary plat for Grandhaven in the Town of Delafield.
- h) Ordinance 484 - Updating the City of Delafield Municipal Code

J. Romanowski requested that Consent Agenda Item 3c be pulled for discussion. D. Uttech, representing Wal-Mart, was questioned regarding the condition of the Wal-Mart parking lot, which has become littered and unattractive looking. D. Uttech stated that he and eight employees spent most of the day cleaning the parking lot. Questions were also raised regarding the landscaping, however, F. Welch is unsure of the status at this time. D. Uttech has only been on the job for about three months and is working toward getting the place in order. M. Carlson reviewed bond issue for items that need repair, however, he stated that Wal-Mart has made a good faith effort in addressing problems. Wal-Mart will need to begin now addressing landscaping issues that it could not during the winter months.

The seasonal garden center will have the same hours of operation as the store.

MOTION TO ACCEPT CONSENT AGENDA ITEMS 3A, 3B, 3D, 3E, 3F, AND 3G (TRUNZO/TRANSON). MOTION CARRIED.

MOTION TO ACCEPT CONSENT AGENDA ITEM 3C (ROMANOWSKI/TRANSON). MOTION CARRIED.

**CITY OF DELAFIELD
PLAN COMMISSION MEETING MINUTES**

4. Plans of Operation, Signage and Site Plan

- a) **Tax Key 793.016.001, 603 Genesee St.**, Owner/Applicant, Lang Investments, Ltd. Applicant seeks approval for three signs at the *Wooden Eagle*.

M. Carlson and R. Dupler provided background information on this issue. Commission Member packets contained pictures. R. Dupler described the sign dimensions, mounting and materials. He stated that the sign did conform to the necessary guidelines found in a historical district and that it was generally appropriate. The third sign proposed for the south side of the building will be dismantled in the near future. Maximum sign measurement is 12 square feet within this area. The signs are consistent with neighboring signs.

MOTION TO APPROVE SIGNS FOR THE WOODEN EAGLE RESTAURANT (TRANSON/ROMANOWSIK). MOTION CARRIED. R. TRUNZO ABSTAINS FROM VOTE.

- b) **Tax Key 794.988, 22 W. Main St.**, Owner Mary Krancki; Applicant, Kurt Amidzich. Applicant seeks amendment to Business Plan of Operation and Site Plan of *Kurt's Steakhouse* to include an addition to existing building. This plan includes three phases for future improvements to the building.

Dick Hamilton and Kurt Amidzich of Kurt's Steakhouse made a presentation to the Commission for a three-phase expansion plan of the restaurant.

1. Addition of a 14 x 18 open deck on the west end of the building;
2. Addition of a room to the east end of the building that includes the barbecue;
3. Additional seating for the restaurant.

D. Hamilton reviewed design, parking issues and future expansion plans. They currently have 34 parking spaces. R. Dupler stated that the restaurant is well within the required parking spaces. Discussion also focused on impact on surrounding neighbors relative to noise and disruptions. The deck would hold approximately 30 people. Drinks would not be allowed off of the deck. The deck would be enclosed by fall. It was suggested that neighbors be surveyed. D. Hamilton stated that the deck would be mostly a holding for customers waiting for seating. Commission Members expressed their desire to see the parking lot paved and finished during phase 2, and well before the five-year deadline.

**CITY OF DELAFIELD
PLAN COMMISSION MEETING MINUTES**

J. Romanowski asked that cars be kept off of the grassing area to allow for visibility of the corner and that the grassy area was recently re-seeded and should not be used for cars. D. Hamilton suggested that the garage would probably be leveled. Mayor McAleer stated that Phase 2 and 3 should be part of a full-blown site plan that includes landscaping and the paving of the parking lot. All phases could be done within a year and a half. R. Dupler stated that the phasing plan is under staff level discussions.

**MOTION TO APPROVE PHASE ONE ONLY (WELCH/TRANSON).
MOTION CARRIED.**

- c) **Tax Key 804.987, 3400 Hillside Dr.**, Owner, Home Depot USA, Inc.; Applicant, Scott Hewitt, Store Manager. Applicant seeks approval of site plan and amended Business Plan of Operation to erect a fence and a seasonal garden center.

Scott Hewitt, Store Manager for Home Depot, came before the Commission seeking an amended Business Plan of Operation in order to erect a fence for a seasonal garden center. However, Commission Members expressed concerns over several issues:

- 1) Corporate Headquarters has not addressed erosion control problems per a letter sent by the City to that effect;
- 2) Light trespassing near driveway exceeds required limits; some modifications have been done but more needs to be corrected;'
- 3) Stormwater continues to be a serious concern, but may need to be tabled until erosion situation is fixed (i.e. the removal of silt from area).

Commissions Members expressed a strong desire that Home Depot removes excess settlement as soon as it is feasible to do so, commence grading and re-seed area. A bond has been posted by Home Depot as part of its original construction, which would be used as a last resort if repairs were not made. However, the Commission wishes to give Home Depot every opportunity to address these problems before the bond is revoked. An interim step is to hold the opening of the garden center. F. Welch would like to see a timetable and actual plans. Extensive discussion ensued over items and timely repairs. Home Depot would like to open the seasonal garden center by Easter weekend, therefore, the Company will have to move fast.

**MOTION FOR CONDITIONAL APPROVAL FOR REQUEST TO OPEN
THE GARDEN CENTER PROVIDED THAT HOME DEPOT TAKE**

**CITY OF DELAFIELD
PLAN COMMISSION MEETING MINUTES**

CARE OF ALL EROSION CONTROL ISSUES LISTED IN THE OCTOBER 27, 2000, LETTER FROM WELCH/HANSON ASSOCIATES, AND THAT STAFF SHALL ACCEPT THE COMPLETION OF THOSE ISSUES PRIOR TO OPENING UP THE GARDEN CENTER. CONSTRUCTION OF FENCE MAY START IF THEY ARE PROHIBITED FROM TAKING CARE OF ISSUES BECAUSE OF WEATHER, THEY COULD PROCEED AT STAFF'S DESCRETION (ROMANOWSKI/WELCH). MOTION CARRIED.

- d) **Tax Key 803.988.003, 2566 Sun Valley Drive.** Owner, Gary Storts, Applicant, Allen Leutilus, Applicant seeks approval of revised signage, at request of Plan Commission 2/28/01.

R. Dupler provided background on this issue, which was discussed at the last Plan Commission meeting. Gary Storts, from the Sign Company, produced graphics to illustrate that the 25 % limit has not been exceeded. The current sign renderings now meet the guidelines, per R. Dupler.

MOTION TO APPROVE THE REVISED SIGNAGE FOR GOLD N' TAN (ROMANOWSKI/TRANSON). MOTION CARRIEDg.

5. Preliminary Consideration

- a) **Tax Key 743.999.004, 120 Nashotah Rd.,** Owner, St. Joan of Arc Church; Applicant St. Joan of Arc Church/Tim Knepprath, MSI General. Applicant seeks preliminary approval for addition of school.

For the record, M. Carlson stated that he and his wife are members of the parish and that his wife is a volunteer teacher at the School. No other Commission Members stated ties to the School.

T. Knepprath, architect from MSI General, along with several members from St. Joan of Arc Church were present during the meeting. T. Knepprath presented the Church's plans for preliminary approval of a new addition to the School to accommodate more students. The Church will need to seek a zoning change, which will require a public hearing. School will accommodate K-8 students. The building will also serve as a multi-purpose building. Several sketches and plans were presented to Commission Members for review during the meeting. Discussion focused on building construction design, materials, landscaping, retention ponds and stormwater flow. The School's gym may not fall under a set back requirement of 35 feet. The soccer field would be made available for public use per staff level discussions.

The Mayor informed the presenter and parish members of the City's building moratorium and, in addition, that water retention

**CITY OF DELAFIELD
PLAN COMMISSION MEETING MINUTES**

calculations would probably become more stringent. Additional discussion ensued as to land banking and land development in the area. R. Trunzo suggested that it might be in the City best interest to study the area in order to make better land development decisions. He also suggested that the concerns of lake residents also be taken into consideration.

M. Carlson advised that a study of the area should be done to determine land use issues and future development suitability. This project could be used as a cornerstone for the study and dovetail with the School's desire to expand. Extensive discussion occurred as to how to approach the project in conjunction with the City's future development needs.

b) Discussion regarding proposed lighting ordinance

R. Dupler has been working with City Attorney Bill Chapman regarding the City's lighting ordinance and possible revisions. R. Dupler reviewed the ordinance language with Commission Members including proposed changes as well as definitions and lighting calculations. F. Welch suggested that "maximum criteria (average)," be added and that lake property owners are governed by whether the lake is an impounded lake. Per Statute, lake residents' land may extend to the middle of the lake. Discussion ensued over proposed changes to the ordinance. A public hearing could be scheduled by April 16, 2001, per M. Czubowski, City Clerk.

**MOTION TO FORWARD THE AMENDMENT SEC. 17.235, 17.52 (7) AND 17.70 OF THE MUNICIPAL CODE RELATING TO LIGHTING OF RESIDENTIAL AND PARKING AREAS FOR A PUBLIC HEARING BEFORE THE CITY COUNCIL (TRANSON/ROMANOWSKI).
MOTION CARRIED.**

6. Final Consideration, Approvals, Previous Approvals

a) **Tax Key 807.985.016, 3820 Kettle Court East.** Owner, City of Delafield; Applicant, Voicestream Wireless. Applicant seeks final site plan approval to construct cell tower.

M. Carlson provided background information on this issue and ordinance related language. He also introduced Keith Neiman from Voicestream Wireless who made a presentation before the Commission. The proposed tower will stand 150 feet and will accommodate multiple vendors. This plans also calls for the construction of a new building. The site plan was forwarded to F. Welch and R. Dupler for review and comments. Revenue generated from the tower vendors will be shared with Ron Nickel to compensate

**CITY OF DELAFIELD
PLAN COMMISSION MEETING MINUTES**

him for possible decline in property value because of the tower's presence. There is a conditional land use agreement involved in this matter.

M. Carlson compared the issues of increasing the height of the tower or having more than one tower. M. Carlson stated that four agreements are also needed:

1. Amendment with the existing lease with US Cellular
2. New lease with Voicestream
3. New lease with Verizon
4. Share revenue from leases with R. Nickel

R. Dupler shared with Commission Members the tower's development including zoning, easement related issues, proposed fencing, the storage of materials and landscaping. R. Dupler had about nine items that he identified and F. Welch had some additional items to address.

K. Neiman described the physical appearance of the tower and surrounding area. The tower is galvanized. Storage materials will only be present during construction time. New plants will be matched with existing flora. Only a one-story building has been approved, Voicestream will need to appear before the Commission to receive authorization for a two story building. Additional carriers may require that a two-story building be constructed.

F. Welch raised concerns brought to his attention by Mike Scaff over interference with the status system when some testing was being conducted. F. Welch wants a guarantee from Voicestream that if there were any problems created by the units that there would be corrective measures in place to protect the City's systems. K. Neiman responded that within the lease provisions interference issues have been addressed that carriers must go out and test for problems immediately. Interference problems could terminate a lease. *M. Carlson requested that the minutes reflect that the interference issue was raised and addressed at tonight's meeting.* F. Welch inquired about flammable materials at the site and whether the Fire Department has been notified. M. Carlson will speak with the Fire Chief about this. F. Welch needs a grading plan and stormwater run-off number and plan.

Mayor McAleer is requiring that Voicestream provide additional photographs of the tower related to height. These photos should be taken to gain a better perspective of the height of the tower from various points in the City, such as from Hwy. 83 and Golf Road and the Home Depot parking lot. Extensive discussion ensued over the

**CITY OF DELAFIELD
PLAN COMMISSION MEETING MINUTES**

height of the tower, lease requirements and required photos. K. Neiman stated that he would have the photos to the City within a few days.

A special Plan Commission meeting will be scheduled for April 4, 2001, at 6:30 PM to review the items requested by the Commission from Voicestream.

7. Zoning and Ordinance Revisions

M. Carlson updated Commission members as to the Boathouse Ordinance and testimony of Bonnie Feber. This is an ordinance revision that would affect the zoning code. R. Trunzo suggested that the Lake Welfare Committee be given this information for review and comments. This item will be rescheduled to the next meeting to provide the Lake Welfare Committee time to review pertinent information.

8. Hearing Dates

a) The Public Hearing scheduled for April 16, 2001, will include the following items:

- 1) Lighting zoning text
- 2) St. Joan of Arc Zoning Change
- 3) St. John's Northwestern Military Academy vacate road right away

9) Administrator's Report

Fishbones' Restaurant is exploring ways to expand and improve its parking area. A public meeting will be scheduled at Fishbones on Monday, April 2, 2001, to invite neighbors' comments and suggestions. Fishbones may need to purchase additional property or have employees parking in a different location.

10) Building Inspector Report

a) There were 29 permits issued to date that include four for occupancy, two single family, one day care and one retail store

11) Board of Zoning Appeals

12) Correspondence

a) Correspondence from Valerie Sayles regarding Ruff property and proposed development

**CITY OF DELAFIELD
PLAN COMMISSION MEETING MINUTES**

- b) Correspondence from Wisconsin Department of Transportation regarding revisions to the Wisconsin Administrative Code Chapter Trans 233
 - c) Correspondence from Waukesha County Depart. of Public Works regarding sign removal on Wisconsin State & County right-of-way.
 - d) Correspondence from State Dept. of Administration regarding Etter Farms extra-territorial preliminary plat located in the Town of Delafield.
- 13) Adjournment
- MOTION TO ADJOURN AT 8:55 PM (ROMANOWSKI/TRUNZO).
MOTION CARRIED.**

Respectfully submitted,

Dawn L. Drellos
Evening Clerk