

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Present

Ald. James Romanowski, Chair
Robert Transon
Dirilee Curtis-Costa
City Engineer Fred Welch
Tom Maney, Bldg. Inspec.
Kathy Lenz (for Marilyn Czubkowski)
City Admin. Matt Carlson

Absent

Mayor Ed McAleer
Marilyn Gardner
Robert Trunzo
Clerk Marilyn Czubkowski

Meeting was called to order by Ald. Romanowski, Chair, at 7:00 p.m. Pledge of Allegiance followed.

1. Approve Minutes of June 28, 2000.
MOTION TO APPROVE THE MINUTES OF JUNE 28, 2000. (WELCH/TRANSON) CARRIED.

2. Citizen comments pertaining to subjects on this agenda.
Speaking to Item 7, Zoning and Ordinance Revisions (Parking):

Jim Zahorik
1948 West Shore Drive
Delafield

Ald. Romanowski stated that the Plan Commission forwarded the ordinance revisions to the City Council; the City Council considered the revised ordinances at the public hearing on zoning text amendments. After discussion, the City Council decided not to change the parking requirement until the Council sees the effect of the Fish Hatchery Parking lot and also decided to revisit the same issue during the first quarter of 2001.

Adm. Carlson stated the specific issue addressed by Mr. Zahorik is not on the agenda and there is no zoning ordinance revisions proposed at this meeting. Adm. Carlson further stated that the issue Mr. Zahorik is raising was discussed at the last Plan Commission meeting. The Plan Commission reviewed and debated the concept introduced by Mr. Zahorik and decided something different than Mr. Zahorik wished to see happen. The Plan Commission did not ignore the parking issue raised by Mr. Zahorik and chose, as a matter for public policy, to see what would happen as a result of the Fish Hatchery Parking lot before they recommend any ordinance changes to the Common Council.

3. Approve consent agenda.
Note: Those items marked with ** will be enacted or approved in one motion. If any member of the Plan Commission wishes to discuss any consent agenda item, the Plan Commission member may request the chairperson to remove that item from the consent agenda.

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Items- a., c. e. and g. were removed from the Consent Agenda.

**MOTION TO APPROVE ITEMS 4.b. AND 4.h. ON THE CONSENT AGENDA.
(TRANSON/WELCH) CARRIED.**

4. Plan of Operations, Signage and Site Plan. Administrator Carlson presented Operations, Signage and Site Plan requests.

a. **Tax Key 787.078 609 Milwaukee Street, Jane and Randal Babe, owners, Teresa McHugh-Lieberman, 737 Lone Tree Bend, Delafield, Applicant. Applicant seeks plan of operation and signage approval for Reflections from the Heart, an art gallery. Two part-time and one fulltime employee. Hours: Weekdays and Saturdays 10 a.m. to 5:30 p.m., Sundays 10 a.m. to 3 pm.

The Liebermans were present. The existing awning will be used.

MOTION TO APPROVE. (WELCH/TRANSON) CARRIED.

b. **Tax Key 803.988.001 375 Williamstowne, William Toson, Owner, Wayne F. Dehn, applicant. Applicant seeks plan of operation for small consulting business. One fulltime employee. Hours: Weekdays 8 a.m. to 5 p.m., Saturday 8 a.m. to 12 p.m.

c. **Tax Key 803.988.001 375 Williamstowne, William Toson, Owner, Wells Fargo Equipment Finance, Inc., Applicant. Applicant seeks plan of operation approval for commercial equipment leasing company. Two fulltime employees. Hours: Weekdays 8 a.m. to 5 p.m.

A representative from Wells Fargo present. No equipment will be on site. This is the consideration of this approval.

MOTION TO APPROVE. (CURTIS-COSTA/TRANSON). CARRIED.

- d. **Tax Key 803.988.003** 2474 Sun Valley Drive, R. Gary Storts, owner. Applicant seeks appearance review for existing building (two new entry-ways).

The Storts were present. Adm. Carlson stated the applicants wish to replace windows with doors.

MOTION TO APPROVE. (WELCH/TRANSON) CARRIED.

e. **Tax Key 804.994.002 Wal-Mart Center, 2850 Heritage Drive, Milwaukee P.C., Inc., 3900 N. Sherburn Place, Shorewood WI, Lou Strupp, Applicant. Applicant seeks plan of operation approval to move business from current location to site next to Office Max. Four part-time and six fulltime employees. Hours: Weekdays 9 a.m. to 7 p.m., Saturday 9 a.m. to 4 p.m., Sunday, Noon to 4 p.m.

MOTION TO APPROVE. (WELCH/TRANSON) CARRIED.

- f. **Tax Key 804.994.002** Wal-Mart Center, 2850 Heritage Drive, Bauer Sign Company, Glenn Cyrus, applicant. Applicant seeks signage approval for MPC Computers (Milwaukee P.C.)

Adm. Carlson stated that color renderings were provided.

MOTION TO APPROVE. (TRANSON/WELCH) CARRIED.

g. **Tax Key 794.017 206 Enterprise Road, The Cannes Group, Thomas Orlandini, Owner, Matt Morse, applicant, seeks plan of operation approval for Ryco Industries of WI, Inc. (a/k/a/ Great Lakes Products),

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distribution and manufacturing. Twelve part-time, eight fulltime employees. Hours of operation: Monday through Saturday, 6 a.m. to 6 p.m.

Mr. Dave Miller, agent for the Cushing Park Business Center, present. The business constructs gadgets for golf courses, i.e., ball cleaners, etc. There is no exterior display of equipment. The Plan Commission is considering this approval with the assumption that there will be no waste.

MOTION TO APPROVE. (CURTIS-COSTA/WELCH) CARRIED.

h. **Tax Key 807.987 3558 Hillside Dr., William & Susan Isler, owners, John Bialozynski, applicant seeks approval for business plan of operation for Natural Ovens, a wholesale bakery products/distribution plant. Four fulltime employees. Hours: "Weekdays, 4 a.m. to 2 p.m., Saturday, 4 a.m. through 12 p.m.

i. **Tax Key 804.994.017** 2722 Heritage Drive (Crossroads), Dan Lamprecht, applicant, seeks approval for signage (Crossroads CD's and Gifts).

Applicant Dan Lamprecht present. No X-rated material will in sold.

MOTION TO APPROVE CONSENT AGENDA (TRUNZO/WELCH) CARRIED.

5. Preliminary Consideration.

a. **Tax Key 794.019** Cushing Park Business Center, Jerry Lyons, Owner, David Miller, 2746 S. 166 Street, New Berlin, Applicant. Applicant seeks conditional use amendment for construction of a cellular tower on Lot 7.

Adm. Carlson stated this is the Cushing Park Business Center and it operates as a conditional use. It was originally approved in December of 1995. In Dec. of 1995 there was a conditional use process where a public hearing was held, testimony was received and a conditional use permit was approved by the Plan Commission and the City Council that limited the uses in the Cushing Park Business Center to B1, B2 and B3 uses. When the petitioner came to City Hall and asked about a specific use (5.b.-cellular tower) a conflict arose where a cellular is not a permitted use in the Cushing Park Business Center because Cushing Park was limited to B1, B2, and B3. Therefore, the petitioner has initiated the process asking the Plan Commission to amend the conditional use to permit the erection of a cellular tower. Adm. Carlson stated the map to be displayed shows parcel #7 which presumes that the Plan Commission agrees with the certified survey map revision (6.a on agenda). Mr. David Miller present. David Miller stated Lot #7 is 1.33 acres. There is a 100 ft. WEPCO easement that runs across lots 6 and 7 (big H-frame towers, 95 ft. high). Currently, Sprint and Primco have transmitting devices on the tower. David Miller requests an amendment to allow for the construction of a tower on site before you can approve the tower. From the center of Lot 7 to the west side of Lot 1 is over 700 ft. This is green space—the detention basin for a portion of the park and will never be built on. The WEPCO

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H-frames are 95 ft high. That is not high enough. SBA requests a 120 ft. tower. Adm. Carlson stated that in Aug of 1999, Inda Star, which is a telephone carrier, came to the Plan Commission and asked to co-locate on the WEPCO. From a personal standpoint, Adm. Carlson prefers co-location. The Plan Commission echoed that there be co-location. Mr. Lyons objected to the erection of another tower on the WEPCO right-of-way and so the City found itself in a situation of looking for another location to meet the need. Preliminary discussions were had with SBA, Jerry Banach—SBA present, so the City is at a point where it needs direction from the Plan Commission. One question is whether the Plan Commission prefers co-location. The next question: is the business park use an appropriate use for a cell tower monifold. Should public input be gathered on those questions. There is on this agenda a question as to whether we establish a hearing date and go beyond this preliminary discussion toward conditional use process. Adm Carlson stated that he cannot give the comparative tax value. Mr. Jerry Banach, SBA, spoke to topic. Ald. Romanowski also opened discussion for agenda item 5.b.

- b. **Tax Key 794.982** Cushing Park Business Center, Jerry Lyons, owner, Jerome A. Banach, SBA, Inc., applicant, seeks approval for conditional use permit/planned development for wireless telecommunications facility to allow B6 commercial holding (vacant land). Mr. Jerry Banach of SBA, Inc., spoke to application. SBA is a national tower company providing tower services to the wireless industry headquartered in Boca Raton, FLA. Mr. Banach works out of the regional office in Brookfield. SBA proposes to construct a co-location facility for wireless industry on Lot 7 in Cushing Park Business Center. The carriers now looking for a new location are U.S. Cellular, Voice Stream and Telecorp. All three have indicated that if the site is approved they would co-locate at that site. SBA purposes to construct in the brush and wooded area of the lot a 75 ft. x 75 ft. compound. The compound would be completely enclosed by a chain-link fence and in addition around the southerly, west-easterly, and northerly part of the compound there would be additional landscaping to blend with the present landscape. The tower would be designed and constructed at 120 ft. initially but would also be designed, foundation, and structured to be extendable if the City would so chose in the future to go to 150 ft. Extending the tower would allow more carriers to come to the site. Discussion regarding potential value (tax base) ensued. The carriers would pay a personal property tax and the owner would pay real estate tax (approx. \$750,000 tax base). Adm. Carlson stated that if the Plan Commission is making its decision about a cell tower in this location, one of the major factors to be taken into account is the economic impact—the positive economic impact- the cell tower will have on the City of Delafield. The developer would not agree to enter into an agreement whereby the developer would provide the City with a payment in lieu of taxes if the tax basis is not as was testified to at this meeting. Speaking to approx. cost of carrier s was Jim Kommer of

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Telecorp in Milw. –approximate \$250,000 per carrier. Adm. Carlson stated the Kettle Court East tower is at 87 ft., but the basin was built to accommodate a tower up to 150 ft. Again, a conditional use process would be required to increase the height beyond the height now but was constructed to allow the height.

The Plan Commission requests Adm. Carlson to: 1) try to pinpoint a comparative value between the tower use and a use as developed under the Cushing Park Business original plan—economic impact; and 2) get a legal opinion from the City Attorney regarding the issue of spot rezoning. Adm. Carlson stated that if the Plan Commission desires additional research and input from the public hearing date then he suggests establishing public hearing dates for continued discussion.

MOTION TO HOLD PUBLIC HEARING FOR THE AUGUST PLAN COMMISSION MEETING. (TRANSON/WELCH) CARRIED.

6. Final Consideration, Approvals, Previous Approvals.

a. Certified Survey Map for Parcel 1 Cushing Park Business Center, Jerry Lyons, Applicant.

Applicant Jerry Lyons, applicant, present. Eng. Welch stated an understanding was reached regarding the two certified survey maps—one from several years ago. There was a transfer of land that changed the lot line between lots 5 and 6. The latest map will correct that. The other change was between lots 6 and 7 which was explained that one line was moved south of the WEPCO easement to get more buildable area to lot 6. Reference was made to Eng. Welch's July 24 letter.

MOTION TO APPROVE THE MAP SUBJECT TO THE 11 ITEMS OUTLINED IN THE CITY ENGINEER'S LETTER OF JULY 26/RECOMMEND TO CITY COUNCIL. (WELCH/TRANSON) CARRIED.

7. Zoning and Ordinance Revision. None

(Ald. Romanowski reported that the City Council did discuss the ordinance revisions that the Plan Commission forwarded to the Council for consideration. The parking requirement was not changed at this time to determine the effect of the new Fish Hatchery Parking lot and the parking requirement will be revisited in the first quarter of 2001. (Note: Adm. Carlson stated bids have been accepted for the Fish Hatchery Parking lot, the costs are in the City's hands. The contractor has indicated that the City needs to finalize the contract with them, but before the contract can be finalized, the Public Works Committee requires the developer of the Town Center to enter into development agreement with the City of Delafield that outlines responsibilities on both parties. One of the major elements based the contract and specifications for the work was that the developer of the Town Center would hand the excavated materials and the spoils from the sewer line installation. Until this is resolved, Adm. Carlson has recommended that the execution of the contract for the work.) Suggested revisions to the sandwich board ordinance were made and that portion was tabled. A redraft of the sandwich board ordinance was requested and the matter tabled.)

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8. Hearing Dates.
 - a. Cushing Park Business Center-Conditional Use
 - b. SBA, Inc. – Conditional Use
Recommendation was made by the Plan Commission to establish hearing dates for items a. and b.
Adm. Carlson stated that time will be required to obtain information. SBA requested the hearing date be set for the August 30 date. The Plan Commission will work toward that date; but, if not possible it will be September 27.

9. Administrator’s Report
 - a. Marriott, Pewaukee information
Adm. Carlson wanted to bring attention to the Plan Commission to the materials circulated regarding the Marriott in Pewaukee. Answers will be furnished to the questions regarding the Marriott at the next meeting.

10. Building Inspector Report.
Building Inspector Tom Maney stated the total number of permits to date is 25; plus 4 occupancy permits. The new construction permits include 1 new single family home, and 1 new 4-unit condominium building.

11. Board of Zoning Appeals

12. Correspondence
Home Depot has banners and extended their display considerably. This will be checked. Adm. Carlson will review the site plan and talk to the manager regarding comply with the site plan..
Wal-Mart posted a bond in the amount of approx. \$22,000 to guarantee the installation of landscaping. Adm. Carlson received a call from the corporate office asking that the bond be released because the work is complete. Adm. Carlson will retain a landscape architect at Wal-Mart’s expense to verify. If landscaping is complete the bond will be released.

13. Adjournment.
MOTION TO ADJOURN. (TRANSON/CURTIS-COSTA) CARRIED.
Meeting adjourned at 8:35 p.m.

Respectfully submitted,

Joann Dodge