

CITY OF DELAFIELD PLAN COMMISSION MINUTES

Present

Mayor Ed McAleer
Ald. Jim Romanowski
Robert Trunzo
Dirilee Curtis-Costa
Marily Gardner (arrived 7:20 pm)
Building Inspec. Tom Maney
City Engineer Fred Welch
City Admin. Matt Carlson

Absent

Robert Transon

7:00 p.m. Public Hearing to consider request of Jerry K. Lyons, 75 Enterprise Road, Delafield to amend existing conditional use permit for Cushing Park Business Center to allow construction of a tower on Lot 7, David Miller, Agent. Presently limited to uses permitted in the B-1, B-2 and B-3 zoning districts.

Clerk Czubkowski read the notice. (No one signed up to speak.)
Dave Miller spoke on behalf of Jerry Lyons and Cushing Park Business Center. Mr. Miller stated he would like to bring a couple points to the attention of the Plan Commission. Looking at an expanded view, at onset of development there were 12 lots. Currently there are 8 lots sold with buildings on either 6 or 7. The lot in question, #7, there is a 100 ft. WEPCO easement that currently runs through the property. There is an h-frame tower that currently supports communication devices from both Sprint and Horizon. The Plan Commission previously expressed a desire to collocate cell phone transmitting devices. That would be appropriate for lot 7 because there is an h-frame that is 95 ft. high and there are already two devices on there. The proposed new tower would be approximately 120 ft. high. Informed by Sprint, Horizon, SBA that at this time, Delafield has the worst cell-phone reception in Waukesha County. Since more individuals and businesses are increasingly relying upon cell phone communications, what better place to locate a tower than in a business park. Interstate 94 is along the southside of the property there is a huge outlot #1 that cannot be built on and to the north there is quite a gully before you get into any residents. The nearest distance to neighbors would be 7 to 800 feet. As far as site development, Lot #7 is heavily wooded at this time. If a cell tower were erected on Lot #7, there is a lot of natural screening that would remain in place and create a natural bumper. The owner/developers are of the understanding that there has been some discussion of perhaps locating a cell tower of this type perhaps on the Del-Hart property. The Del-Hart is east of the Lot 7 location and it is the owner/developers contention that it would be a much closer proximity to Hwy C which is the gateway to the community and would be as a result much more difficult. The other thing with regards to the Del-Hart site is that it is backed up to the school property. Another consideration would be that somewhere down the road, if Del-Hart decided to expand in the future, what would happen if their proposed development would conflict with the tower site that would already be located on the property. Depending upon, again, if a tower were located on the Del-Hart site ground elevations would mean or dictate the tower that would be 50 ft higher in order to match the elevation that would already be on Lot 7. As far as marketability, in terms of generating tax revenue for Delafield could be a subject for almost endless debate. Three years ago there were 12 lots that were outlined. Of the eight that

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have been sold, there has never been an offer for Lot #7. When we ask why, a couple of things come to mind: 1) the WEPCO 100 ft. easement which runs along the side which means less desirability to locate. The other thing is that this site has very high site development costs associated with it—a slope on the backside, no freeway exposure. The long and short of it is that out of all the 12 lots in this development, this is the dud out of all of them. The developer/owner does have a buyer for this lot. Ask that Plan Commission weigh all the considerations that have been brought before it and that have been outlined here. Hopefully the request will be considered reasonable and that the Commission would vote in favor of amending the zoning for this lot in particular (happy with the zoning for the rest of the subdivision). This site would be low impact as far as a cell tower location. If all the facts weighed, owner/developer feels it has a reasonable case and ask that the request be looked upon favorably. There being no further comments,

**MOTION TO CLOSE THE PUBLIC HEARING. (ROMANOWSKI/TRUNZO)
CARRIED.**

**Public Hearing to consider request of Jerome A. Banach, SBA, Inc. 235
Executive Drive, Brookfield for a conditional use permit to construct a wireless
telecommunications facility 120-foot monopole tower and association
equipment building on Lot 7, Cushing Park Business Center**

Clerk Marilyn Czubkowski read the notice. (No one signed up to speak)
Jerome Banach of SBA, Inc. present and spoke regarding request. SBA is a national tower company. As previously mentioned, SBA is proposed to construct a telecommunications collocation site on Lot 7 in the Cushing Park Business Center. The site itself is located near the back of the lot toward the more wooded portion of the property. The facility would be placed within a 75' x 75' parcel. The tower would be in the center of that parcel. A 6' chain link security fence topped with barbed wire would enclose the site. In addition, SBA would propose to put in additional landscaping in addition to the existing vegetation around the facility to further enhance facility. Access to the site would be off Enterprise Rd. by a gravel driveway. The site is adjacent to an existing structure. Two carriers are presently in location. Three additional carriers are presently looking for a location—Telecorp, US Cellular and PCS. Regarding the tower itself, the proposal is to construct a 120' monopole tower with the top location at 120, Telecorp. At 110', and U.S. Cellular would be at 100'. The tower would be designed and engineered to accommodate at least five carriers. The tower would be placed at the very end of Enterprise Road which puts it at the western boundary of the City of Delafield. SBA asks that the Plan Commission seriously consider the thought put into this and the reason for this location.

Adm. Carlson questioned whether the SBA map was to scale and the distance between the two poles. Mr. Banach stated it was pretty much to scale and the distance is approximately 100' or a little—tried to get as close as possible. The existing pole is 95' and Primco is 75'. There being no further comments,

**MOTION TO CLOSE PUBLIC HEARING AT 7:05 PM (TRUNZO/ROMANOWSKI)
CARRIED.**

Meeting was called to order by Mayor Ed McAleer. Pledge of Allegiance followed.

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1. Approve Minutes of July 26, 2000.
**MOTION TO APPROVE THE MINUTES OF JULY 26, 2000.
(ROMANOWSKI/WELCH CARRIED.**
2. Citizen comments pertaining to subjects on this agenda.
None
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.

- **a. Extraterritorial subdivision, Shakerville West in the Town of Summit (see letter from Fred Welch dated August 21, 2000).
Adm. Carlson stated that the Plan Commission has approved the extraterritorial subdivision Shakerville West in the Town of Summit.
- **b. Amend plan of operation for *Reflections from the Heart*, 609 and 611 Milwaukee Street Teresa and Craig Lieberman for addition of art classes on second floor of building. Two full-time art gallery attendants and four part-time teachers. Weekdays 10 a.m. to 9 p.m. (art classes in evening hours) Saturday 10 a.m. to 9 p.m. and Sundays 10 a.m. to 9 p.m. (Current plan allows 10-5:30 Monday-Saturday, 10-3 Sunday)
- **c. **Tax Key 803.002** Dan P. Mehail/Spiro Mehal, Owners, Kellie Kinderman, Applicant. Applicant seeks plan of operation approval for a massage therapy and exercise center at 2420 Milwaukee Street, Delafield. One full-time employee; Hours: Weekdays 6:00 a.m. to 9:00 p.m., Saturday 6:00 a.m. to 6:00 p.m. and Sundays 6:00 a.m. to 3:00 p.m.
Adm. Carlson stated a copy of applicant's license is attached.
- **d. **Tax Key 787.076** 605 Milwaukee Street Cornerstone Investments, LLC, 329 Genesee Street, Delafield, Tom Aul, Owner, Rod Rogahn, 478 Candlewick Court, Delafield, Applicant. Applicant seeks site plan, signage and plan of operation approval for Rogahn Law Offices. One full-time employee; Hours: Weekdays 8 a.m. to 5 p.m., Saturday 8 a.m. to 2 p.m., Sunday 8 a.m. to 1 p.m. (if necessary)
- **e. **Tax Key 794.017** 206 Enterprise Road; Cannes Group, Owners; Peter Orlandini, Applicant. Applicant seeks plan of operation approval for The Orlandini Company, a commercial floor covering business. 22 full-time employees; Hours: weekdays 7:00 a.m. to 5:30 p.m.
- **f. **Tax Key 803.988.001** Williamstowne Settlement LLC, William and Barbara Toson, Owners; Troy Peterson, 1409 N. Prospect Ave. #204, Milwaukee, WI; Agent. Applicant seeks plan of operation approval for insurance agency. Four full-time employees; Hours: weekdays 8:00 a.m. to 5:00 p.m.
- **g. **Tax Key 803.988.001** Williamstowne Settlement LLC, William and Barbara Toson, Owners; Executive Recruitment Solutions, Inc.

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Applicant seeks plan of operation approval for executive search firm.
Two full-time employees. Hours: weekdays, 8:00 a.m. to 5:00 p.m.

**MOTION TO APPROVE ITEMS 3.a., c., e., f., and g. ON THE CONSENT AGENDA.
(WELCH/TRUNZO) CARRIED.**

Items 3.b. and 3.d. are removed from consent agenda for discussion.

3.b. Dirilee Curtis-Costa questioned what the arrangements were for the upstairs, and also if there was a fire inspection needed. The upstairs of the building is presently empty. Adm. Carlson stated that routine fire inspections are done twice a year mandated by the State of Wisconsin.

MOTION TO APPROVE ITEM 3.b. (TRUNZO/CURTIS-COSTA) CARRIED.

3.d. Adm. Carlson stated that the reason this item was removed from the consent agenda was to review the signage. Mr. Roghan displayed the signage. The sign will be the same as the one across the street and will be on private property.

MOTION TO APPROVE ITEM 3.D. SITE PLAN, SIGNAGE AND PLAN OF OPERATION. (WELCH/CURTIS-COSTA) CARRIED.

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

- **a. **Tax Key 803.988.001** R. Gary Storts, owner, Brett Bausch, applicant. Applicant seeks plan of operation approval for Car Phones Plus, sales of cellular phones, paging, car electronics, etc. Two full-time and one part-time employee. Weekdays 9:00 a.m. to 5:00 p.m., Saturdays 10:00 a.m. to 7:00 p.m. Brett Bausch, applicant, present. Applicant stated that his request is basically what is stated on the agenda. The Saturday hours may change depending on how the business is. All the guidelines were followed that were provided by the City for the signage. They would like permission to place a temporary banner to let people know they are open—this will be temporary and only until signage complete. Adm. Carlson stated that the Plan Commission needs to approve signs. Mr. Bausch stated that he believed that it had already been approved; the Plan Commission told him the colors, etc. Adm. Carlson stated that the Plan Commission has not approved the sign yet. As far as a temporary banner is concerned, the City can fax an application to Mr. Bausch; it's an easy process. There will be no on-site installation, garage area, no antennas. The only change in the building is changing a window to a double doorway.

MOTION TO APPROVE. (CURTIS/COSTS/GARDNER) CARRIED.

5. Preliminary Consideration.

- a. **Tax Keys 798946.007, 798.972,798.973.** Delafield Development LLC, P.O.Box 437, Pewaukee, WI, Steven Stewart, James Behrend, Behrend Property, LLC, Robert Lang, Lang Investments, Ltd., owners; RealCap, LLC, Ed Carow, applicant. Applicant seeks preliminary consideration of Hawks Commons, a planned unit development. Robert Trunzo, vice-president of Lange Investments, recused himself from this proceeding and left the room. Jim Behrend present. Mr.

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Behrend presented a brief history of the project. This is the result of the last five-years' work. A proposed plan has been fashioned.. This project could be one of the highest valued properties in the City; it may make news because of some of the unique features in the project.

Design professionals and an architect who were present gave a presentation. Mr. Steve Stewart of RealCap introduced Ed Carow, John Vetter, Larry Wichman, Gary Rodman, John Platt. A map of the area was shown. This project has been thought of as a creation of a neighborhood. One of the critical goals is architectural quality that meant taking a look at regional examples, local styles, other aspects of architecture in the area which they intend to emulate and build upon. In terms of the data, they wish to stress that there are looking for some kind of community diversity. Some of the basics for the proposal: There are approximately 32 acres in the total project; looking for planned unit development zoning. Looking to attract empty nesters, singles, young couples, units for elders. Dwelling types are: 66 garden units, 22 duplexes, 84 row houses, and 112 apartments in different building types for a total of 284 and 1 senior housing project which has 50 residential units. Envision this project as a transition from the existing downtown. Concerns expressed by the Plan Commission: parking, green space, width of public streets, width of lots; added traffic; stormwater, connector streets. Adm. Carlson asked the Commission what they would like to see, i.e., different options, workshops. After discussion and input from the Commission, Adm. Carlson stated that what he is hearing is a two-step process: 1) the owners/developers will meet with the Public Works Committee in Sept. and 2) hold community workshop at the Fish Hatchery in mid-September and then present the results to the Plan Commission.

- b. Kettle Ridge Condos – proposed revisions.
Dave VanErt present on behalf of owners who were called out-of-town. Kettle Ridge Condos is in stage 3 of construction. The last two buildings had approved site plan to service four garages, wrapping around Moraine End—realized they don't have the room to do that. Propose to have one entrance off of Moraine End, berm areas. Adm Carlson referred the initial request to Engineer Welch. He took a look at it. Minutes of the previous Plan Commission meeting. Engineer Welch stated that the initial concern was the adding of two driveways. Ald. Romanowski suggested a letter to the residents. After discussion, this request will go before the Public Works Committee for a presentation, and then a public hearing will be scheduled to amend GPW

MOTION TO REFER THIS MATTER TO PUBLIC WORKS. (TRUNZO/GARDNER) CARRIED.

- c. **Tax Key 804.994.012** Meridian Hillside LLC, 20800 Swenson Drive, Waukesha; *Children's World*, John Finnemore, Aramark Educational Resources, Inc., Agent. Applicant seeks site plan and appearance review and plan of operation approval for a child care facility Sixteen full-time employees. Hours: weekdays 6:00 a.m. to 6:30 p.m.

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Adm. Carlson introduced John Finnemore, of Aramark Educational Resources, Inc., who made a presentation to the Commission. Building: 8500 sq. ft, 38 parking spots, common drive and private, building brick (simulated stone base), fenced in on three sides—6 foot ornamental fence, back is board on board. Adm. Carlson stated applicant has been very responsive on all issues. All issues have been addressed at Public Works, materials displayed. This matter will be placed on Final Consideration Agenda for the Plan Commission next month.

6. Final Consideration, Approvals, Previous Approvals.

- a. **Tax Key 794.019** Cushing Park Business Center, Jerry Lyons, Owner, David Miller, Agent. Applicant seeks approval for conditional use permit for construction of tower on Lot 7.

Adm. Carlson stated as discussed at the last Plan Commission meeting that this issue was discussed and at earlier Plan Commission meetings where the owners objected to the cell tower on the WEPCO driveway. The owner raised the issues of the reduction of the economic value in the Business Park. When this was raised at the Plan Commission level, I agreed with that. The Business Park was originally approved for business park development and that there is an economic value if it is developed for business park use. Two issues were to be reviewed per the Plan Commission: 1) One was a legal question on whether this was spot zoning, and the City Attorney has given the opinion that it is not spot zoning; and 2) the economic/financial impact. In discussion with the City Assessor, he indicates that the cellular tower is not taxed for property tax purposes. But, there are personal property taxes that are paid to the State of Wisconsin and those revenues that are redistributed to the municipality. So, from an economic point of view there is virtually no discernable benefit to the City of Delafield for converting an otherwise a developing piece of property to use for cellular towers. Adm. Carlson recommends the request be denied. City Major agrees that Lot 7 should be developed as a business as the rest of the parcels have been developed and allow the economic value be part of the tax base for the City. Adm. Carlson suggests that what should become part of the City policy that the City not take otherwise developable property and convert it for a nontaxable use. Policy should include the direction that cellular towers go in a location that limits the impact on the community but establishes a preference that those facilities go on properties that is not permanently on the tax rolls.

MOTION TO DENY REQUEST TO AMEND CONDITIONAL USE PERMIT FOR THE CONSTRUCTION OF THE TOWER ON LOT 7 OF THE CUSHING PARK BUSINESS CENTER. (ROMANOWSKI/WELCH) DISCUSSION. NAY—TRUNZO, COSTA, GARDNER. MOTION FAILED. (2/3)

Mr. Lyons stated that he can not sell lot 7. It is not a desirable lot. Adm. Carlson stated that when the Business Park was originally approved, the WEPCO line was

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there, the conditions of that lot were known. When the Business Park was laid out, the owner knew that lot.

MOTION TO APPROVE REQUEST. (COSTA/GARDNER) DISCUSSION. COSTA WITHDREW MOTION.

Adm. Carlson suggested a Telecommunications Ordinance is needed.

MOTION TO APPROVE WITH RECOMMENDATION THAT A 3-MONTH MORATORIUM ON CELL TOWERS BE PUT IN PLACE SO THAT A CELL ORDINANCE CAN BE DEVELOPED. (COSTA/TRUNZO) CARRIED (3-2). NAY—ROMANOWSKI, WELCH.

- b. **Tax Key 794.019** Jerry Lyons, Owner, Jerome A. Banach, SBA, Inc., applicant. Applicant seeks conditional use permit for wireless telecommunications facility.

MOTION TO TABLE. (ROMANOWSKI/WELCH) CARRIED. NAY—COSTA/GARDNER.

- c. **Tax Key 804.993.005** Nagawaukee Center, Hans Weissgerber, applicant. Applicant seeks SIP approval for Hilton Garden and Conference Center
The size of the cupola has been increased; with membrane roof Mr. Hans Weissgerber, present. Also present, Mr. Hans Weissgerber, Jr., Bob Seigert, architect, Tony Zieger, stormwater management, Hans and Lisa Weissgerber. At the last meeting, there were specific questions raised; Mr. Weissgerber states he now has answers. One of the issues was stormwater management. Tony Zieger, Jahnke & Jahnke, stated there will be a new detention basin on the southside of the property and in front of the hotel. City Eng. Welch had several questions, one of which was whether the new basin would follow along the old or should it be upgraded to 210 water quality filer. Adm. Carlson stated that at the last Plan Commission meeting there was three areas of concern: traffic impact, fiscal/economic impact, and architectural issues and site plan issues. Adm. Carlson stated that the conditional use that was approved and established the original development plan said that the developer needed to preserve 35% as green space. There was discussion about applying credit for some of the parkways, and some of the green space between the sidewalk and the road. Adm. Carlson stated that he is not sure that that number has been reflected or included in the green space calculations that were provided. He further stated that he is concerned about the green space availability for the undeveloped land. Which parcels that are remaining to be developed can build what was anticipated to build on. Looking at the projected items, is reasonable to assume that the general development plan would still be consistent if developed. A community must establish a preference for which kind of development you find more acceptable and bounce it up against their maximum green space. So, if it comes down to a choice between a feasible development of the 6.7-acre office parcel or a feasible development of the other two, parcel 3 and parcel 1. As a matter of local preference which would the Plan Commission prefer if they're bouncing up against the green space ratio. Adm. Carlson suggests the Plan Commission should tell the developer the preference as to where he gets

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the green space. Does the Plan Commission want to significantly hamper his ability to develop the office parcel by requiring 68% green space on the office parcel. Mayor McAleer stated that he does not disagree with what Adm. Carlson is saying but he feels the wheel is in motion when the Plan Commission allowed other developments with less than required green space banking on in the future it would be pulled out of other areas. Adm. Carlson stated that he is suggesting that now is the time for the Plan Commission to discuss it because if you don't and you approve this the way its suggested, and he is not saying it shouldn't, but what he is saying is that you may be limiting your ability to get the other pieces of the plan because of the green space requirement. Mr. Weissgerber stated they are the owners of the other lands, and they will have to deal with how they wish to develop that in the future. Mr. Weissgerber stated that the GDP has already been approved, and why must the other parcels be discussed now. Mayor McAlleer stated that the green space on the sheet should be substantiated with the surveys referred to by Adm. Carlson. Another issue was an updated traffic study. Mr. Weissgerber stated that a traffic study was done in 1993 on which was based the whole development which he was responsible to pay for Golf Rd. (\$850,000), paid for the traffic lights on 83 and I-94, were given planned unit development plan for a hotel of this type, and for a smaller hotel, for an office building, shopping center, office building, for conference center for all those things and now that they have done all of this and paid all this money, and now they wish to do this, the City wants them to do another traffic study. He further gave a presentation regarding peak hours, etc. City Engineer Welch had concerns regarding I-94 and Hwy 83 intersection. City Engineer recommends that a supplement be obtained regarding the traffic study, and that peak hours be included in supplement: 7 and 8 a.m., 5 and 6 p.m., and noon on Saturdays. Adm. Carlson also feels that if the Plan Commission does not look at the traffic situation now, the Plan Commission will find itself in the position, if and when development for parcel 3 and parcel 1, or the office center parcel, where there is not enough existing capacity of the levels of service at these intersections without making major improvements in the transportation system. If the Plan Commission doesn't look at it now, by the time you get to the point where you are considering development for the other parcels, it's too late. Consensus is that the original traffic plan did include the build out. Adm. Carlson stated that the question was--did the update include the build out, and answer was no. Mr. Weissgerber stated the next issue was the financial impact study. In general, the economic impact to the area, the conference hotel and especially the conference center: hotel brings business to the community, from every room generate \$8 in room tax, based on projections from Hilton will generate between 30 to 40 times 8 equals \$300,000 revenue of which 75% goes to the general fund and 25% to marketing and promoting. This project will cost approximate \$20 million. Adm. Carlson asked the Fire Department what the impact was from the three hotel/motels in the area. The impact was minimal from the fire department and what Adm.

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Carlson would call moderate to significant from the police department. Average is about 40-45 call per hotel for the police department—some very minor. When you compare revenues with expenses, this project should generate a net cash flow for the City of Delafield. The next issue is architecture: signage, landscape plan, lighting plan, floor plan, model presented. Mr. Siegert gave a presentation regarding material samples --glass, brick, accents, cupola, roof, mechanicals.

MOTION TO APPROVE SIP FOR THE PROPOSED HILTON GARDEN HOTEL WITH THE FOLLOWING CONTINGENCIES: THAT ALL APPROPRIATE ENGINEERING PLANS BE SUBMITTED TO THE PUBLIC WORKS COMMITTEE FOR REVIEW AND APPROVAL, THAT THE GREEN SPACE INVENTORY IS UPDATED FOR THE DEVELOPMENT, THAT THE TREE INVENTORY IS UPDATED FOR THE LOSS OF TREES, THAT A SUPPLEMENT BE PREPARED FOR THE TRAFFIC IMPACT ANALYSIS BASED ON CONTACT WITH JOHN BERGOWITZ, AND THAT AT SOME FUTURE DATE A LANDSCAPE PLAN, LIGHTING AND SIGNAGE PLAN BE REVIEW. (ROMANOWSKI/WELCH) CARRIED. (3-1) NO-CURTIS-COSTA; TRUNZO RECUSED AND DID NOT VOTE.

7. Zoning and Ordinance Revision. None
8. Hearing Dates. None
9. Administrator's Report
 - a. Review of development in Hartland outlined in Lake County Corridor Compact
Adm. Carlson stated that he received some information from the Village Clerk in Hartland. She forwarded a site plan for a development along Hwy 83 which is very similar to the Horwath Builders concept and the compact corridor agreement with Hartland gives the City the review options. There is a cover memo from the Village Administrator in Hartland to the builder outlining some staff concerns from his perspective. But, they have offered it for the City's advisory comments. Ald. Romanowski states that it appears there is a lot of lighting and would like to see them stay within the 1' candle at the property line. Adm. Carlson will send a letter with a copy of the City's ordinance regarding lighting and stating that the City is not in the business of regulating development but here is what the standard is in Delafield.
10. Building Inspector Report.
Building Inspector Tom Maney stated the total number of permits is 20; including 5 occupancy permits. There are 3 new single-family construction permits.
11. Board of Zoning Appeals
12. Correspondence
13. Adjournment

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7:00 p.m.

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MOTION TO ADJOURN. (ROMANOWSKI/CURTIS-COSTA) CARRIED.

Meeting adjourned at 11:25 p.m.

Respectfully submitted,

Joann Dodge