

CITY OF DELAFIELD PLAN COMMISSION MINUTES

7:00 p.m. Public Hearing to consider request of Del-Hart for a permit to apply sludge on lands owned by William Knoff, 6435 Nashotah Road, Delafield.

Clerk Marilyn Czubkowski read in total the public hearing notice. Mr. Bob Hyde, Delafield/Hartland water pollution control, requests a permit to spread sludge on land owned by Mr. William Knoff's farm. There are approximately 150 and 200 cubic yards of dry product to spread. The sludge is good quality, will be incorporated into the soil as per the DNR/EPA requirements. The entire operation should only take 2 days and would be done after the crop was harvested. The nutrients in the product are used for soil conditioners.

Mr. Mike Byer, 2936 Nagawicka Ave., questioned what fields this would involve.

Mr. Hyde stated it will be on Nashotah Rd. in the City of Delafield sites 1-1 through 1-5 and it would possibly be sites 1, 3, or 5, which are on the north side of the road.

Ms. Lynne Reich, 484 Garrison Court, asked whether there are dangers or drawbacks regarding sludge, safety issues involved?

Mr. Hyde stated EPA and DNR regulate him as far as what he can do. It is a Class B product meaning that the fecal chloroform count is above 1,000. He is striving for a Class A sludge. Class A sludge is would be public giveaway. Heavy metals in the sludge are safe.

Sharon Costigan, 1547 Milwaukee St., questioned what the sludge is from.

Mr. Hyde stated that the sludge is from the wastewater that is treated from Delafield/Hartland/Nashotah. About 1.75 to 1.8 million gallons of raw waste water is treated per day. About 3,000 pounds of sludge is removed per day. The sludge is stabilized and dried and after it's dried it is spread. Some organics are good for the soil; heavy metals are tied up in the soil and at the rate of the heavy metals, sludge could be spread every year for fifty years on this site. The fields are alternated. It has been done for six years every other year on this site. No adverse effects. EPA regulations are a 5.03 and DNR is one of four States that was granted permission to govern the EPA regulations. This request to spread sludge will now be every year. Heavy metals include arsenic, copper, tandeum, mercury, zinc, selenium, and nickel.

MOTION TO APPROVE. (TRUNZO/ROMANOWSKI) CARRIED.

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

7:05 p.m. Public Hearing to consider amendment of conditional use permit for Kettle Ridge Ltd., to allow one driveway of a four-unit condominium to exit onto Moraine End Drive.

Clerk Czubkowski read the notice in total.

Those speaking to this item were:

Michael Zanger
1932 Moraine End Drive

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- Letter of unanimous opposition to one driveway exit onto Moraine End Drive—safety issue.
- 90 degree curve and limited visibility from corner of the building.
- Blind corner in winter if driveway went in.
- No control over its use—won't know whether a skateboard, car, bicycle is coming from there.
- Major objection/Plan Commission assured residents on Kettle Morane Dr. that Kettle Ridge would have no vehicular access to Moraine End Drive and that their only access would be Cross Roads Court. Would like Commission to send message forward that would be consistent with the approved original plan.

Al Banner/Kettle Ridge

- Kettle Ridge made a mistake when done in 1995. It is now attempting to eliminate about 30% of the asphalt so that a better job of landscaping can be done. Where the proposed one driveway (which would be four units) probably eight to ten cars per day would go out into the street would be between the two buildings, approximately 80' from where the turn from Moraine comes around the corner. It is recognized that the corner cannot be landscaped above a three-foot height so that means anyone coming down Moraine would have a clear path from around the corner. Trying to get more green space and a little less runoff.

Debra Arcolette

1937 Moraine End

- Can't help if Kettle Ridge architects did not do their job
- Residents on Moraine End were promised they would not be involved with Kettle Ridge development and would be self-contained.
- Dangerous corner/curve
- Blind spots
- Common sense—driveway should not be on a curve/safety hazards

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

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Present

Mayor Ed McAleer
Ald. Jim Romanowski
Robert Trunzo
Dirilee Curtis-Costa
Building Inspec. Tom Maney
City Engineer Fred Welch
City Admin. Matt Carlson

Absent

Robert Transon
Marilyn Gardner

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

Roll Call was taken by Clerk Marilyn Czubkowski

1. Approve Minutes of August 30, 2000.
**MOTION TO APPROVE THE MINUTES OF AUGUST 30, 2000.
(ROMANOWSKI/WELCH CARRIED.**
2. Citizen comments pertaining to subjects on this agenda.

Jim Behrend—one of developers of proposed Hawks Commons
757 Garrison

Have no definitive rework of the plan this evening. One issue comes up time and time again is the density; do not intend to ask for any modifications of the underlying zoning. As it is drawn, it shows much more than the underlying zoning would allow. That was drawn because there were some errors on the zoning map R 4 instead of R3. The planners did not realize it. There was also motivation to put together a project that was fairly dense. Stating ahead of time, developers have no intent other than to honor the zoning that exists on the site.

Val Gottschalk/Hawks Commons

- What is reasoning behind bringing Hawks before Common Council?

Adm. Carlson stated it is a communication link between the member of Plan Commission and Common Council. Representative Romanowski will report back to Council routinely about issues that the Plan Commission considers and debates. For Conditional Uses and Planned Unit Developments, the process is that the Plan Commission considers and makes a recommendation to approve or deny a conditional use to the Council and the Council considers that recommendation. Hawks was on the Council agenda for informational purposes only. The projects that are conditional uses still have a final conditional use approval step at the Council.

- Went to informational meeting. It is not a Delafield-type development.
- Density is not what should be there.

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- Architecture was supposed to be a replica of downtown Delafield. In the Sunday paper, same architect has put the plan together for downtown Milwaukee.
- Over all, not what Delafield needs.
- What has Lang developments done for the City.
- Control growth—moderate growth best thing.
- Colder's Furniture Store—don't need another warehouse in Delafield. Can be at American in 5 minutes, and Colder's on Hwy 100 in 15 minutes.

Jim Zahoric

1948 West Shore Drive

Hawks Commons

- Attended informational meetings.
- Concerns about the property. Hope that the Plan Commission would try to maintain the integrity of the majority of the trees. They help stabilize the land. The development is higher than the rest of the downtown area. The lowest part being the lake. Problem on Hwy 83 and 94. Runoff causes problems on Milwaukee Street. Water will go to lake down Bleeker, etc. Burger King was closed because of water problem.
- Sensitive areas in development area.
- Check storm water management.

Martin and Ruth Porubcan

1525 3rd Street

No water/no building projects

- Read letter drafted by Joyce Wetzel to Mayor and Common Council
- Be at public hearing October 19, 2000, 7 p.m., Thursday, Cushing School
- Building project includes high density, which will cause hundreds of cars, people and children, cats and dogs, boats, motorbikes, wildlife, crime; will need more police protection, fire protection, school enlargement, library, wider streets with curbs and sidewalks, street lights, electric stop and go signals, accidents of all types will happen, children will be hit and killed, snow banks could be a problem.
- No building projects.

Christine Anderson

1527 Milwaukee St.

Hawks Commons

- What is the zoning for Ruff property or Hawks Commons?

Mayor McAleer stated zoning is on Zoning map.

Adm. Carlson stated this is all part of the review process when they go to the stage of the general development plan. Right now developments at the preliminary stage. When they go to the sight plan step that has dimensions on it measurements in terms of where the buildings will be located on the site, then a full-blown analysis will be

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needed. Zoning on ruff property is R-3 and there are two zoning designations on the Hawks Commons development R-3 and R-6. Arrow missing on map that points to another piece of property.

- Does the City bring in the DNR to talk about wetlands on the Ruff and Hawks Commons property.

City Engineer Welch stated that wetlands are marked by SEWRPC. DNR would oversee.

- When would Impact Study be done.

Adm. Carlson stated that is a function of the period in time when the site plan is created. It would not make sense to do a traffic analysis based upon a number of units that they are getting feedback is not an acceptable number of units. The development team knows that it's part of the requirement, and it will be provided as part of the general development plan before any vote is taken.

- At what point would copies of studies be available.

Adm. Carlson stated that before the general development plan is approved, the development team would be asked to provide the traffic impact analysis.

- Encourage the Common Council to have a long-range plan. Time to step back and see what kind of Delafield is wanted in 5, 10, 15 years from now and then have each of the committees feed into that and then get citizens comments.

Mayor McAleer encourages everyone to read the Master Plan from 1993. Master Plan is available in the library.

Shirley Allison

1504 Milwaukee St.

Development of Ruff Property

- Recognize that when a developer makes a request for some kind of variation whether a zoning change or conservancy land, or a dead-end street a through street. Not fair for a developing citizen to gain at the expense of 98% of the people who are their neighbors. Get input from community.

Mayor McAleer stated that a conditional use planned unit development requires a public hearing, as well as a zoning change. Everyone will have time to review the material and have his or her say.

Lynne Reich

484 Garrison Ct.

New development: Hawks Commons & Colder's

- Totally opposed to the density of Hawks Commons.
- Take into consideration what's going to have to be done to existing streets outside the development and school.
- Does not want her taxes going up to pay for another school and to fix all the streets that are leading out of the subdivision.
- Runoff. Runoff from Garrison that goes into the lake is incredible when there is a heavy rain or snow.

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- Not happy about Colder's—traffic.
- If all this development goes in, wants to see taxes go down.

Ed Marek

1435 E. Devonshire Rd.

Ruff Development

- Safe road, many children, peaceful. Heard development may need two new roads. Wife called Ray Ruff and during conversation Mr. Ruff stated that if they needed a second feed on the east side of his yard and Mr. Marek did not want to sell to the developer, which he does not want to do, that the City can condemn it and take it from them. Is that true?

Mayor McAleer stated that he has his word that they won't.

- Proposed plan shows 22 2-family units providing they can build that much in that location, which translates to .45 acres per unit not including the road, 88 cars on that road. Poses extreme hazard to the children living on that road.
- Proposed plan does not show any water plan or sewer plan.
- Condemned land from expressway. How close can building be placed near condemned land.
- What is buildable distances from the environmental corridor?

Adm. Carlson stated SEWRPC permits building inside environmental corridor at a ratio of 1 unit per every 5 acres. So you can physically build inside of it.

- Cherish safety of children on the road. Concerned about children's safety. Proposed plan is way excessive—traffic impact terrible. Keep this in mind.

Pat Barwig

1832 West Shore Dr.

Hawks Commons

- Bought and read Master Plan and it seems to be based on a presumption of how fast the population will grow. A little behind the estimate now, but if new development put in will be ahead of estimates and plan will lose some validity if indeed the population grows too quickly. Suggests allowing prorated development in growth to match the plan if City continues to use plan.
- Green space and density issues. Bought the zoning info. Could not figure out what the maximum population density the worst zoning could have. It seems like greater than 10. Is there a top number?

Mayor McAleer stated that R 6 or B 6 was Mr. Banner's condos which set a precedent for B6 or R 6 at seven units per acre.

Adm. Carlson stated that as part of the staff review the calculations of range of allowable uses under the zoning code.

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- Buffer zones. Buffer zone at the end of the bike path.

Betsy Busch
830 Wells St.
Master Plan

- Has a copy of all the plans except for the 1976 plan.
- Does the 1993 plan supersede the 1991 plan and is it just downtown?

Adm. Carlson stated it is just downtown and it does not supersede it compliments the 1991 plan that was adopted.

- Plan talks about if infrastructure can't support the developments that the developers desire to be done that development may have to be delayed until such time as infrastructure.
- Request that a model be brought in re Hawks Commons.
- What is process when people miss Plan Commission meeting? Do they get the tapes?

Mayor McAleer stated that they can get the tapes, minutes, whatever they desire.

Tom Kelley
2218 West Shore Drive.
Hawks Commons

- Number one question regarding all the development is that most people do not give any consideration to the lake.
- Extend invitation to everyone on the Commission and Council, will take them around the lake on a pontoon boat and show them the problems that exist. Major problem with DNR because of the lack of allowing the things that are required in order to maintain the lake. Fifty inches of silt, spent 2 hours trying to get into the lake. Runoff from fields in Nashotah (30 inches) directly into the Nashotah channels since last November. Closed Burger King because of runoff. Pump on other side of interstate.

Adm. Carlson questioned whether Mr. Kelley applied for and been denied a dredging permit from DNR.

Mr. Kelley stated he applied in April, and they cashed his check but that's it.

Hans Huber
1510 Second St.
Hawks Commons & Ruff Properties

- Ordinances state that conditional use plan developments shall not exceed the densities permitted by the underlying zoning district. Do they agree that the minimum lot areas in each zoning district dictates the maximum building density

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and a starting point of what can be built on a parcel of land and that the plan commission nor the council can override this?

Adm. Carlson stated that as the two of them discussed, there is other language in the municipal code that grants some element of flexibility to the plan commission. It does say substantial compliance with the zoning code.

- 17.75(7) submittal requirements were not met by Hawks Commons or Ray Ruff. Lack of scale drawings made it impossible to understand what they were doing.

Adm. Carlson stated they come to the Plan Commission for preliminary consideration. After the preliminary consideration they can proceed with more fine-tuned drawings and request the general development plan public hearing. The public hearing cannot be scheduled until Adm. Carlson has the general development plan application for sixty days. This is the preliminary consideration for the Ray Ruff development.

- 70-80 units far exceeding requirements. Must address the minimum lot area. If it doesn't meet requirements, Mr. Huber doesn't believe there is a right to go beyond that point.

Luann Ladwig
1009-11 W. Devonshire
Hawks Commons

- Went to meeting on Hawks Commons. Owns duplex on Devonshire. Went through a lot of hoops to build one duplex on a one-half acre lot. So the first thing she thought went she saw the drawings of the Hawks Commons was how could this be proposed to this magnitude when she went through so many hoops to build one duplex on a half-acre lot. So, the density is definitely a concern.
- On the east edge of their property there is a drainage ditch and it comes from the freeway with a pitch of 1/2" toward the north/back of the property. On the map that was at the meeting for Hawks Commons, it's an empty lot. Her concern is that runoff, drainage, etc., is there a possibility that the water can run off into her drainage ditch and then she has this huge expense.

Sharon Costigan
1547 Milwaukee St.
Map and letter

- Can Hawks Commons be built without City water?
- Mr. Behrend stated he will build to meet zoning code. What is the zoning?

Adm. Carlson stated that he cannot answer that question until they have more specificity on what the development program is. The zoning is two categories: R3 and R6. The map indicates an arrow that is missing which is an area outside the

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Hawks Commons project. R7EH refers to another piece of property outside of Hawks Commons. The development team is on record stating that they can build their development either way, with City water or without City water. There is conflicting information regarding water plan.

- Present at meeting to ask commission not to allow 334 housing units to be built in the Hawks Commons. 334 homes on 32 acres = 10 homes to one acre. Asked several people how many homes can be built on 32 acres. Were there zoning changes? If so, when did they happen. The 32 acres where the Hawks Commons is going to be built happens to be the same land that is in the TID #3 boundaries.
- Letter dated 8/94 written by Lois Jensen, City secretary, sent to Attorney Chapman because Jim Behrend was the Mayor at the time and he wanted to know if the City needed an insurance policy on Bob Lang. City holding Delafield in their hands.

Marilyn Veener

Dobs Drive

Water issue and Hawks Commons

- Consider water issue first because if city does not want water, that will change the plans for hawks Commons

Mayor McAleer stated that these are separate issues and the developer knows what his risks are. It is not up to the City to identify that risk.

- Do people get to vote on water issue?

Mayor McAleer stated that at the last Common Council meeting he called for a two-part referendum asked to be allowed not to make that decision until the public hearing on October 19, 2000.

Adm. Carlson stated there is another water information meeting on September 28, at 7:00 p.m.

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. **Tax Key 804.994.017** Wal-Mart Center, 2746-B Heritage Drive, Heil, Heil, Smart & Golee, Inc., owners; Christine Pierce, Kelly Henrickson, applicants. Applicants seek plan of operation approval for *Absolutely DeVine*, a wine shop. Two part-time employees. Hours: Weekdays 10 a.m. to 7 p.m., Saturday and Sunday 10 a.m. to 5 p.m.

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Adm. Carlson stated that item 3.a. must be withdrawn because the petitioner has withdrawn the application.

- b. **Tax Key 794.014** 78 Enterprise Road, Unit C, Greg Smith, owner, Dan Matson, applicant. Applicant seeks plan of operation approval for *Office Automation Technologies, LLC*. Five fulltime employees. Hours: Weekdays 8 a.m. to 5 p.m.
- c. **Tax Key 794.013** 24 Enterprise Road, Unit G, Greg Smith, owner, James Wall, applicant. Applicant seeks plan of operation approval for *Wall Painting, Inc.* One fulltime and six part-time employees. Hours: Weekdays and Saturdays 6:30 a.m. to 5:00 p.m.

MOTION TO APPROVE ITEMS 3.b. AND 3.c. (WELCH/TRUNZO) CARRIED.

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

- a. **Tax Key 787.076** 601-07 Milwaukee Street, Tom Aul, owner. Applicant seeks site plan revision to identify former garage building on property as “display/retail shop.”

Adm. Carlson stated that the Plan Commission’s original approval was reviewed at the property of 601-07 Milwaukee Street and the use proposed for that building is consistent with the previously provided approval. Adm. Carlson’s recommendation is to remove this item from the agenda, return the application fee to the applicant and move on the next agenda item.

- b. **Tax Key 787.076** 607-A Milwaukee Street, Thomas Aul, owner, Donna L. Stecker, applicant. Applicant seeks plan of operation and signage approval for *Donna Lee’s Boutique*, a women’s clothing store. One fulltime employee. Hours: Weekdays 10 a.m. to 5 p.m., Saturday 10 a.m. to 5 p.m., Sunday 12 p.m. to 4 p.m.

Adm. Carlson stated that the applicant wishes to open a women’s clothing boutique. She seeks a plan of operation and signage approval. Copies/renderings of the sign can be distributed for perusal by the commission. Adm. Carlson states the signage is consistent with the signage that is used for the other location.

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

- c. **Tax Key 794.013** 24 Enterprise Road, Unit E. Greg Smith owner, Mark Olbrantz, applicant. Applicant seeks plan of operation approval for *Swiss-Tek Coatings*, 2248 Lefebber Avenue, Wauwatosa. Two fulltime employees. Hours: Weekdays and Saturdays 6 a.m. to 6 p.m.

Adm. Carlson stated that applicant seeks approval of plan of operation for *Swiss-Tek Coatings*. Applicant present and explained operation. The business is a special wear-resistant coating on tools and other steel products which is applied there in a vacuum chamber. It is not manufactured there. There is very little waste – it goes out a small stack and there is a washing process done before with a mild detergent. The washing process is basically an industrial dishwasher. No BOCs. No permits are required.

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MOTION TO APPROVE SUBJECT TO DELHART REVIEWING THE WASTE STREAM THAT COMES FROM THE FACILITY. (ROMANOWSKI/TRUNZO) CARRIED.

- d. **Tax Key 798.946.007 and 798.973 Hawks Commons**, development team update.

Adm. Carlson stated that since the preliminary presentation to the Plan Commission the development team has made a presentation to the Public Works Committee and also held a neighborhood information meeting and are here to give an update on what has happened since then and what they have learned. Mr. Robert Trunzo recused himself and left the room. Mr. Larry Woodsling, of Plan and Design Institute representing the developers, present. Plan Commission meeting and neighborhood information meeting was extremely useful and meaningful. The next step for the developers is to pull the accurate information together and to present it for full public review. The neighborhood information meeting included architectural issues, the floor plans, images of buildings, site plan, traffic and roads and one dealing with the utilities. This was used to solicit as much feedback as possible. The issues to deal with are density, traffic, zoning, traffic and road configuration, sewers, water system, storm water system, buffering, which streets get improved and how they get improved. An approximate timeline ideally would be to come forward with a complete general development plan for October, but anticipate a complete package by November.

Mr. Bob Trunzo returned to meeting.

MOTION TO RECOMMEND TO COMMON COUNCIL TO PLACE A MORATORIUM ON BUILDING FOR A MINIMUM OF SIX MONTHS TO GIVE THE CITY A CHANCE TO STEP BACK AND TAKE A LOOK AT THE MASTER PLAN AND THE ENTIRE EFFECT THAT THE CURRNT DEVELOPMENT HAS HAD ON THE INFRASTRUCTURE AND WATER INCLUDING NEW DEVELOPMENT – RESIDENTIAL AND COMMERCIAL, AND CHANGE MASTER PLAN, IF NECESSARY. (CURTIS-COSTA/ROMANOWSKI) Adm. Carlson stated that before the vote is taken, the City Attorney has given his legal opinion with respect to the cell tower moratorium that was recently implemented. The Plan Commission recommended it, the City Council agreed and approved. Attorney Chapman's legal opinion is that applications that were in the pipeline were not affected by the moratorium. Adm. Carlson stated that an opinion from Attorney Chapman as to what extent the moratorium, if the Council approved it, would have an impact on developments that are currently going through the process. Clerk Czubkowski stated this motion is not proper because this item is not on the agenda. Mayor McAleer ruled that it was a proper motion, but that Attorney Chapman should be consulted regarding his ruling as to whether he make the right call. Adm. Carlson stated that from an administrative point of view there are drawbacks and benefits to any moratorium. On one hand, it exposes the community to risks of the projects that are going through the process now. To the extent that you restrict development rights to the community that were already granted, you run the risk of being legally challenged. The zoning code, conditional uses, general development plans that have already been approved are granting those development

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rights. For example, if you take a general development plan that was approved in '94, '95, or '93, and you say that you want to revisit that issue, the people that own those conditional use approvals for the general development plan approvals have a right to rely upon those permissions that have been previously granted. So, the City runs the risk of being legally challenged called takings where the City could be found guilty of restricting a right that has been previously granted. Delaying the right v. denying the right is arguable. Delaying is arguable because it costs someone who has a development right certain missed opportunities. So, it is a question that is debatable. From the planning perspective, moratoriums have been used on an issue by issue basis to give additional time to review specific issues. If any community is going to effectively deal with the notions of growth and development, it must be done in through the context of a process where the City establish what your overall goals are as a community, where you see your community headed. The City's comprehensive Master Plan includes goals and objectives. There are items in the comprehensive plan that identify what the community's goals and objectives are. That must be the starting point or the direction that you see the community going at. Once you have identified the overall goals and general conceptual master vision for the community, then it must be implemented over time. You take the Master Plan in combination with the Zoning Code in combination with approvals that have been previously granted and you do the best that you can to minimize the negative impacts of growth and development which you know are coming. Particularly in a time where interest rates are lower and the cost for capitol is very inexpensive and developers have that capitol available. The political part of this is that the goals that were outlined in 1991 represent the public process and the people that participated in the process to create those goals. Where does the City get off today saying that the present goals are better or different than those identified in 1991. It is almost as though the City is diminishing the value of the input that created the plan in 1991. There is no standard timeframe to revisit the Master Plan. If there are other major changes in what the City views as its goals and objectives in the community and you really take objection to them as a community, then perhaps it's time to update and take a second look at them. City Engineer stated that he would like to see this issue officially put on an agenda for the next month's meeting to look at the specifics of a moratorium. It would be on the Internet. Everyone could look at it and get the input. Attorney Chapman will be provided the videotape so that he can follow the discussion and he can then provide the Commission with some guidance of the notion of the boundaries of a moratorium with respect to development. City Engineer Welch further stated that he handles the erosion control on the commercial, and the City of Delafield has one of the strictest erosion control ordinance in the area. Adm. Carlson stated that he made a laundry list of items of what the City may want to make standard practice requirements of planned unit developments—standard submittals. The list --traffic study, existing zoning analysis, green space calculations and illustrations, a fiscal impact analysis that looks at not only the impact of costs for service and the revenues for service for the City of Delafield but for other tax jurisdictions as well, engineering analysis that looks at parking, storm water quality and quantity, the impact on the public and private utilities, a tree inventory with environmental considerations, wetlands, trees, conservation areas, the input to the lake, a goals analysis (is the development consistent with the goals that are

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outlined in the Master Plan), a definition of local issues verses regional issues (local issues are things that can be controlled and the City has control over those issues as each development occurs and comes before the Plan Commission and regional in nature—can the Plan Commission assign some responsibilities to the other development partners in the region. Traffic is a prime example. The traffic experienced in Delafield is just not from Delafield residents but also from housing developments throughout the region), illustration of the site constraints, right-of-ways, easements, WEPCO power lines, drawings at the appropriate scale. This is a running laundry list of things the Plan Commission has the ability to ask for on a consistent basis. Attorney Chapman will be present for meeting. **CARRIED. WELCH/NAY.**

- e. **Tax Key 803.988.002** Williamstowne Center, 2566 Sun Valley Drive, Kieffer & Co., Inc., applicant. Applicant seeks signage approval for *Car Phones Plus*. Adm. Carlson stated the Kieffer & Co., Inc. would like approval for their Car Phones Plus signs. A color rendering and a black and white version distributed.

MOTION TO APPROVE. (ROMANOWSKI/TRUNZO) CARRIED.

- f. **Tax Key 803.002** 2420 Milwaukee Street, Spiro Mehail, owner, Dan Mehail, applicant. Applicant seeks plan of operation and signage approval for *2*4 Realty, IIC*, a real estate/mortgage/closing company. Two fulltime employees. Hours: Weekdays 6 a.m. to 9 p.m., Saturday and Sunday, 7 a.m. to 8 p.m. Open on holidays the same hours as weekdays.

Adm. Carlson stated this item is for an antenna at the Smiley Barn Shops. It is a realty organization doing real estate closings and mortgages. They have two requests. One request is for the business plan of operation, and the other is a request for signage. Adm. Carlson checked the municipal code with respect to the signage and the building falls within the expressway district that extends 1,000' from the centerline of I-94. A drawing was provided showing where the sign would go on the building. The expressway district tells the Plan Commission that there may be one freestanding sign per premises in addition to other authorized signs, that the ground freestanding sign shall not exceed 200 sq. feet in area. Where the premises has more than one occupant, as is the case for this one and they have a name that is distinct from any other single occupant in the shopping center, one ground or free-standing sign shall be permitted per shopping center or office complex, the height of the sign cannot be more than 20' above a centerline or traveled lane. The bottom line is that this sign would be permitted under the City's Zoning and Signage Code. Adm. Carlson, however, makes the suggestion. The proposed sign is 15' sq. feet total, and it would go in a location between two windows. There was a sign removed from above the second window. Adm. Carlson's suggestion is that the Plan Commission approve the sign in exchange for repainting that side of the barn so that it is consistent. The sign is black and will not be lit. Bob Tarantino, owner of 2.4 Realty, present.

MOTION TO APPROVE THE PLAN OF OPERATION AND THE PROPOSED SIGN WITH THE CONDITION THAT THE VACANT SPACE ON THE WALL BE REPAINTED. (ROMANOWSKI/WELCH) DISCUSSION. CARRIED.

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- g. **Tax Key 803.993.001** Target, 2553 Sun Valley Drive, Nancy Russell, applicant. Applicant seeks site plan approval for proposed dock/receiving area. Adm. Carlson stated that this is a request to build a new third bay without adding on to the square footage of the building. It would basically be cutting a new hole into the backside of Target to provide for more efficient internal operations and handling of recycled cardboard and some of the other goods and materials that are handled at the Target Store. This will not add to the number of trucks that are serving the store; it doesn't change the transportation patterns. Nancy Russell present.

MOTION TO APPROVE. (WELCH/TRUNZO) DISCUSSION. CARRIED.

5. Preliminary Consideration.

- a. **Tax Key 797.945**, Ray Ruff Property, Wayne Foster, applicant. Adm. Carlson stated that this a development called the Ray Ruff Property. Wayne Foster has been selected as the developer by Mr. Ruff and he has a preliminary presentation. This is a project that is being proposed to be developed as a planned unit development. And the process is a four-step process. They meet with planning staff first; then they seek a preliminary reading from the Plan Commission, then they proceed to a general development plan creation, and the final step for development is a specific implementation plan. Mr. Foster is present to make a presentation about the preliminary conceptual plan. This plan first came before the Plan Commission in 1999. The plan originally utilized the entire site. The wetlands were taken into consideration, but not the environmental corridor. Based upon the feedback, they went back and returned with a proposal that had a total of 54 units and at that time the feedback was that perhaps that was still a little too dense and that there would be some consideration given for somewhere in the high forties. Based upon that, the wetland was delineated; a railroad engineer was hired to delineate the wetland and the environmental corridor. That has been incorporated into the proposal now before the Commission. They met with SEWRPC and they can live with the present proposal. Total area is 40.7 acres which includes the wetlands and includes the both the open water and the wetland, steep slopes and includes the environmental corridor. Present proposal has 44 units or 22 two-family buildings. Further refinement can be done as far as moving and adjusting them. Would like feedback before the next step which is bringing in the requirements for the planned unit development, currently zoned R-3, which is a 20,000 sq. foot lot, one or two family developments. One of the keys that the City needs to look at is single-family ownership. The traffic would come out Devonshire, go up Devonshire to Lapham Peak. The project can be done with or without a system. This project would not create drainage on other properties. Mr. Foster has done two major projects in Delafield: the Water's Edge Condo and a single-family development on Cedar Valley. Adm. Carlson offered some preliminary comments about the nature of the development itself. When a developer looks at a piece of property, there are very valid legitimate viewpoints that he brings to

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the table. He brings to the table the notion of what's a product that the marketplace will accept today. What are the products that he can sell, what can be absorbed into the marketplace. Is this a good investment for him. Those are the kinds of things that Mr. Foster and other developers that make investments in Delafield and in other communities think about. They think about whether this is a community that they want to investment in. Part of what helps them answer the question are things like the quality of the school system, the quality of the park and recreation system, the quality of the municipal services that are provided. All of those things blend in to add value to a developers piece of property. Another thing that adds value to a piece of property is what can it be used for. So, all of these notions get thrown into the mix as the Commission considers what it thinks is an acceptable development plan that you are willing to consider and recommend for final approval to the Common Council. One of the big questions is how does the calculation in terms of the number of units unfold. One way to look at density is to say that there is a total land area of 40 acres. If it's R-3 zoning on that 40 acres, do you give the developer the right to develop generally speaking 40 acres x the 3 units—gross perspective. Or, do you step back and say, one of the things is what are the undevelopable pieces of the site. Do you consider that R-3 zoning only on the developable acreage. That's a critical question that the Plan Commission needs to give him direction on so that he can help answer the question—how many units would be allowed on this site. Is he supposed to look at this from the perspective of the entire site (gross acreage) and you give that landowner the right to utilize the developable acreage and spread out the otherwise approvable units on that developable acreage or do you further restrict it. The secondary is the notion of two-unit buildings. When Adm. Carlson looks at the comprehensive plan and when he looks at the goals and objectives that were talked about earlier, he sees two that shed some light on the way that he has looked at this development. One of them says that single-family home development should be encouraged as the predominant form of residential development in Delafield and the second one says that future duplex development should be discouraged. When he looks at these, it leads him to the conclusion that what Delafield is looking for is predominantly single-family homes. Adm. Carlson states that he would advise that this project have multiple ingress and egress in and out of the site, not just on Devonshire. City Engineer Welch stated that it is an accurate statement to say that if there were another ingress, egress point in the development, it would lessen the traffic burden on Devonshire. The easement going to Milwaukee Street would require permission from WEPCO to redo the bridge or tunnel to develop the land. Approximate square footage per unit will be between 14 and 1500. Density is an issue. The neighborhood density is about 1.28 dwelling units per acre. There is buildable area of 10 acres. Commission would like to see approximately 17 dwelling units, in keeping with neighborhood density, with two ingress roads. Adm. Carlson questioned whether there are other areas that should be explored to attain mutual interests between the City and developer.

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Does this City want to maintain this. Commission would like a PUD and a mixture single/two family and owner occupied with a second access, if possible.

- b. **Tax Key 807.985.016** 3820 Kettle Court East, Telecorp Realty, LLC c/o Wireless Facilities, Inc., Jeff Zagar, applicant. Applicant seeks site plan and appearance review for communication tower to be placed on top of City tower. Co-location already approved with U.S. Cellular.

Adm. Carlson stated the Plan Commission considered a conditional use permit to erect a cellular tower on a piece of property that the City owns on Kettle Court East—the Water Tower site. The Plan Commission recommended denial to the City Council and the City Council approved a lease that permitted the erection of the tower. The lease provides for two co-locators on that tower. Initially the applicant listed on the agenda indicated that they would be the co-locator with U.S. Cellular for that tower. When the application materials came in they indicated that they wanted to extend the height of the tower to 120'. The problem with considering an extension of the height of the tower is that it does not have the owner's permission to extend the tower to 120'. In order to get permission to extend the tower to 120', the City of Delafield would have to agree to that and the owner of the business park would have to agree to the height of the tower. We have not been successful in gaining that approval. The second issue is that the Plan Commission recommended to the City Council and the City Council approved a 90-day moratorium for cell tower locations. So, if the user would have said, yes, we want to be the co-locator under the 87' existing tower, we would have already had the approval to do that and there would have been no question about it. But, because they would like to keep their option open to go to a higher elevation, I don't think the Plan Commission can take any action on it, because there's a moratorium and because the owner hasn't asked for the extension. Jeff Bauer, representing Telecorp an affiliate of A.T. & T. wireless present. Attorney Chapman has provided sample ordinances.

- c. **Tax Key 733.994** Divine Redeemer. Applicant seeks site plan amendment.

Adm. Carlson stated that churches in Delafield are conditional uses. The church would like to make a change to the building footprint. They come before the Plan Commission for a reading on whether their change is a minor or major change. If it's a minor change in the Plan Commission's determination, they have the ability to approve it without a public hearing. If it's a major change, then we go through the public hearing process. Adm. Carlson believes that it is a minor modification and that the Plan Commission can consider and approve with the need for additional public hearings. Mr. Bob Gainer presenting Divine Redeemer. The church is requesting the approval for an additional 1,530 sq. foot to be added to the cafeteria, which would allow for the expansion of the cafeteria and also increase some dry storage in the kitchen. City Engineer Welch stated that this is a very minor change.

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

- d. **Parcel #4 of CSM 9025** Meridan Hillside LLC, Michael Arneson, owner; MSI General Corp, Eric Neumann and Rober and David Felker, applicants. Applicant

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seeks preliminary approval for *Colder's Furniture* at the Hillside Marketplace development.

Adm. Carlson stated this location is basically across the street from Home Depot. This is a project that has a pretty long history that is part of an overall general development plan that was approved back in 1993. The plan outlines that an acceptable use for the location is a commercial use. The underlying zoning for this property is B-6. The applicant has asked for preliminary consideration. They will take the input and feedback from this evening, modify their final version and the specific implementation plan is recommended at the Plan Commission level to the City Council. Some of the other materials submitted: traffic impact study was prepared in May 1993. Another was prepared in February 1998 and another in April of 1998. The City retained CH2 and they have provided an update and have not drawn any final conclusion on and it has not been referred to anyone for review or consideration. Mr. Bob Felker and Mr. David Felker own and operate Colder's in West Allis and Oak Creek. The building that is proposed in Delafield is a 40,000 sq. foot showroom with no warehouse. The parking will provide approximately 160 stalls. The landscaping will include perennials and grass, and berms and landscaping across the face of the building. Storm water issues are concerned the parking lot drainage will go to the proposed storm water that would be going down the road to the west of the development. Parking and the building itself, the plan is to drain the building into the pond that is east of that location. In terms of signage, the proposal is to install 6' entry signs at the driveway entry at two locations and proposing that the letters Colder's across the front entry and the east elevation provide illuminated letters for highway visibility. Other signage involved would be the park sign west of the development and one at 83. Lighting will be a decorative architectural type. Samples of materials for the building provided. Lower half of the building would be stone material on all four sides. The upper 2/3 of the building would be a reddish brick. The floor plan is 40,000 and it is a two-story facility. The building height is 36' the lower portions are 30'. Retail is on both floors. Adm. Carlson questioned whether they would consider using the same lighting as the day care next door. The mechanicals will be buried in the building and by parapet. Trucks will almost never be there. Plan Commission would like to see more green in the parking lot, along perimeter; and one less monument sign. John Beavers summarized the traffic study. Applicants will meet with Staff in order to prepare/comply with Plan Commission requests re SIP.

6. Final Consideration, Approvals, Previous Approvals.

- a. Approve request of Del-Hart for permit to apply sludge to lands owned by William Knoff.

MOTION TO APPROVE. (ROMANOWSKI/TRUNZO) CARRIED.

- b. Approve amendment to existing conditional use permit for Kettle Ridge Ltd. To allow one driveway of four-unit condominium to exit onto Moraine End Drive.

MOTION TO DENY AMENDMENT. (ROMANOWSKI/TRUNZO) CARRIED.

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- c. **Tax Key 804.994.012** Meridian Hillside LLC, 20800 Swenson Drive, Waukesha; John Finnemore, ARAMARK Educational Resources, Inc. agent. *Children's World.*

Adm. Carlson stated that the detail sheet on the lighting, landscaping, fencing, and signage are submitted and Mr. Finnemore will answer any questions. Mr. John Finnemore present. The fence is 6' and black

MOTION TO APPROVE THE SPECIFIC IMPLEMENTATION PLAN FOR THE CHILDRENS WORLD FACILITY WITH LANDSCAPING, LIGHTING, FENCING AND ALSO APPROVE THE PLAN OF OPERATION. (ROMANOWSKI/WELCH) CARRIED.

- d. **Tax Key 804.993.005** Nagawaukee Center, Hans Weissgerber, applicant. Landscape plan approval.

MOTION TO TABLE. (ROMANOWSKI/WELCH) CARRIED.

- e. **Tabled Item:** Consider request of Jerome A. Banach, SBA, Inc., 235 N. Executive Drive, Brookfield for a conditional use permit to construct a wireless telecommunications facility 120-foot monopoly tower and association equipment building on Lot 7, Cushing Park Business Center.

Adm. Carlson distributed the letter from Attorney Chapman with respect to the moratorium on cell towers. His opinion is that the moratorium would not affect applications that were currently in the pipeline. The SBA requests met the definition; the Plan Commission tabled this item at the last meeting.

MOTION TO REMOVE FROM TABLE. (ROMANOWSKI/TRUNZO) CARRIED.

Adm. Carlson stated that given the fact that the Plan Commission and City Council approved the change in conditional use in the Cushing Park Business Center that provided for approval of a cell tower, it is his suggestion that the Plan Commission approve the second half of it.

MOTION TO RECOMMEND TO COUNCIL TO APPROVE THE CONDITIONAL USE TO BE REVIEWED BY COUNCIL TO CONSTRUCT A WIRELESS TELECOMMUNICATION FACILITY, 120' TOWER ON LOT 7 OF CUSHING PARK. (TRUNZO/WELCH) DISCUSSION. CARRIED.

- f. Approve extraterritorial plat for Waterville West Subdivision, Town of Summit. Adm. Carlson states this item is an amendment to the agenda. The County just forwarded this item, and it was just forwarded to City Engineer Welch. Mr. Trunzo stated that this is a Lang investment and therefore he is recusing himself and left the room.

MOTION TO APPROVE. (WELCH/ROMANOWSKI) CARRIED.

- 7. Zoning and Ordinance Revision. None
 Mayor McAleer stated that Wisconsin Avenue in front of Parkland Village has turned into a used car, used camper, used boat area.
 Adm. Carlson stated that that is a County Road and discussions are presently be conducted with the County about whether the Council can adopt an ordinance regulating parking on a County Road. Mayor recommended adopting an ordinance if the County does not get back to the Adm. Carlson quickly.

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Mayor McAleer has be requested to reduce the 1' candle at the lot line on commercial properties to the same requirement that is on residential which is a ½' candle. This matter will be worked on with Adm. Carlson for next meeting.

Ald. Romanowski requested that Clerk Czubkowski explain to residents on another occasion what regular communications the City has with the school district.

8. Hearing Dates. None

9. Administrator's Report

10. Building Inspector Report.

Clerk Marilyn Czubkowski stated that the total number of permits for September 2000 to date is 27; plus 3 occupancy permits and one new construction office building.

11 Board of Zoning Appeals

- a. Bruce Kieliszewski, 2532 2nd Street, Case No. 654
- b. Ron Meinholz, 1111 Nagawicka Street, Case No. 653
- c. Pamela Reetz, 1823 Third Street, Case No. 652
- d. Daniel Sayles, 1542 Third Street, Case No. 650

12. Correspondence

- a. Correspondence from the State of Wisconsin relating to the regulation of massage therapists and body workers.

13. Adjournment. There being no further business,

MOTION TO ADJOURN. (ROMANOWSKI/WELCH) CARRIED. Meeting adjourned at 11:20 p.m.

Respectfully submitted,

Joann Dodge