

CITY OF DELAFIELD PLAN COMMISSION MINUTES

7:00 pm Public Hearing to consider request of Horizon Development Group to amend existing conditional use/general development plan for Hillside Market. The proposed land use is independent senior housing on 7.76 acres of land located on the south side of Kettle Court West, east of Hillside Cinema.

Mayor Ed McAleer opened the Public Hearing. The Clerk read the notice.

Hearing no comments the hearing was closed at 7:04 p.m. (Mursky/Welch) Carried.

7:10 pm Public Hearing to consider the request of Told Development for a general development plan approval for a proposed retail/commercial use development (Walgreen's) at the northeast corner of Hwy 83 and Golf Rd.

Mayor Ed McAleer opened the Public Hearing. The Clerk read the notice.

Hearing no comments the hearing was closed at 7:12 p.m. (Mursky/Transon) Carried.

Present:

Mayor Ed McAleer
Ald. T. Kreklow
Eng. Fred Welch
Robert Transon
James Romanowski
Dirlee Curtis Costa
Chrys Mursky
Atty. Wm. Chapman
John Stockham, Planner (Arrived 7:30 p.m.)
Adm. S. Botcher
Clerk M. Czubkowski

Absent

Tom Maney, Bldg. Insp.

The Mayor Ed McAleer called the meeting to order at 7:05 p.m. A quorum was present and acting. The Pledge of Allegiance was said.

1. APPROVE MINUTES

MOTION MADE TO APPROVE THE MINUTES OF December 16, 1998.
(Kreklow/Mursky) CARRIED. R. Transon abstained.

2. CITIZENS COMMENTS

3. PLAN OF OPERATIONS, SIGNAGE AND SITE PLAN

a. **Tax Key 803.006** Donald and Darlene Osgood, Owners; Laurie Mattice, Applicant. Applicant seeks plan of operation approval for massage practice

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at 20-C Crossroads Court. One full-time employee. Hours of operation: Weekdays 8:00 a.m. to 9:00 p.m., Saturdays 8:00 a.m. to 3:00 p.m. and Sundays 8:00 a.m. to 3:00 p.m.

J. Romanowski asked if the drainage concerns had been resolved. City Engineer F. Welch the problem was taken care of and all that remains is some minor restoration work.

MOTION MADE BY J. ROMANOWSKI, SECONDED BY F. WELCH TO APPROVE THE PLAN OF OPERATION FOR LAURIE MATTICE, MASSAGE PRACTICE. NO SIGNAGE WAS SUBMITTED OR APPROVED. CARRIED.

- b. **Tax Key 793.054** Robert Lang, Owner; Marta C. Muller, M.D., Applicant. Applicant seeks plan of operation approval for psychiatric office to be located at 403 Genesee Street. One part-time employee. Hours of operation Weekdays 4:30 p.m. to 8:30 p.m., Saturdays, Noon to 2:00 p.m.

MOTION MADE BY F. WELCH, SECONDED BY D. CURTIS COSTA TO APPROVE THE PLAN OF OPERATION FOR MARTA C. MULLER. M.D. CARRIED.

- c. **Tax Key 793.001** Robert Lang, Owner; Applicant seeks plan of operation approval converting warehouse space at 514 Wells (referred to as the Green Building behind the general office building) to office. Ten full-time employees to be moved from other campus locations.

Plan Commission members referred to Atty. Chapman's memo dated January 5, 1999 and John Stockham's memo dated January 20, 1999.

MOTION MADE BY C. MURSKY, SECONDED BY J. ROMANOWSKI THE CONVERTING OF WAREHOUSE SPACE TO OFFICE AFTER SUBMITTAL OF A FLOOR AND STATE APPROVED PLAN. THE OFFICE SPACE SHOULD COMPLY WITH ALL STATE BUILDING AND FIRE SAFETY REQUIREMENTS. CARRIED.

C. Mursky also requested that Lang Companies provide the City with a detailed parking stall inventory.

- d. **Tax Key 793.020** Robert Lang, Owner; Applicant seeks plan of operation approval for retail candle store at 715 Genesee Street, Delafield, WI. One full-time and 2 part-time employees. Hours of operation: weekdays 10:00 a.m. to 5:00 p.m., Saturday, 10:00 a.m. to 5:00 p.m. and Sunday 10:00 a.m. to 4:00 p.m.

In 1997 this site was approved for retail sales. The business approved at that time is no longer in operation.

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MOTION MADE BY F. WELCH, SECONDED BY D. CURTIS COSTA TO APPROVE THE PLAN OF OPERATION FOR RETAIL CANDLE STORE AT 715 GENESEE STREET. NO SIGNAGE IS BEING APPROVED. CARRIED.

- d. Tax Key 804.994.002 Wal-Mart.** Applicant seeks site plan approval for fire pump house addition.

It was explained that when the City went a Municipal Water System there difficulties in providing fire protection to the Wal-Mart Store. Fire Chief Swayze has been working with Wal-Mart to resolve the situation. The building is block and gray in color to match the existing building. This will remain a provide facility. Discussion took place regarding the old pumping structure (12' X12') located near the sidewalk by the theatre should be abandoned. The old pump house was never connected to the Municipal Water System.

MOTION MADE BY F. WELCH, SECONDED BY C. MURSKY TO APPROVE THE FIRE PUMP HOUSE ADDITION AND THE REMOVAL OF THE OLD PUMP HOUSE WITHIN 90 DAYS OF COMPLITION AND ACCEPTANCE. AREAS TO BE RESTORED BY WAL-MART STORES. THE APPLICANT IS TO OBTAIN ALL REQUIRED BUILDING, ELECTRICAL AND PLUMBING PERMITS. CARRIED.

- e. Tax Key 807.982.001 Area Sales and Rental.** Review of site plan compliance.

Atty. Wm. Chapman and Steve Hanson, Welch Hanson and Associates were present. Michael Landry and his Atty. Christopher Lowe were not present. They were notified that this item would be on the agenda. Mr. Nickel did sign a waiver for Atty. Chapman to represent the City on this matter. Commission member indicated that they had reviewed the report submitted by Steve Hanson. Site does not conform to what was approved by Plan Commission regarding signage, building, color of building, landscaping

MOTION MADE BY C. MURSKY, SECONDED BY ALD. T. KREKLOW TO RECOMMEND TO COUNCIL THAT THEY TAKE ANY LEGAL ACTION THAT THEY FEEL IS APPRIATE. CARRIED

- 4. PRELIMINARY CONSIDERATION, APPROVAL
 - a. Request of Milwaukee Street businesses for a street event May 29, 1999.

They are requesting a one-day street event similar to what was held in the past by the Downtown Business Association. The Downtown Business Association is no longer in existence. The Police and Dept. of Public Works would somewhat be involved.

MOTION MADE BY R. TRANSON, SECONDED BY D. CURTIS COSTA TO APPROVE SUBJECT TO INSURANCE BEING FILED WITH THE CLERK'S OFFICE NAMING THE CITY AS AN INSURADED. CARRIED.

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- b. Conceptual presentation by Border Patrol Wisconsin Inc. seeking conceptual review of Taco Bell at Hwy 83 and Kettle Court West.

Robert Landsee, Border Patrol gave a presentation on a 2100 sq. ft. building. The store will be designed to be compatible with the surroundings. The roof would be pitch, drive thru in the back of the building, as will be the menu board. The building would conform to the brick requirement in B-6 and the Dumpster enclosure would be brick. He also reviewed traffic, signage, employee base and hours of operation. They will provide additional information on drainage and landscaping on future presentations and will be compliance with City zoning and ordinances.

Rich Lepping reviewed their organization and community involvement with different organizations.

Plan Commission members were concerned about a drive-thru facility in B-6 zoning. Mayor McAleer indicated that B-6 zoning should be high-end retail not a drive-thru restaurant. They had concerns about drainage, retaining walls. The Commission members did not believe that the citizens of Delafield would support this business at that location.

John Stockham discussed what was proposed in the General Development Plan. There was a restaurant proposed, but was on the corner lot not the lot adjacent to the residential area in the Town of Delafield. He had concerns regarding 25% slopes, and access to a public street. He was also concerned about the ponds and the height of the retaining walls.

Plan Commission members indicated that they could not support this proposal.

5. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVALS
 - a. Approval of Nickel/Hillside Market CSM

MOTION MADE BY F. WELCH, SECONDED BY C. MURSKY TO RECOMMEND TO COUNCIL APPROVAL OF THE CSM SUBJECT TO CHANGES OUTLINED IN F. WELCH 3 PREVIOUS REVIEW LETTERS AND PUBLIC RIGHT-OF-WAYS AND EASEMENT TO BE ADDRESSED. CARRIED.

- b. **Tax Key 804.994.010** Told Development, Owner. Approve request of Horizon Development Group to amend existing conditional use/general development plan for Hillside Market. The proposed land use is independent senior housing on 7.76 acres of land located on the south side of Kettle Court West, east of Hillside Cinema.

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Philip Schultz, Horizon reviewed with the Plan Commission submittal presented at the December Plan Commission meeting. There will be 2 buildings totaling 120 units. Unites per acre is 15.3, surface parking 56 spaces, underground parking 66 spaces.

John Stockham indicated that the zoning ordinance for this type of development should be reviewed. That Plan Commission should be allowed to decrees the hard surface parking area requirement, if the type of development being proposed does not indicate a need. At the present time the ordinance is 1.5 parking spaces per unit.

MOTION MADE BY C. MURSKY, SECONDED BY D. CURTIS COSTA TO RECOMMEND TO COUNCIL TO APPROVE AMENDING THE GENERAL DEVELOPMENT PLAN FOR HILLSIDE MARKET TO ALLOW FOR SENIOR HOUSING. CARRIED.

- c. **Tax Key 801.999.008** Told Development, Owner. Approve request of Told Development for a general development plan approval for a proposed retail/commercial use development (Walgreen's) at the northeast corner of Hwy 83 and Golf Road.

Mike Arneson, Told Development informed the Plan Commission members that the proposal is the same one that was presented and approved by the Plan Commission in August. The only difference is that Told Development would own the strip of land it was going to lease from WEPCO. This will also allow for an additional detention pond on the site.

Commission members discuss the design of the building and informed Mr. Arneson that when he came back for SIP approval that he would take into consideration their comments. They would like to see some windows and attractive landscaping to make the building more attractive. They thought the building looked like a long box and would like it to look friendlier.

MOTION MADE BY R. TRANSON, SECONDED BY F. WELCH TO RECOMMEND TO COUNCIL TO APPROVE THE GENERAL DEVELOPMENT PLAN FOR A PROPOSED RETAIL/COMMERCIAL USE DEVELOPMENT (WALGREEN'S) AT THE NORTHEAST CORNER OF HWY 83 AND GOLF RD. CARRIED.

- d. **Tax Key 798.965** Delafield State Bank. Approve easement agreement.

Atty. Wm. Hickmann was present to represent the Delafield State Bank site. Mr. Hickmann would like the Plan Commission to approve an easement agreement between the Steinharadts and Lang Investments Ltd. to allow a retaining wall to be built on their property. The purpose of the easement is to attempt to meet the 10-foot setback requirement necessary of the owner for parking on Parcel A. After much discussion and review of the approved site plan the Plan Commission made the following motion.

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MOTION MADE BY D. CUSTIS, SECONDED BY J. ROMANOWSKI TO DENY THE APPROVAL OF THE EASEMENT. CARRIED.

e. Consideration of Public Facilities Needs Assessment

John Stockham presented the summary of findings for the Public Facilities Needs Assessment. Proposed impact fee per single-family dwelling is \$314.97 and multifamily dwellings \$233.75 per dwelling units. Nonresidential development impact fees to be \$2.604 per \$1,000 of Improvement Value.

MOTION MADE BY J. ROMANOWSKI, SECONDED BY ALD. T. KREKLOW TO RECOMMEND TO COUNCIL THE PROPOSED FEES AND HAVE JOHN STOCKHAM WORK WITH ATTY. CHAPMAN ON THE ORDINANCE. CARRIED.

f. Tree ordinance finalization (report by John Stockham)

John Stockham distributed a proposed New Tree Removal Ordinance for the Plan Commission to review and provide comments. Also present was Shantell Schmidt who worked with John on the Ordinance. Commission members would like Blue Spruce tree to be added to the tree species list. Dirilee Custis Costa would like to see no dollar amount cap for Fee-In-Lieu of Tree Replacement for commercial developments.

MOTION MADE BY C. MURSKY, SECONDED BY D. CUSTIS COSTA TO APPROVE WITH THE ABOVE CHANGES AND TO BRING BACK ORDINANCE BACK TO PLAN COMMISSION FOR RECOMMENDATION TO COUNCIL. CARRIED.

7. ZONING AND ORDINANCE REVISIONS

John Stockham will provide ordinance revisions to the City Clerk for publication for public hearings on the following:

1. Parking Ordinance exceptions
2. Guard railing for retaining wall requirements.
3. Impact fees
4. City Tree Arborist - fees

8. HEARING DATES

9. PLANNING DISCUSSION INFORMATION

- a. Letter from Fred Welch regarding guard railing/retaining wall requirements.

This is and potentially will be a concern when retaining wall is build in commercial areas and they become an attractive nuisance. There are some now that the City is working on Williamstowne Centre there will be more Delafield State Bank, Delafield Brewhaus etc.

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MOTION MADE BY F. WELCH, SECONDED BY J. ROMANOWSKI TO HAVE THE CITY ATTORNEY TO DRAFT AN ORDINANCE TO PROVIDE FOR SOME TYPE OF FENCING FOR RETAINING WALLS. CARRIED.

b. Discussion of Regional Aquifer Performance

Adm. Botcher indicated that the Public Works Committee and recommended that the City participate in the study. The cost is \$412 over a period of three years. This will provide Municipalities with information on ground water concerns and quality.

MOTION MADE BY J. ROMANOWSKI, SECONDED BY D. CURTIS COSTA TO RECOMMEND TO COUNCIL THAT THE CITY PARTICIPATE IN THE REGIONAL AQUIFER PERFORMANCE STUDY. CARRIED.

10. BUILDING INSPECTOR REPORT

Clerk Czubkowski reported for Tom Maney that there were 18 permits to date, 4 occupancy permits. New construction, 1 single-family home.

11. BOARD OF ZONING APPEALS

12. CORRESPONDENCE

- a. Correspondence from Wisconsin DOT regarding Administrative Code Revisions
- b. Correspondence dated January 19, 1999 regarding vacation of Pamela Street.

13. ADJOURNMENT

MOTION MADE TO AJOURN AT 10:40 P.M. (CURTIS COSTAWELCH) CARRIED.

Respectfully submitted,

Marilyn Czubkowski, CMC
City Clerk