

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

There was not a quorum of Commission members present to call the meeting to order; however Public Hearing #1 was conducted at this time.

PUBLIC HEARING #1: **Zoning Code Text Amendment – Amending Chapter 17**
APPLICANT: City of Delafield
MATTER: The City wishes to adopt An Ordinance Creating Sections 17.673(c) and 17.50(4) of the City of Delafield Municipal Code, Waukesha County, Wisconsin Relating to Election Campaign Sign Placement

M. DeYoe opened the Public Hearing at 7:00 PM. There was no one present wishing to speak on this matter.

W. DEHN MOVED TO CLOSE PUBLIC HEARING #1 PERTAINING TO A ZONING CODE TEXT AMENDMENT – AMENDING CHAPTER 17 AT 7:01 PM. T. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

Call to Order
With enough Commissioners present to provide a quorum, Mayor DeYoe called the meeting to order at 7:01 P.M.

Pledge of Allegiance
The Pledge of Allegiance was recited.

Roll Call for the Wednesday, July 30, 2014 Plan Commission meeting:

<u>Present</u>	<u>Absent</u>
Michele DeYoe, Mayor	Kent Attwell
Tim Aicher, Ald.	Dan Jashinsky
Wayne Dehn	
David Simon	
Jane Lazynski	
Roger Dupler, Planner	
Scott Hussinger, Building Inspector	
Tom Hafner, City Administrator/ Public Works Director	

PUBLIC HEARING #1: **Zoning Code Text Amendment – Amending Chapter 17**
APPLICANT: City of Delafield
MATTER: The City wishes to adopt An Ordinance Creating Sections 17.673(c) and 17.50(4) of the City of Delafield Municipal Code, Waukesha County, Wisconsin Relating to Election Campaign Sign Placement

This item was addressed prior to the meeting being called to order. See above.

PUBLIC HEARING #2: **Re-zoning from RE-3 to RE-1 and Master Plan Amendment**
TAX KEY/ADDRESS: DELC 0789.991.001, 57 Oakwood Dr., Delafield.
OWNER/APPLICANT: Daniel Tinti/Tom Langan
MATTER: Applicant seeks preliminary input for re-zoning of this property from RE-3 to RE-1, and an amendment to the Master Plan to create three lots.

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M. DeYoe opened the Public Hearing at 7:02 PM.

Pamela and James Klekoski, 828 Hawks Hollow, were present. J. Klekoski stated they had lived at their residence for the past 17 years and wished to build on the property being considered for subdivision on Oakwood Avenue. They were hopeful this item could proceed favorably.

Bart and Beth Lia, 138 South Laurel Circle, were present. B. Lia explained their property had been purchased because of the green space and large lot size available. The property being considered should remain as a two acre parcel to be consistent with surrounding lots and it was important to provide a consistent level of density as well. They desired the continuity of the lot sizes in the area and thought there were several other opportunities in the City for people interested in purchasing smaller lot sizes. They had researched the area extensively prior to making the decision to move to their current location based on the lot sizes in place.

John Engeswick, 59 Oakwood Drive, lived at his current residence for the past 14 years, and had paid taxes on a little over two acres all of those years. He thought consistency in the neighborhood was important and should be maintained for future development.

T. AICHER MOVED TO CLOSE PUBLIC HEARING #2 PERTAINING TO RE-ZONING FROM RE-3 TO RE-1 AND MASTER PLAN AMENDMENT FOR DELC 0789.991.001, 57 OAKWOOD DR., DELAFIELD, OWNER/APPLICANT: DANIEL TINTI /TOM LANGAN AT 7:08 PM. W. DEHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

1. Approve Plan Commission meeting minutes of June 25, 2014 meeting.

T. AICHER MOVED TO APPROVE THE JUNE 25, 2014 PLAN COMMISSION MEETING MINUTES AS PRESENTED. D. SIMON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

2. City of Delafield Citizen's Comments pertaining to subjects on this agenda.

William Restock, 4527 Vettelson Road, was a resident for 25 years and shared his back lot line with the Village Square development. He requested the Commission deny the request as presented and distributed a letter noting several points of consideration. The land parcel being considered had never been identified or zoned for residential development. Since the 1950's, the City's Master Plan had designated this parcel for commercial development. A legally binding Village Square Settlement Agreement remained in effect since 2004 between property owners, the City of Delafield and the development. This agreement only allowed commercial development at the proposed location. In addition, the Common Council had previously denied this request for development. He noted the Staff Report found in the epacket for this meeting included the approved uses for the site and also noted the City's Comprehensive Plan for the Year 2030 indicated a goal of 238 multi-family units in the City by 2030. The City had approved 211 multi-family units to date. Approving the request for development would place the City at 25% over this goal. The Comprehensive Plan should be followed as identified and the request for development should be stopped. He encouraged the Commissioners to remember parameters had already been set in this matter for development and it was important to create a community where things were not disproportionate in density. He thought the people who support and build the community bought properties and did not rent them.

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Jeff Krickhahn, 4506 Vettelson Road and Alderperson and resident of District One, stated he was the only remaining Common Council member that recalled proceedings that led to the out-of-court Settlement Agreement referenced by W. Restock pertaining to the proposed Village Square Apartments. While he understood the developer had the right to request a Public Hearing, he encouraged the Commission to listen to the feedback of the residents. He respectfully disagreed with various aspects of the Staff Report in this matter, noting the conditional use allowed in the Settlement Agreement should be treated very sensitively. In addition, the total maximum square footage allowance was 150,000 square feet and no building should exceed 45,000 square feet. This maximum square footage allowance was provided to maintain the rural feel of the area and make the development compatible with adjacent lands. J. Krickhahn did not believe the use and traffic that accompanied development of an apartment building would be less intensive than the original development plans which included an office building. The majority of the traffic would use Vettelson Road as access to Highway 83 or Highway 16. While he appreciated the changes made by the developer including moving the parking garage entrance to the north side of the proposed building, he did not think the reduction in height by three feet was adequate, nor did he think the intensity of use had improved. Screening of the surrounding residences continued to be an issue and would only be of additional concern in the winter when the leaves were off the trees. Finally, there was an area of green space shown on the developer's exhibits that was in a location where no building was allowed based on the original Settlement Agreement. He was concerned this was not being adequately documented on the developer's plan and also that a parking lot was encroaching onto this area with a driveway that went nowhere. He encouraged the Commission to consider requesting the developer to return with revised plans before recommending a Public Hearing on the proposed Village Square Apartments.

Bob Borkowski, 4521 Vettelson Road, stated he lived directly south of the proposed Village Square development. He agreed with the comments heard from J. Krickhahn as he thought the proposal was inadequate and it was irresponsible to consider placing this development at the proposed location. He thought the proposed location of the southerly parking area would be an issue for him due to traffic lights, noise and headlights shining into his property. He had learned a video had been created using a drone to simulate the site's proposed views and he wanted to note the vegetation being seen in these videos belonged to him. He let it grow to avoid having to see what was located north of his house. In the winter, the trees were bare and he could see to Highway 16 and to Divine Redeemer Lutheran School. He was totally against the proposal and he encouraged Commissioners to consider how anyone would feel having this development within 200 feet of their residence.

Sherry Myers, 4447 Vettelson Road, had lived at her residence for 45 years. She was bothered by the out-of-court Settlement Agreement that United Properties representatives had signed that was part of the proposed Village Square Apartments development. There had been a great deal of time and effort put into the Settlement Agreement and this proposal was not right.

Larry Schouton, 4518 Vettelson Road, was present to speak to the proposed Village Square Apartment development. Any new development should be compatible with the surrounding area and it was his opinion that the proposal was not compatible. He noted the three stories proposed and the level of the roof in comparison with the surrounding one story buildings demonstrated incompatibility. The four two-unit multifamily structures in the City were in direct conflict with the 90 units being proposed in this matter. The apartments were not compatible with the surrounding residential development. He thought it important to encourage long-term City residents and to deny the request as had been done in the past.

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Mike Gatzow, 4439 Vettelson Road, stated he was not against the multi-family development being proposed in the Village Square Apartments as he understood the economic hardships for commercial development in the last seven years. He stated he lived approximately 500 feet from the Village Square with approximately 200 to 300 feet of solid woods in between his house and the Village Square development. He could still see the lights and traffic through the woods. He suggested the developer be required to provide substantial screening that would include something to block the lighting completely. He questioned whether there was a permanent restriction regarding increasing the density of the proposed development if the property were to be sold in the future.

Alice Schouton, 4518 Vettelson Road, noted the plan being proposed for the Village Square Apartments was essentially the same plan as the one that was denied recently. She thought the buildings were simply repositioned and lowered three feet. She encouraged the Commissioners to deny the plans for the proposal until the developer could demonstrate plans that would be much smaller, less complex and less obtrusive.

T. Aicher stated a letter had been received from Lola and Robert Loepfe, 645 Wells Street, regarding Item 4a. The letter from the Loepfe's requested the same consideration be given to their property adjacent to Valley Road if approval were to be granted to the petitioners in Item 4a.

W. DEHN MOVED TO CLOSE CITIZEN'S COMMENTS PERTAINING TO SUBJECTS ON THE AGENDA AT 7:37 P.M. T. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. Consent Agenda

a. **DELC 0804.994.019, 2736 Hillside Dr., Delafield. Owner: Hillside Terrace Shopping Center, LLC. Applicant: Jason Jensen.** Applicant seeks approval of a Business Plan of Operation for a retail/specialty running/multisport shop named Endurance House. Hours of Operation are Monday through Saturday, 8 a.m. to 10 p.m., and Sunday, 8 a.m. to 5 p.m., with 8 full time and 3 part time employees.

D. SIMON MOVED TO APPROVE ITEM ON THE CONSENT AGENDA IN ACCORDANCE WITH THE STAFF REPORT. J. LAZYNSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

4. Unfinished Business:

a. **DELC 0789.991.001, 57 Oakwood Dr., Hartland. Owner: Daniel Tinti, Applicant: Tom Langan.** Applicant seeks approval to amend the Master Plan to allow RE-1 zoning, and rezoning of the property from RE-3 to RE-1 to create three (3) one-acre lots, and recommendation to the Common Council of the same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Amended Comprehensive Plan and Rezoning: *The subject parcel is a 3.42 acres property that lays north of Oakwood Drive immediately north of the St. John's Athletic fields. This parcel is zoned RE-3, and is the only RE-3 parcel west of Lake Nagawicka. The 2030 Land Use Plan designates the parcel as Rural Estate, minimum lot size 2 acres. The surrounding property on all sides other than the south has been developed as RE-2 lots. The north and east properties were developed as a Planned Development with common open space and reduced lot sizes. The property to the south is zoned RE-1.*

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This petition requests the Plan Commission's consideration to allow three residential lots to be created with an average lot size of 1.14 acres and fronting on Oakwood Drive. In order to realize this proposal the City will need to modify the 2030 Land Use Plan unique to this parcel from Rural Estate Land Use to Low Density Residential, minimum lot size 1 acre. In support of this increased density the developer has submitted an analysis of surrounding residential lots to illustrate that the three proposed lots are consistent with the surrounding lot sizes and compatible within the context of the neighborhood. Since the proposed parcels are not currently on sanitary sewer it will be necessary for the redevelopment to incorporate the appropriate service.

Consideration

The subject property is unique in that it is the only RE-3 zoned property west of the lake. Furthermore, its designated land use is Rural Estate 2 Acre. Therefore the 3.42 acre lot is not able to be subdivided without a change to the master plan.

A master plan amendment brought forth by a private petition requires that the petitioner provide justification for the requested change. The Plan Commission may consider such amendments when the nine elements of the plan are addressed. The nine elements and how they relate to this petition are as follows:

- 1. Trends, Issues and Opportunities. The city population is increasing and there is a demand for smaller lots. Currently the only RE-1 parcel large enough to subdivide, other than the St. John's athletic field, is the Jens farmstead immediately north of Christ the King Lutheran Church.*
- 2. Agricultural, Natural, and Cultural Resources. The conversion of this property from a septic system to city sewer is a positive upgrade. The increase in impervious area is not.*
- 3. Community Features and Utilities. The proposed development will increase the demand on all city services, school population, and emergency services.*
- 4. Housing Element. The potential housing units respond to the demand for single family lots and they may also be more moderately priced.*
- 5. Economic Development. As residential development the petition will not impact the city's economic development plan.*
- 6. Land Use Element. The change to a denser land use is in conformance with the recommendations of the Comprehensive Plan.*
- 7. Transportation. This element is unaffected.*
- 8. Intergovernmental Cooperation. This element is unaffected.*
- 9. Implementation. This element is unaffected.*

*If this petition moves forward it will be in the City's best interest to process it as a conditional use and impose stormwater management responsibilities upon the created lots. The potential division will increase the amount of impervious surface, which may be addressed with rain gardens or a small basin. **Recommendation: The Plan Commission may take into account the feedback at the public hearing regarding the proposed changes. Recommend to Council accordingly.***

Tom Langan, architect for the project residing at W350N5520 Lake Drive, Oconomowoc, WI 53066, noted the location of the subject property north of Interstate 94 and west of Nagawicka Lake on a map was in the middle of several properties zoned RE-1. There were two large parcels close to the subject property that had the potential for future development and it was

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uncertain whether they would be developed as RE-1 or RE-2. The lots immediately adjoining the subject property were 1.284 acres and the lots being proposed were approximately 1.14 acres. Connections to the sanitary system would be made as part of this project. A rain garden or pond would be created on the lots to handle any additional impervious surface added to the lots. He thought the proposed lots were consistent with the neighboring zoning and the project should be allowed to proceed.

D. Simon clarified the lots immediately adjoining the property included a common area that was associated with each lot. R. Dupler stated it was important for the Commission to consider whether the proposed project would impact the nine elements of the Comprehensive Plan. He then reviewed the elements as discussed in the Staff Report presented in the epacket for this meeting. If it were in the City's best interest, a compromise might allow the developer to consider RE-2 zoning with a subdivision to two lots instead of three that would also incorporate stormwater management practices on the lots.

W. Dehn questioned T. Langan regarding such a compromise. T. Langan stated the preference was to have three lots instead of two. M. DeYoe clarified the procedure necessary for a change to the Master Plan with such a division to two lots. D. Simon expressed concern for making such a change without the necessary time to think through all aspects of such a subdivision and its future impact on the surrounding properties. He was also concerned about setting a precedent of approval in this matter as was referenced in the Loepfe letter presented earlier in the meeting.

D. SIMON MOVED TO DENY AN AMENDMENT TO THE MASTER PLAN TO ALLOW RE-1 ZONING, AND RE-ZONING OF THE PROPERTY FROM RE-3 TO RE-1 TO CREATE THREE (3) ONE-ACRE LOTS FOR DELC 0789.991.001, 57 OAKWOOD DR., HARTLAND. OWNER: DANIEL TINTI, APPLICANT: TOM LANGAN AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. T. AICHER SECONDED THE MOTION. T. AICHER STATED THERE WAS AMPLE UNDEVELOPED LAND WITHIN $\frac{3}{4}$ OF A MILE FROM THE PROPOSED PROJECT THAT WAS ZONED APPROPRIATELY FOR THIS HIGHER DENSITY. HE WAS CONCERNED ABOUT GOING AGAINST THE ZONING FOUND IN THE MASTER PLAN. AN INCREASE IN DENSITY WOULD ALSO CREATE AN INCREASED DEMAND ON SCHOOL AND EMERGENCY SERVICES. HE DID NOT THINK THE RE-2 ZONING WOULD SATISFY THE ZONING IN THE MASTER PLAN AND DID NOT ALIGN WITH CURRENT ZONING. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

5. New Business.

- a. **DELC 0784.971.002, 1100 STH 83, Hartland. Owner: Westbrook Church. Applicant: Mike Gatzow, Flo-Rite, Inc.** Applicant seeks feedback for a Conditional Use amendment to allow for an additional garage on the campus, and set public hearing date for the same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Amended Conditional Use. The church wishes to erect a utility building on their campus. The property is governed by a conditional use and therefore requires an amendment to the site plan which constitutes a change to the conditional use documents. The proposed building is located on the east side of the church immediately adjacent to the existing parking lot

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*and meets all of the setback requirements. The size is 30' x 50', 1,500 sf, the eave height is 12', the total building height is 20'. Three garage doors face the parking lot. There are no windows proposed. The siding will be Hardiplank and colored to match the main building. **Recommendation: Share with the petitioner any comments or concerns, schedule public hearing accordingly.***

Mike Gatzow, applicant representing Westbrook Church, explained there was an existing garage remaining after the house on the site bordering Highway 83 was demolished in the past year. The garage had become less than adequate for storing equipment. The request would allow construction of a new garage behind the church that would be located away from lot lines, would allow existing parking to remain, and would not be able to be viewed from Highway 83 or by any neighbors. The garage would be constructed of Hardiplank and would be painted to match the well building so that it blended with the other buildings on site.

S. Hussinger questioned whether the old garage would be removed. M. Gatzow stated he was uncertain at this time because he was unaware the old garage would be allowed to remain. He noted the original plan was to remove the garage; however, additional discussions were required prior to making that determination.

T. AICHER MOVED TO SET A PUBLIC HEARING DATE OF WEDNESDAY, AUGUST 27, 2014 FOR DELC 0784.971.002, 1100 STH 83, HARTLAND. OWNER: WESTBROOK CHURCH. APPLICANT: MIKE GATZOW, FLO-RITE, INC. J. LAZYNSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **DELC 0784.971.002, 31385 West Hill Rd., Hartland. Owner: Divine Redeemer Evangelical Lutheran Church & School. Applicant: Ed Eldridge.** Applicant seeks feedback for a Conditional Use amendment to allow for temporary accessory structures to accommodate additional classrooms, and set public hearing date for the same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Amended Conditional Use. *The church wishes to utilize a temporary portable classroom to accommodate a larger than expected student population this fall and potentially install a second trailer for the 2015-16 school year. The property is governed under a conditional use and the addition of the trailer structure is a change to their Plan of Operation and site plan. The church was previously granted approval for temporary classrooms for two years, fall of 2002 through spring 2004. The proposed classrooms will be located on the south side of the school building on existing pavement and will not be visible from most of the surrounding roadways. **Recommendation: Share with the petitioner any comments or concerns, schedule public hearing accordingly.***

Karen Nipko, representing Divine Redeemer Evangelical Lutheran Church & School, explained there was a need for a temporary structure on site. She anticipated needing one school classroom trailer this year and two in the next couple of years as the school population was growing. The trailer would be housed on the south side of the school and would be used only for special classes throughout each day and would be on site for approximately two years of use. R. Dupler stated no noise issues were associated with this type of request in the past.

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T. AICHER MOVED TO SET A PUBLIC HEARING DATE OF WEDNESDAY, AUGUST 27, 2014, OR WHENEVER THE APPLICANT WAS READY TO SUBMIT THE NECESSARY DOCUMENTATION FOR A PUBLIC HEARING. J. LAZYNSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. **DELCO 0733.998.003, Lot 3, Village Square, Hartland. Owner/Applicant: Delafield Investment LLC, c/o United Properties for Village Square Apartments.** Applicant seeks feedback for an Amended Conditional Use and General Development Plan for Village Square Apartments, a development consisting of three buildings, underground parking, and a total of 90 units and set public hearing date for the same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Preliminary Presentation
Village Square Apartments returns to the Plan Commission this month with a revised site plan for preliminary consideration. The previous petition to amend the Conditional Use for the Planned Development was approved by the Plan Commission in November of 2013 and recommended to the City Council. At the City Council the petition was denied because the use was determined incompatible with the neighborhood, the buildings were too tall and the building area exceeded the approved building area of the original commercial site plan. This revised plan reinitiates the GDP process. The Plan Commission may consider how the revised plan addresses the issues that caused the Council to reject the proposal and consider scheduling a public hearing for further deliberation. The subject property is zoned B-6; it is governed by a conditional use which is mandated by a court settlement agreement. The terms of the settlement agreement allows the City to modify the elements of the conditional use, as it would with any other conditional use, through the GDP process and public hearing.

Site Plan

The site plan proposes three multifamily buildings with underground parking on a parcel that is 6.417 acres. Ample space surrounds the buildings and complies with all yard setbacks. The revised layout rotates the three buildings and relocates all underground garage access to the north side of the site. Parking is revised accordingly and the swimming pool has been relocated to the interior space between the buildings. As a result of reorienting the buildings and placing the garage access on the north, the exposed building elevation on the south is reduced to only the living spaces and the roof. To further reduce the exposure to the neighbors the buildings have been lowered by three feet. Most significant is the increased setback from the south and the reduction in the building elevation toward the south. Previously the long elevation of one of the buildings was presented to the south. In the new layout only the short end elevation is exposed to the south. No architecture has been submitted with this revised site plan. It can only be assumed that the architecture has not changed. The following calculations rely on the architecture submitted with the previous petition. The three buildings total 93,684 sf floor area, the resulting Floor Area Ratio is 0.33. In the B-6 zoning district there is no density limit for residential use. As a result the, City utilizes the R-6 Multifamily Residential standards for this type of development. The R-6 Minimum lot area is determined by subtracting the required parking area from the gross lot area, then dividing the remaining area by a rated scale. The total lot area is 279,524 sf, the required surface parking area (excluding the land-banked parking) is 10,206 sf. 269,318 sf remains for distribution amongst the units. There are 30 efficiencies, each requires 2,500 sf, 75,000 sf required. 33 one-bedroom

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units require 3,000 sf each, 99,000 sf required. 27 two-bedroom units require 3,500 sf each, 94,500 sf required. In total the units require 268,500 sf. The site plan unit density satisfies the R-6 requirements. In comparison to the original Planned Development this site plan exhibits greater building area than what was approved for the site. The settlement agreement allowed up to 182,000 sf building area, the approved General Development Plan was approved with 124,260 sf building area, and the building area unique to the subject parcel was only 35,000 sf.

Consideration

The city has the ability to allow the proposed land use change in the Village Square. Compatibility with the existing neighborhood has been addressed with the lowered building height and the previously submitted traffic analysis identified fewer vehicles would be using the Vettelson Road access than what was originally approved. The approved uses on the subject site were a two story office building and two restaurants. Most significant, is the proposed conversion from restaurants and high intensity office use to residential. The resulting impact to the existing neighbors will be greatly reduced. The Plan Commission may consider multifamily land use to be a compatible use abutting the south one-acre residential lots. Additionally, the adjacent lots are all zoned as B1-A business district lots.

*It should be noted that the City has nearly exhausted the projected number of multifamily units identified in the 2030 Comprehensive Plan. The projections for multifamily demand were 238 units anticipated by the year 2030. The City has approved four multifamily developments since the 2030 Comprehensive Plan was adopted; Delafield Lakes (60), Delafield Woods (62), Cambridge (28), and Well Street Station (61) for a total of 211 units. A market study that evaluates changing demographics and regional demand for multifamily units should be conducted to justify the need for this type of development before this project is considered. **Recommendation: The Plan Commission should share any comments or concerns with the petitioner and schedule a public hearing accordingly. Specific attention should be given to the issues identified in the Council's denial of the previous petition; compatibility, building height, and building area. The next submittal must include all requirements of the General Development Plan, a market analysis and any other information requested by the Plan Commission.***

Joe McCormack, developer of the Village Square Apartments, explained the history of the project noting several iterations of site plans proposed for the project area. Currently there were three buildings proposed that were comprised of 90 units. All had been reduced in height by three feet to make the buildings less obtrusive. Issues of concern had been addressed with the current proposal. He then provided video footage taken from a drone at varying heights to represent the view of residents at each story of the proposed project. He noted various scenes of video footage demonstrating the view of neighboring properties anticipated once the buildings were constructed. Keith Ulstad of United Properties was present as a technical advisor as well.

D. Simon questioned whether the buildings had been lowered to the maximum extent possible. J. McCormack indicated the current proposed elevation was approximately one to two feet above the curb and any lower elevation would cause drainage problems. He also

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explained there would be less traffic noted with the construction of the apartments than with the complete build-out of shopping center as was originally proposed. He clarified the number of underground parking spaces included 90 stalls with additional parking outside. The parcel to the east would not be developed to accommodate any parking.

M. DeYoe questioned whether any research demographics had been conducted regarding the need for this type of housing. J. McCormack stated he had not conducted such research; however, he was responding to the need for this type of housing as evidenced in his other projects within the City. T. Aicher questioned the area being utilized as green space and the maximum square footage allocated in the Settlement Agreement for the site. He suggested this information and the Development Agreement be made available for future reference as well.

K. Ulstad stated the parcel directly to the east of the proposed project was developable at this time; however, United Properties offered to remove that parcel from the project area as he believed it had been blurred with the parcel to the south which had never been ordained as developable.

T. AICHER MOVED TO SET A PUBLIC HEARING DATE OF WEDNESDAY, AUGUST 27, 2014 FOR DELC 0733.998.003, LOT 3, VILLAGE SQUARE, HARTLAND. OWNER/APPLICANT: DELAFIELD INVESTMENT LLC, C/O UNITED PROPERTIES FOR VILLAGE SQUARE APARTMENTS AND THE APPLICANT PROVIDE REQUESTED INFORMATION, INCLUDING COMPLETE GENERAL DEVELOPMENT PLAN DOCUMENTS, PRIOR TO THAT HEARING DATE. W. DEHN SECONDED THE MOTION. W. DEHN QUESTIONED THE PROCESS OF APPROVAL IN THIS CASE AS HE THOUGHT THE SETTLEMENT AGREEMENT ISSUES REQUIRED RESOLUTION PRIOR TO A PLAN COMMISSION RECOMMENDATION ON THE MATTER. R. DUPLER STATED HE WOULD DISCUSS THE PROCESS TO BE FOLLOWED IN THIS MATTER WITH THE CITY ATTORNEY. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- d. **DELT 0780 068 and 0780 068 001, W304N2472 and W304N2478 Maple Avenue, Delafield. Owner: Sharol A Frank Survivors Trust. Applicant: Michael McWilliams.** Applicant seeks approval of an Extraterritorial Certified Survey Map to combine the listed two tax key numbers in the Town of Delafield, and recommendation to the Common Council of the same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Extra Territorial Certified Survey Map The proposed CSM consolidates two existing lots in the Town of Delafield and conforms to the zoning requirements of the Town. The subject is only a perfunctory exercise and the City may waive the right of review. Recommendation: Approval, recommend to Council accordingly.

R. Dupler explained the history of this request as outlined in the Staff Report in the epacket for this meeting and clarified the location of the properties being combined. He explained that municipalities were allowed the opportunity to review such maps to see if the roads, lots, etc., would align and that a municipality was not annexing legal non-conforming issues.

T. AICHER MOVED TO RECOMMEND TO THE COMMON COUNCIL THAT THE CITY WAIVE THE ABILITY TO APPROVE AN EXTRATERRITORIAL CERTIFIED SURVEY MAP TO COMBINE THE LISTED TWO TAX KEY NUMBERS IN THE TOWN OF DELAFIELD, FOR DELT 0780 068 AND 0780 068 001, W304N2472 AND W304N2478 MAPLE AVENUE,

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DELAFIELD. OWNER: SHAROL A FRANK SURVIVORS TRUST. APPLICANT: MICHAEL MCWILLIAMS. D. SIMON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. Zoning and Ordinance Revision.

- a. Discussion and action to adopt Ordinance 692, An Ordinance Creating Sections 17.673(c) and 17.50(4), of the City of Delafield Municipal Code, Waukesha County, Wisconsin, Relating to Election Campaign Signage Placement and recommendation to the Common Council of the same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: *The proposed ordinance creates regulations that previously were vague and unenforceable regarding the placement of election signs. This language has been created by the City Attorney for Plan Commission review and recommendation to the Council.*

J. Lazynski noted a grammatical error in the proposed Ordinance 692, Section 1(c), Line 2 should state "within the City of Delafield" rather than "with the City of Delafield." D. Simon requested context for the proposed ordinance. T. Hafner explained there was conflicting language in parts of the municipal code regarding appropriate placement of election signage. T. Aicher stated he would like to consider this ordinance at the next Commission meeting in order to fully understand the potential impacts to residents that lived with a front yard that was easily confused with the public right-of-way area. D. Simon questioned whether the ordinance presented included clearly enforceable language and defined clear right-of-way placement rather than use of the term "limits" for sign placement. M. DeYoe stated this item would be placed on the next Commission meeting agenda for further discussion and consideration.

- b. Discussion of the City of Delafield municipal code legal review as it pertains to Plan Commission related chapters.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Zoning Ordinance Codification: *The Plan Commission has five meetings before the end of the year in which to review the zoning ordinance. In preparation for the July meeting please review the sections 17.01 through 17.33, excluding Definitions 17.24. Please forward any comments or questions to the City Planner via email: rdupler@sehinc.com. All comments will be consolidated and presented at the meeting for discussion. Section 17.24 will be reviewed in conjunction with the zoning districts at the August meeting.*

R. Dupler explained there were five meetings to accomplish a review of the zoning ordinances pertaining to the Plan Commission. He did not receive any questions or comments from Commissioners prior to the meeting as requested; however, he had prepared a list of seven revisions for Sections 17.14 through 17.32 for discussion. He then distributed the possible revisions to Commissioners at this time and briefly reviewed them for Commissioners. A discussion of the revisions noted by R. Dupler would be held at the next Commission meeting. T. Aicher suggested fees associated with this chapter be revised and included as a table in the appendix and referenced as such in the municipal code.

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

7. Reports of City Officials:

a. Clerk

1. Plan Commission Meeting Dates & Deadlines

- a. Meeting August 27; Reg. Deadline August 13; PH Deadline July 30

R. Dupler noted the Public Hearing deadline of July 30, 2014, had been changed to Wednesday, August 6, 2014 for all petitioners. He had advised all petitioners that required a Public Hearing of this date change.

b. Planner

R. Dupler explained a decision had been made to hold procedural meetings with all planning staff after each Plan Commission meeting to ensure all necessary procedures for processing Commission agenda items were in place. A flow chart of the planning process would be shared with the Commission once finalized by staff and approved by the Common Council.

c. Building Inspector

S. Hussinger stated the total number of permits to date was 54 with three residential permits and two commercial occupancy permit this month.

8. ADJOURNMENT

W. DEHN MOVED TO ADJOURN THE JULY 30, 2014 PLAN COMMISSION MEETING AT 9:04 P.M. T. AICHER SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes Prepared By:

Accurate Business Communications, Inc.