

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Call to Order

Mayor DeYoe called the meeting to order at 7:00 P.M.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call for the Wednesday, September 24, 2014 Plan Commission meeting:

Present

Michele DeYoe, Mayor
Tim Aicher, Ald.
Kent Attwell
Wayne Dehn
David Simon
Dan Jashinsky
Jane Lazynski
Jim Reiher
Roger Dupler, Planner
Scott Hussinger, Building Inspector

Absent

1. Approve Plan Commission meeting minutes of August 27, 2014 meeting.

K. ATTWELL MOVED TO APPROVE THE AUGUST 27, 2014 PLAN COMMISSION MEETING MINUTES AS PRESENTED. D. JASHINSKY 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.

D. JASHINSKY MOVED TO CLOSE CITIZEN'S COMMENTS PERTAINING TO SUBJECTS ON THE AGENDA AT 7:01 P.M. K. ATTWELL 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: Fast Signs, Tricia Dushek for Endurance House.** Applicant seeks approval of a permanent sign for Endurance House.
- b. **DELC 0801.999.007, 2699 Golf Road, Delafield. Owner: Waukesha County. Applicant: Steven Brunner.** Applicant seeks approval of a permanent sign for Naga-Waukee Ice Arena.
- c. **DELC 0793.018.003, 527 Milwaukee St., Delafield. Owner: The Steiner Group. Applicant: Kel Svoboda.** Applicant seeks approval of an Amended Business Plan of Operation and a permanent sign for a Century 21 office. Hours of operation remain the same, with a change in location only.

K. ATTWELL MOVED TO APPROVE ITEMS 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.

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4. Unfinished Business: None

5. New Business

- a. **DELT 0830.995 and 0830.994, W316N935 Hwy 83, Delafield. Owner/Applicant: Todd and Shari Showers.** Applicant seeks approval of an Extraterritorial Certified Survey Map to combine 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: Extraterritorial 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 this item was perfunctory as presented in the Staff Report. The Commission had the option to recommend waiving the right of review in this matter as it was located in the Town of Delafield.

K. ATTWELL MOVED TO WAIVE THE RIGHT OF REVIEW FOR AN EXTRATERRITORIAL CERTIFIED SURVEY MAP TO COMBINE TWO TAX KEY NUMBERS IN THE TOWN OF DELAFIELD FOR DELT 0830.995 AND 0830.994, W316N935 HWY 83, DELAFIELD, OWNER/APPLICANT: TODD AND SHARI SHOWERS AND TO RECOMMEND TO COMMON COUNCIL THE SAME. W. DEHN SECONDED. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **DELC 0793.035, 0793.034, 0793.033, 0793.031, 0793.030, 0793.028, 793.014.004. Ace Delafield Properties, LLC c/o Jason Steiner/HIS-Delafield Partners, LLC, c/o Ryan D. Schultz.** Applicant seeks consideration of a Conditional Use Permit Specific Implementation Plan for Wells Street Station, a Multi-Family Apartment Complex, consisting of two buildings, underground parking, and a total of 61 units, and recommendation to the Common Council of the same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Specific Implementation Plan and Certified Survey Map - Wells Street Station returns to the Plan Commission this month for SIP consideration for the first phase of construction. The two multifamily residential buildings are proposed for construction at this time, the commercial building will be constructed at a later date. This SIP submittal includes: A Certified Survey Map, Site Survey, Site Plan, Grading Plan, Erosion Control Plan, Engineering Details, Utilities Plan, Site Lighting Plan, Existing Tree Survey, Landscape Plan, Tree Mitigation Plan, Building Architecture and Signage for the multifamily residential buildings.

Certified Survey Map

The proposed CSM consolidates the seven existing lots and the area of Dopkins Street right-of-way into one large parcel to support the multifamily buildings, and one smaller lot to support a commercial use. The vacation of Dopkins Street added extra area to the proposed site plan. By State Statute, the vacated property is equally divided amongst the adjacent property owners. In this case, Ace Delafield Properties owns all of the property surrounding the vacation. Therefore the eastern boundary of the subject parcel need not be the centerline of the former Dopkins Street. The proposed Certified Survey Map offers a revised boundary for

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the site that captures a larger than anticipated portion of the vacated right-of-way for use and application to the subject site. As a result 74,648 sf are now designated for the Wells Street Station multifamily development in Lot 1; Lot 2 contains the intended retail building on a 12,069 sf parcel.

Bulk Density and Lot Coverage

Two significant changes are incorporated in the SIP that differ from the approved GDP. The parcel boundary is modified as a result of the vacation proceedings and the total number of residential units is less than the GDP approved. Originally there were 61 units approved on 1.871 acres equating to a gross site density of 32.6 units per acre. With the revised boundary of 1.990 acres, and reduced unit count of 58, the resulting gross site density is 29.15 units per acre. These calculations are unique to the residential parcel. The following calculations take into account the combined bulk of the residential buildings and the commercial building. The GDP approved a total lot coverage ratio of 30%. This percentage applied to the new lot size equates to 26,005 sf. The two residential buildings consume 23,040 sf, the balance of coverage attributable to the commercial building will be a maximum of 2,965 sf.

The GDP approved a total Floor Area Ratio of 0.88. Now that the total lot area is increased to 1.99 acres (86,684 sf), the F.A.R. of 0.88 will support 76,282 sf. The proposed SIP architecture unique to the residential buildings is 68,668 sf. Therefore the maximum total floor area for the future commercial building is 7,614 sf. However, this floor area cannot be achieved unless the building is increased to three stories. The limiting factor is the 2,965 sf footprint, which if doubled to produce a second story, will only produce 5,928 sf total floor area. The GDP only approved a two story commercial building. In this final version of the architecture the residential building footprints is slightly modified. The two residential buildings have a total footprint area of 24,019 sf combined, this equates to a lot coverage ratio of 28%. The GDP was approved with a Lot Coverage ratio of 30%. The two lots combined create an impervious coverage ratio of 59%. By code the maximum allowable coverage in any Planned Development is 65%. In regard to bulk density and lot coverage the proposed development is in substantial conformance with the approved General Development Plan.

Site Plan

The proposed building height is three feet taller than what is permitted by code, the GDP approved the overage with an increase to the setback as prescribed by the ordinance. Therefore the minimum building setback is 16'. This condition is not met along the Milwaukee Street frontage. Furthermore, this additional height allowance is established from the building base elevation of 908. In the southeast corner of the site the building height and setback ratio is correct. On the west elevation the finished grade drops to 900, exposing 8 additional feet of building. Therefore an additional 16' of setback is required. As designed, this building must be 32' from the property line along Milwaukee Street, at the northwest corner, and 28' from the property line at the southwest corner. Dimensional standards for parking spaces and drive aisles are compromised and undersized. The north parking lot exhibits 8.5' wide and 17' long spaces. Code requires 9' wide and 18' long. The angular parking in the front of the building exhibits spaces that only accommodate 14.5' depth, 8.5' width, and a drive aisle that should be 19' wide.

Pedestrian Path

The installation of the pedestrian path in the location of Dopkins Street and on the west side of the property will be tangible community benefits created by this development. However, the use must be fully integrated into the urban fabric of Downtown Delafield. These paths must not be allowed to terminate at the property line. An appropriate extension of these paths

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should be employed to link downtown and the park. Therefore the Plan Commission should consider requiring the developer to install crosswalks to match those of the Genesee/Wells Street intersection at all four path crossings, two on Wells Street and Two on Main Street.

Furthermore, the Plan Commission may consider that this development should be made financially responsible for the installation of the Wells Street Bike Path, along the south side of Wells Street, for a length equal to the Wells Street frontage exhibited by this development. It should be noted that recent development of multifamily residential projects in the downtown have similarly contributed to the realization of the bike trail. Delafield Woods and Cambridge Place of Delafield have both recognized this bike trail as an asset to their future residents.

Lighting

The proposed site plan includes the addition of the Delafield standard street lights in the parking islands along Wells Street. These locations may be accommodated and may be aligned with existing street lights extending to the west. The interior lighting needs to be reworked. There is too much light shed to the east and the interior lighting ratios are not presented as identified in the ordinance.

Landscaping

The proposed site development will have an impact on the existing mature trees within the former residential lots. Twenty trees of sufficient size and species qualify for mitigation. The cumulative total caliper inches of extracted material is 290. The landscape plan offers material to compensate for 109 caliper inches. As a result 181 caliper inches will need to be either donated to the Tree Board for installation elsewhere or a cash payment in lieu of installation may be approved by the City Council. There are a number of technical issues to be corrected in the landscape plan, these are itemized in the accompanying technical review letter. Generally speaking, the landscape plan satisfies the requirements of the code but could be improved to present a greater balance of material throughout the site. The north lawn and a west buffer lack the density and diversity of the south and east sides of the building.

Signage

The proposed signage for the apartment building is appropriate and doubles as a screen wall to hide the well location. However, the architectural notes identify the presented lettering to be merely a place holder and suggests a logo to be added. The Plan Commission should approve the complete sign, including all graphics as with any other development.

Recommendation: The Specific Implementation Plan is intended to work-out all of the details of construction and be recommended to the City Council only after all items are complete and correct. There are a number of issues yet to be resolved at the time of this report issuance that require the Plan Commission to weigh-in on. As a result the Plan Commission may wish to ask the petitioners to return to the October meeting with corrected documents or approve the plans contingent upon Staff approval prior to placement on the Council agenda. The major issues are as follows:

- The Certified Survey Map may be approved contingent upon resolution of the items addressed in the Surveyor's review letter of September 19, 2014.***
- The Site Plan and associated documents must be corrected and resolve the items identified in the technical review letter dated September 19, 2014. Most significant is the building height issue and parking lot configuration.***

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- ***Acceptance of a mitigation plan to account for 181 caliper inches.***
- ***Applicant's acceptance of the City's requirement to extend the bike trail along Wells Street and make the appropriate connections to the north and south via crosswalks.***
- ***The Plan Commission may recommend to the City Council and Public Works Committees contingent upon resubmitted plans and approval of reviewing Staff.***

R. Dupler explained several items had been resubmitted in time for this meeting and were not able to be included in the epacket for this meeting. Some items had been resubmitted earlier in the day as well.

Jason Steiner, of Ace Delafield Properties, LLC, Ryan Shultz, Principal of HSI Properties, LLC and Tony DeRosa, Executive Vice-President of HSI Properties, were present.

R. Schultz explained that pending approval, the proposed project had been bid out and a contractor brought on board earlier in the day. Cost challenges impacting all areas of the project had slowly been realized over the past six months due to construction and labor industry issues. He had asked the contractor to protect the integrity of the project and cost savings would be available as long as the project were allowed to begin November 1, 2014 with the support of construction financing. These approvals and agreements would allow 45 days of working the site and would also allow the footing and foundation work to be finished prior to the deep frost. If this timeline was adversely impacted, the project would be pushed to spring 2015 and the contractors were not able to hold pricing. As a result, the proposed project would become unfeasible without City support.

R. Dupler stated many issues had been resolved due to the materials provided by the applicant earlier in the day. He further explained the information noted in the Staff Report on this matter, noting the vacation of Dopkins Street, combined with the ownership of surrounding parcels by Jason Steiner, had changed the right-of-way. The combined lot size and architectural elements resulted in an allowable footprint of 2,965 sf for the footprint of the commercial building. This was a little smaller than originally proposed. R. Dupler further explained the finished grade had impacted the building height requirements as submitted and as presented did not conform to City regulations. He anticipated this could be rectified during grading. The resulting height impacts could be deferred to Staff for approval in this case. The landscaping plan provided included compensation of 277 inches for tree mitigation and 280 inches were required. Additional screening of the westerly side of the proposed parking lot was also required due to its visibility from one-quarter mile. Issues remaining included the need for resubmittal of a lighting plan, a photometric plan, additional landscaping, and review by the Public Works Committee. One remaining question included consideration of a bike path intended for the south side of Wells Street to be incorporated into the development of this project. Crosswalks with brick pavers connecting this development to the trails in the area also required additional consideration by the Commission in this matter.

T. DeRosa explained items requiring resolution could be attained; however, the project had pedestrian paths along both sides of the development. Of the lineal frontage of 399 feet, approximately 388 feet would be required for pedestrian paths. Costs to the project were impacted by these paths and crosswalks and the project had moved forward to this point without assistance from the City through the use of TIF funding. The desire was to maintain a

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unique project of quality. It would be tough to maintain the quality of the project and absorb the costs of the paths.

R. Dupler clarified the project area in relation to the regional Lake Country Trail. While the City remained grateful that J. Steiner had allowed easements through his properties along the south side of Wells Street to allow the path to be placed, other development projects recently constructed in the downtown area had provided financial commitments toward the extension of the path through the downtown area.

Discussion ensued regarding potential costs and impacts to development as a result of the crosswalks and path connections. R. Dupler clarified the locations of the crosswalk connections including two on the northerly side and two on the southerly side. T. DeRosa stated the project would be pleased to stripe four crosswalks; however, the additional cost to improve the crosswalks through brick pavers would be cost prohibitive. T. Aicher clarified the balance of items granted by the applicant and City in this matter at this time. Discussion further ensued regarding the possibility of utilizing grant monies received for these crosswalks.

T. AICHER MOVED TO APPROVE THE WELLS STREET STATION SIP AS SUBMITTED WITH RESUBMITTAL OF A LIGHTING PLAN, BRICK PAVERS INSTALLED ON TWO CROSSWALKS ON THE NORTH SIDE OF THE BUILDING ON MAIN STREET, CROSSWALK STRIPING AND PEDESTRIAN CROSSING SIGNAGE ON THE SOUTH SIDE OF THE BUILDING ON WELLS STREET, LANDSCAPING MODIFICATIONS TO INCLUDE SCREENING ON THE WESTERLY SIDE OF THE PARKING LOT, RESUBMITTAL OF A PHOTOMETRIC PLAN FOR SIGNAGE AND PUBLIC WORKS COMMITTEE APPROVAL OF ALL ITEMS RECOMMENDED BY THE CITY PLANNER. W. DEHN SECONDED THE MOTION. T. AICHER EXPLAINED THE BIKE PATH WOULD BE THE RESPONSIBILITY OF THE CITY WITHOUT THE PROPOSED DEVELOPMENT. THE PROPOSED PROJECT WAS RESPONSIBLE FOR MANAGING THE FLOW AROUND THE BUILDINGS. THE PROPERTY WAS UTILIZING, AND WOULD BE DEPENDENT UPON, THE ACCESS PROVIDED TO THE PATHS AND DOWNTOWN AREAS THROUGH THE CROSSWALKS. M. DEYOE CLARIFIED THE MOTION INCLUDED FUNDING THE COST OF TWO CROSSWALKS INSTEAD OF FOUR. R. DUPLER QUESTIONED WHETHER THE MOTION INCLUDED SATISFACTION OF TREE MITIGATION REQUIREMENTS. T. AICHER STATED IT WAS NOT EXPLICITLY STATED IN THE MOTION; HOWEVER, HE UNDERSTOOD THAT BASED ON THE DISCUSSION EARLIER IN THE MEETING THIS MITIGATION WAS ALREADY DONE. DISCUSSION ENSUED REGARDING THE PROCESS TO INCLUDE AN AMENDMENT TO THE MOTION. D. SIMON STATED HE WOULD PREFER A MOTION THAT DID NOT INCLUDE AN IMPOSITION TO THE APPLICANT FOR THE CROSSWALKS. J. REIHER NOTED THERE WAS A SIGNIFICANT INVESTMENT BEING MADE TO THE TAX BASE OF THE COMMUNITY IN THIS PROJECT THAT COULD NOT BE IGNORED. HE APPLAUDED THE DEVELOPERS FOR THEIR EFFORTS AS HE THOUGHT THE REVENUES GENERATED FROM THIS PROJECT MADE SENSE. **THERE WAS NO FURTHER DISCUSSION. FOUR WERE IN FAVOR. K. ATTWELL, D. SIMON AND J. REIHER VOTED NAY.**

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.

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K. Attwell explained he had conducted research since the last Commission meeting regarding similar ordinances and regulations pertaining to political signs allowed in the right-of-way areas along roadways. He found some areas restricted the activity and some allowed signage in the right-of-way. He shared information from the City of Oconomowoc, City of Brookfield and other areas throughout the country. Discussion ensued regarding the ability to have free speech combined with enforcement issues in this matter. D. Simon stated he appreciated the approach being offered by K. Attwell. W. Dehn questioned whether this type of activity had been an issue in the past. T. Aicher explained there was a gap in the ordinance that could allow someone to place a political sign in his front yard and by law he was not allowed to remove it. This practice has been on the verge of being abused in recent elections. Discussion further ensued regarding enforcement issues related to size of signage, numbers of signs, etc., associated with the ability to place political signs in the right-of-way. Consensus was indicated by the Commission to take no action on this item.

7. Reports of City Officials:

- a. Clerk
 - 1. Plan Commission Meeting Dates & Deadlines
 - a. Next Meeting October 29; Regular Deadline October 15; PH Deadline October 1
 - b. Chapters 17 and 18 Plan Commission Workshop on Wednesday, October 15, 2014 at 6 p.m.
- b. Planner – None.
- c. Building Inspector

S. Hussinger stated the total number of permits to date was 32 with 1 residential permits and no commercial occupancy permits this month.

8. ADJOURNMENT

There was no further business, therefore the Wednesday, September 24, 2014 Plan Commission meeting was adjourned at 8:33 P.M.

Minutes Prepared By:

Accurate Business Communications, Inc.