

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Call to Order

Attwell called the Wednesday, June 27, 2018 Plan Commission meeting to order at 7:00PM.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call for the Wednesday, June 27, 2018 Plan Commission meeting:

Present

Absent

Kent Attwell, Mayor

Tim Aicher, Ald.

Dave Greenway

Dan Jashinsky

Ed Marek

Jeff Miller

Laura Schult

Jim Reiher

Roger Dupler, Planner

Scott Hussinger, Building Inspector

Attwell welcomed Laura Schult to the Plan Commission. It was noted that a public hearing was published for The Prestwick Group as part of this meeting. That application had been withdrawn and no future consideration was needed.

PUBLIC HEARINGS:

PUBLIC HEARING #1:

Conditional Use Amendment

TAX KEY/ADDRESS:

DELC 0803.991.002, 2694 Sun Valley Drive, Delafield

OWNER/APPLICANT:

Kwik Trip Inc.

MATTER:

Applicant seeks to amend the existing Conditional Use Permit to accommodate site redevelopment, include additional property, and maintain the 24-hour operation. A map depicting the property for which the amendment is being requested is on file at the office of the City Clerk and a copy may be obtained from the City Clerk.

Attwell opened the Public Hearing at 7:01 PM. No comments were heard. Attwell closed the Public Hearing at 7:02PM.

1. Approve Plan Commission meeting minutes of May 30, 2018 meeting.

Hearing no objections, the May 30, 2018 Plan Commission meeting minutes were approved.

2. City of Delafield Citizen's Comments pertaining to subjects on the Consent Agenda.

Hearing no comments pertaining to subjects on the Consent Agenda, Citizen's Comments pertaining to subjects on the Consent Agenda were closed.

3. Consent Agenda

- a. **DELC 0787.076, 601 Milwaukee Street, Delafield. Owner: TNJSS Investment LLC**
Applicant: Caesar Soto on behalf of Mazatlan. Applicant seeks approval of a Temporary

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- Extension of Premises for Mazatlan Mexican Restaurant. Hours of Operation are 5:00 P.M. to 11:00 P.M. on dates corresponding to approved Chamber of Commerce scheduled events.
- b. **DELC 0798.024.001, 606 Genesee Street, Delafield. Owner: Hendricks Commercial Properties LLC. Applicant: Amy Quinn on behalf of Belfre Kitchen.** Applicant seeks approval of a Temporary Extension of Premises for Belfre Kitchen. Hours of Operation range from 8:00 A.M – 4:00 P.M. to 11:00 P.M. on dates corresponding to approved Chamber of Commerce scheduled events.
 - c. **DELC 0798.006, 630 Milwaukee Street, Delafield. Owner: Janet M. Vincent Trust. Applicant: Ruth Beiher.** Applicant seeks approval of a Business Plan of Operation for Lake Country Boutique, a retail children’s clothing store. Hours of Operation are 7:00 A.M. to 10:00 P.M. all days, with one full-time employee and four part-time employees.
 - d. **DELC 0803.998.004, 2566 Sun Valley Drive, Delafield. Owner: R. Gary Stortz. Applicant: Trae Hoepner Sr.** Applicant seeks approval of a Business Plan of Operation for Performance Running Outfitters, LLC. , a retail clothing, shoes and accessories store. Hours of Operation are 9:00 A.M. to 9:00 P.M. Monday through Saturday, 10:00 A.M. to 6:00 P.M. Sundays, with one full-time employee and three part-time employees.
 - e. **DELC 0804.994.021, 2863 Heritage Drive, Delafield. Owner: Wal-Mart Real Estate Business Trust. Applicant: Gina Kelly.** Applicant seeks approval of an Amended Business Plan of Operation to accommodate customer pick-up for pre-ordered merchandise.

JASHINSKY MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. GREENWAY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- 4. City of Delafield Citizen’s Comments pertaining to remaining subjects on this Agenda.

David and Denise Labott, 1306 Main Street, were present. Labott explained her husband had made a reasonable request of the City in the past. She and her husband had begun attending City meetings in 2005 regarding various landscaping and privacy screening issues near their house and had lost twelve years of plant growth. They had attempted to meet with other homeowners in The Sanctuary development regarding resolution of these issues. Natural vegetation privacy screening had surrounded their property and was located on the property lines. Maintenance of the outlots had not been done. The Labotts requested the light pollution into their property be minimized from headlights and also neighboring landscape lighting. The lighting impact had significantly increased since the development began. Their initial request for resolution of these issues resulted in a re-assessment of their land and re-approval of the landscaping for the subdivision. The plantings were 49 trees short of what the homeowner’s association had stated would be included. The Labott’s wanted to put up privacy screening as a resolution. Dave Labott explained there was a privacy screening issue because of the height of the lot and their house. They did not make the deadline for requesting a privacy fence for this meeting agenda; however, wanted to include the request on a future agenda. Approximately 25 trees and thousands of dollars in landscaping costs had been used to improve their property because the landscaping that was promised to them over many years had not been implemented. Trees on the neighboring outlots were in need of removal and this had not been done. The final desired resolution was to install a privacy barrier along the property lines.

Jacke Valde- Milsted, Alderperson, explained she was present to provide the 13 year history of this unresolved issue that was a result of a developer becoming insolvent. The Labott’s had been more than patient and invested more than \$20,000 because what the City had promised had not been delivered. It was time for the City to assist them in a simple approval of a resolution to an issue that

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was sincerely opposed upon them. There was no implied blame to anyone; just a simple resolution requested.

Jonathan and Beth Sawant, 2111 West Shore Drive; were present regarding Item 5a. J. Sawant provided four points regarding their position on the request for a Special Exception. The City was a beautiful place. He and his wife had moved from Chicago and appreciated how the aesthetic and beauty of the City worked with the natural landscape. Preservation of rustic beauty on West Shore Drive was important. Progress was going to happen and they welcomed their future neighbors. He noted there were other neighbors also present in the audience and he was speaking on their behalf. The proposal stated there was a total of 2,217 square feet (sf). He thought this calculation should have been 2,667 sf. Unfortunately when the documents were reviewed, the first floor was above ground and included the first floor with garage, staircase and landing. The first floor was above ground and included an unfinished basement that was 1,250 sf. This 1,250 sf was not counted in the overall square footage calculations of the house. When that 1,250 sf was added to the sf calculations of the house, it resulted in 3,917 sf above ground. The portion of sf not accounted for in these calculations equated to a two bedroom, two bath condominium. In May of this year, at the request of the Commission, the Cooks provided the opportunity to review their proposed house plans to the neighbors. He and his wife opposed the current proposal because they would like to see the house plans stay within the required FAR calculations and location on the property. The comparison documents given to the City Planner and Commission by the applicant were flawed and he did not think these should be considered reliable moving forward. It was problematic in how the determination of sf was achieved for the tax rolls and for the building code. Other resources showed other calculations as well. In the direct comparison provided, the first five lots were listed as 50 ft wide lots. The remaining two were 55 and 56 ft wide and approximately 160-170 ft long. When using those measurements, the FAR went down. There was incomplete data on another property provided and many properties included on the list had finished subterranean basements that were used in the comparison. Also, the two bottom comparisons listed were the least congruent on the street with those two materially exceeding the FAR ratio. There was not much open space on those properties as well. There was historical precedence set for the 2117 West Shore Drive property. On August 26, 2004, a petition was heard from David Lambey, then a neighbor of the property owners. At that time that the initial proposal brought to the Building Inspector included plans with an FAR that exceeded the Code by 500 sf. That proposal was denied and the matter was also further denied by the Board of Zoning Appeals. While there were no personal issues with the new property owners, it was his desire that the street and property conform to the Code and rules enforced to maintain the aesthetic appeal. He noted the subsection noted in this matter was incorrect and should be 17.39 (9)(n) not (m). While he appreciated the opportunity to review the proposed plans, he requested the plans be held to required FAR and to include any above ground space in the floor computation in the future.

Attwell closed all City of Delafield Citizen's Comments pertaining to remaining subjects on this Agenda at 7:22PM.

5. Unfinished Business

- a. **DELC 0786.095, 2117 West Shore Drive, Delafield. Owner/Applicant: Brian and Barbara Cook.** Applicant seeks approval of a special exception to allow for a single-family home that exceeds the prescribed floor area ratio in the RL-2 district.

PLEASE SEE PLANNER'S REPORT IN THE EPACKET FOR THIS MEETING TO LOCATE DETAILED INFORMATION ON THIS ITEM.

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The square footage of the house designed by the architect followed the ordinance with the exception that it was a legal nonconforming lot. Two years ago the City modified the ordinance procedure to include special exceptions as part of the Commission agenda instead of the Board of Zoning Appeals. The FAR proposed exceeds the square footage allowed and as a result of implementation of the footprint, the resulting green space would be violated. As requested at the last Commission meeting, the applicant provided additional information to the Commission. The house comparison provided included the nine largest houses in the neighborhood as a representation of compatibility for the proposed house. The issue of the basement FAR was not part of the deliberations at this meeting. They proposed appropriate calculations for the square footage. The applicants were present. Brian Cook explained the architectural drawing of the proposed house had changed with the addition of a band of shingles that ran along the side of the house to break up the side view. The board would be dark blue with shingles above it and the roof would be dark gray.

Aicher clarified the sf noted in the epacket because there was a typographical error in the Planner's Report. He appreciated the applicant speaking to the neighbors regarding this matter; however, the proposed plans included an inefficient use of the footprint of the house. There was a lot of unused area under the roof that could make the house comply without having to adversely impact the use of the property. The house was too large for the property. Cook explained he had tucked the garage under the house to make a smaller footprint. There was an underground water table that was high in his area. Soil could be built up at the back and water directed to run along the northerly side of the house so that it no longer ran across the neighbor's yard. He then reviewed several other properties for the comparative purposes in square footage. He also explained it was difficult to attempt to use the assessment rolls for square footage calculations. Dupler noted that after recalculating the FAR because of typographical error, the FAR was 0.355%. Hussinger concurred, noting the open space seemed to be about 4,800 sf. Miller questioned why the basement was not considered if it was located above grade. Hussinger explained the FAR was not defined in that manner. Unfinished basement square footage was excluded from FAR. The request was approximately 5% over the open space requirement.

AICHER MOVED TO DENY THE A SPECIAL EXCEPTION TO ALLOW FOR A SINGLE-FAMILY HOME THAT EXCEEDS THE PRESCRIBED FLOOR AREA RATIO IN THE RL-2 DISTRICT FOR DELC 0786.095, 2117 WEST SHORE DRIVE, DELAFIELD. OWNER/APPLICANT: BRIAN AND BARBARA COOK. MILLER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. New Business

- a. **DELC 0803.991.002, 2694 Sun Valley Drive, Delafield. Owner/Applicant: Kwik Trip Inc.**
Applicant seeks approval of an amended Conditional Use Agreement, Certified Survey Map, and site plan for a new building and gas pump canopy and recommend to the Common Council of the same, contingent upon Public Works Committee approval of storm water management plan and storm water maintenance agreement.

PLEASE SEE PLANNER'S REPORT IN THE EPACKET FOR THIS MEETING TO LOCATE DETAILED INFORMATION ON THIS ITEM.

The applicant was present. Schult noted the pump locations relative to the roadway that allowed vehicles to park on the easterly side of the Marty's Pizza location. People would be coming around the easterly side of the Kwik Trip building and attempting to get to their vehicles

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parked in the small parking area near the east side of Marty's in the direct path of motorists turning east to get out of the pump location. This would cause potential for accidents. She asked that a stop sign be placed near the entrance location to this area so that people would need to slow down. Attwell requested that the area under the Kwik Trip pylon sign be rearranged to have existing plantings coincide with new plantings in one large planting bed.

JASHINSKY MOVED TO APPROVE AN AMENDED CONDITIONAL USE AGREEMENT, CERTIFIED SURVEY MAP, AND SITE PLAN FOR A NEW BUILDING AND GAS PUMP CANOPY FOR DELC 0803.991.002, 2694 SUN VALLEY DRIVE, DELAFIELD. OWNER/APPLICANT: KWIK TRIP INC, CONTINGENT UPON RESOLUTION OF THE ITEMS LISTED IN THE ENGINEERING REVIEW LETTER DATED JUNE 22, 2018, PUBLIC WORKS COMMITTEE REVIEW AND APPROVAL OF A STORM WATER MANAGEMENT PLAN AND STORM WATER MAINTENANCE AGREEMENT WITH AN EMPHASIS ON THE TRAFFIC FLOW AT THE NORTHEAST CORNER OF THE PROPOSED KWIK TRIP BUILDING AND TO DEFER THE FINAL LIGHTING AND LANDSCAPING OF THE PYLON SIGN TO STAFF AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

7. Zoning and Ordinance Revision.

- a. Discussion and action to approve the revised Zoning District Map and recommendation to the Common Council of the same.

AICHER MOVED TO APPROVE THE REVISED ZONING DISTRICT MAP AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. GREENWAY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. Discussion regarding zoning text amendment pertaining to Planned Development Districts and schedule public hearing.

Discussion took place regarding a zoning text amendment pertaining to Planned Development Districts.

AICHER MOVED TO SCHEDULE A PUBLIC HEARING REGARDING ZONING TEXT AMENDMENT PERTAINING TO PLANNED DEVELOPMENT DISTRICTS AT THE NEXT PLAN COMMISSION MEETING. JASHINSKY SECONDED THE MOTION. REIHER REQUESTED ANALYSIS OF THE DRAFT AND COMPARISON TO OTHER MUNICIPALITIES. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. Discussion and action to approve the 2040 Comprehensive Plan Resident Survey.

A draft 2040 Comprehensive Plan Resident Survey had been provided to all Commissioners for review. Two questions were modified and were included in the draft survey and the survey process reviewed. Surveys would be returned mid-August.

MAREK MOVED TO APPROVE THE 2040 COMPREHENSIVE PLAN RESIDENT SURVEY AS PRESENTED AND TO REQUEST STAFF TO DISTRIBUTE IT AS DISCUSSED. MILLER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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8. Reports of City Officials:

a. Clerk

1. Plan Commission Meeting Dates & Deadlines

a. Meeting July 25, 2018; Submittal Deadline July 10, 2018; Public Hearing Submittal Deadline June 25, 2018.

2. Correspondence- None.

b. Planner

Dupler noted the Public Hearing referenced in Item 7b would be required to be placed on the August Plan Commission meeting agenda due to the submittal deadline for the next meeting.

c. Building Inspector.

There was one commercial permit and one residential permit with this month.

9. Adjournment.

There was no further business; therefore, the Wednesday, May 30, 2018 Plan Commission meeting adjourned at 8:13PM.

Minutes Prepared By:

Accurate Business Communications, Inc.