

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Call to Order

Attwell called the Wednesday, June 26, 2019 Plan Commission meeting to order at 7:00PM.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call for the Wednesday, June 26, 2019 Plan Commission meeting:

Present

Absent

Kent Attwell, Mayor

Tim Aicher, Ald.

Dave Greenway

Dan Jashinsky

Ed Marek

Jim Reiher

Laura Schult

Robert Weiler

Roger Dupler, Planner

Scott Hussinger, Building Inspector

PUBLIC HEARINGS:

PUBLIC HEARING #1:

Conditional Use Permit

TAX KEY/ADDRESS:

DELC 0793.021 and 0793.021.001, 705 Genesee Street, Delafield.

OWNER/APPLICANT:

Hendricks Commercial Properties LLC

MATTER:

Consider a Conditional Use Permit and Site Plan to allow for Multifamily dwelling units in the CBD-1 Central Business District. In addition, consider special exceptions for the number of floors, building height, and building setback.

Attwell opened the Public Hearing at 7:01PM.

Chloe Wandschneider, 834 Mill Street and Caryl McAllister, 1925 Moraine End Drive, presented "A Better Delafield.". They were part of a group started in 2013 due to concerns about the urban tree canopy. The slope of the land beneath the proposed development was of concern. Much of downtown Delafield sloped to the lake and had been wetland in the past. Despite years of filling in this wetland, it still retained many wetland characteristics. Flooding had occurred at the Fish Hatchery since Wells Street Station was constructed and the proposed development would likely enhance the flooding near the Fish Hatchery and Milwaukee Street Traders due to a lack of drainage in this area. Two types of aquifers were noted in the presentation along with the relationship of each to aquifer recharge. Restocking the aquifer took millennia to accomplish and with development that reduced the water supply and forced wells to be dug deeper. It was important to protect the water supply. Errors in judgment would require a water supply to be provided from Highway 83 that would be costly. With regard to the overall aesthetic of the project, Wandschneider compared the Hendricks Commercial Properties LLC (Hendricks) properties in Beloit, Wisconsin and Indianapolis, Indiana to the proposed design. The previously constructed properties were tall, block, industrial looking buildings that fit the larger cities and industrial areas where they were located. The proposed buildings, while lighter in color in the most recent design, did not fit the architectural style of the current downtown Delafield. The proposed development should not be allowed because there were many condominium and apartment units available to the area currently with many vacancies. Also, condominiums used large amounts of water. This would reduce the City's water supply. The height of the buildings would set a precedent for exceeding the code. Future developments would be allowed to make similar requests. McAllister expressed concern about the overall size of the development relative to the cities in which previous Hendricks developments had been located. It was important to consider architectural styles, and traditions. This development did not seem compatible with the

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size of the property, overall scale of the project, proportions and downtown Delafield. The architectural style did not honor fit the historic aesthetic. The right kind of development was great but this development needed work to become the right development.

John Ravaris, 174 N. Fieldstone Road, represented a group called the “Delafield Citizens for Responsible Growth (DCRG).” The goal of this group was to collaborate with the City, work with citizens, government officials, businesses, etc., to ensure sustainability of the community. The City was in significant trouble in four ways, due to a structural budget deficit, lack of economic development as evidenced by the empty storefronts and restaurants, decreased school enrollment and the failure of the recent Kettle Moraine School District referendum and stagnant property values. It was the duty of all to take responsibility for these issues and to change the future through economic development.

Josh Vieth, 150 N. Fieldstone Road, was a member of the DCRG. The City’s Comprehensive Plan included a chapter on economic development that detailed specific goals and objectives to attract higher technology opportunities, encourage and support business growth and development, and recruit and market businesses to fulfill the goals and objectives. It was important to partner with Hendricks for the future growth of the City. Hendricks currently owned approximately 20 buildings in the City that provided \$500,000 in property taxes and worth more than \$20 million dollars in the community. Hendricks was committed to the City and it was important to consider a development from all angles.

David Simon, 180 N. Fieldstone Road, had moved here because his family was attracted to the restaurants and shops in a vibrant downtown that had been filled with energy. This project would enhance some of those same attractions and interests that were present in the past, including 87 underground parking stalls, 34 outdoor parking stalls, a first floor public market food hall that would provide a unique retail outlet, additional office jobs that would enhance the downtown and bring people to the area during the day. In addition, the proposed development was anticipated to generate approximately \$384,687 in annual revenue for the City. Overall the development would be crucially important to the downtown as part of the City’s Master Plan.

Rob Miller, 738 West Shore Drive, was a City resident for 20 years and owned a business at 706 Oneida Street. His perception was that strong leadership was lacking and was necessary to keep the community growing in the right direction. It seemed residents that lived here a long time seemed reluctant to see the City grow. It was going to grow in the future and it was important it grew in the right direction. This project would provide long term and short term prosperity. In strategic planning for the City it was important to “think outside the box.” While it was also important to follow the rules, Hendricks was willing to invest in the community and this project would help with revenues so that a budget deficit was not realized. Based on his experience in other communities, there was always a way to work together on issues of concern.

Susie Thompson, 700 Milwaukee Street, lived less than two blocks from the proposed development. This was a chance to make changes. Change was important and often good things resulted as noted in history when women were given the right to vote. Commercial properties provided revenues and the City couldn’t afford to lose the growth. With regard to the tree loss in the City, there were often ancient trees removed. There were old walnut trees removed on her property and she had planted nine trees and 27 bushes in place of the ancient trees. She encouraged the City to be open to change and to support Hendricks development.

Jim Zahorik, 1942 West Shore Drive, was a resident of the City for 30 years. He agreed Hendricks did many things for the City; however, the improvements completed by Hendricks development were necessary maintenance of their buildings designed to keep all their buildings looking good in the downtown area. His concern was the excess of the building related to the proximity to the main road through the City. The proposed setback of 24 feet for a building that exceeded height should be compared to the building to the south at 705 Genesee Street. The setback for the existing Lang building is 64 feet. Postcards requesting support of this development were put in mailboxes illegally around the City behind the flag. The diagram presented in the epacket showed the building with the light cast from the east showing the Daybreak Mobil

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building shadow. If the Daybreak Mobil shadow cast across the street in the manner shown, he requested all consider the shadow that would be cast from the west each day with the size of the proposed building. With regard to the comments made regarding the Kettle Moraine referendum, he noted the current funding formula had not changed in 20 years but growth would occur anyway. People had moved to the City for the school district despite the referendum failing recently. The building was too large on a lot that was too small.

Dan Collins, 726 Milwaukee Street, viewed the public market in the proposed project as a community gathering space. While out gathering signatures of support for this project, people were surprised to learn this project had not yet been approved. It was important that City leaders get this project done.

Jacki Lyden, 1614 W. Shore Drive, explained it was possible to have good ecology and good business and also to have good growth and bad planning. She appreciated that the City was trying to consider this project from all sides. She questioned what 87 underground parking stalls would do the Bark River and Nagawicka Lake. Delafield was a city of springs 100 years ago. It was not possible to buy another aquifer. While she understood it could be difficult to run a small business, this project did not harmonize with existing codes, architecture, the water table, as well as other impacts to public safety services and other support systems citizens paid for with their taxes. There was nothing proposed that lowered taxes "across the board" for everyone. This project would continue to raise taxes too. The height restrictions were a concern. The aerial view demonstrated that the proposed project would look like two big blocks and other neighboring buildings would be dwarfed by it. The future depended on decision made now and if approved would squander the future of the water and ecology of the city.

Lyn Holton, 485 Lillian Court, appreciated the time all present volunteered to make the City work and move forward. All had done an excellent job in the past. She did not think the City was moving backward or failing. To the contrary, Delafield continued to be a highly desirable address but also included a long history and continued effort toward "smart growth." According to the *Milwaukee Journal Sentinel* statistics, the City of Delafield was in the "top five" for average home prices, location and appeal. This indicated it was far from declining. The City's Comprehensive Plan and Zoning Code were not antiquated. The Code was reviewed and adopted in 2009 after a two year process that cost the citizens \$75,000. It provided foresight and conclusions that incorporated information from the census and citizen input and projected the vision of the City to the Year 2030. This was a current document that should be considered viable. She had provided the Commissioners with two emails prior to the meeting that referenced two handbooks relative to case law and zoning. Based on the information referenced, the Commission did not have the ability to grant special exceptions. This should be presented in front of the Board of Zoning Appeals because it was a violation of the Zoning Code relative to land uses and dimensional changes and could not be handled with a conditional use unless the use was listed as such in the zoning ordinance.

Christine Harder, 120 Hickory Court, had lived in the City for 11 years and her husband lived here for 25 years. They had been looking for the right house for the past five years and picked the City for its quaintness in the downtown, "walkability" of the City, open space and friendly neighbors. When considering this project, it was important to be able to see the sky. This proposal did not fit the current structure of the buildings downtown, open space or knowing the neighbors. She was concerned that this building was similar to those in the Third Ward of Milwaukee, a bustling city. This was not something she wanted. Housing was cheaper in other cities and she chose to spend more of her life here because she liked the downtown. It seemed the project would impact the traffic on the street and increase crime. Property values had not decreased, there had been a recession. She was concerned that if this project would be approved, it would present a precedent for other developers to use to create a six story structure.

Bernie Beeba, 933 Milwaukee Street, had lived in the City since 1974. The City improved all the time. It began with the sewer. People were against the sewer and it took a lot for the City to get the sewer system. The same with the sidewalk along Milwaukee Street - people that didn't want it now use it. . It was important to find a way to continue to improve the City. If not this project, make it better next time. It doesn't have to be

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four stories but the City needed something done. Milwaukee Street needed to be wider and paths needed to be completed there as well. It all could be done.

Amy Quinn, 2035 Coachlight Court and Belfre Kitchen owner, explained she was a homeowner and business owner in the City. She had talked to 20 business owners in the past few weeks with all in favor of the proposal. There was a definite shift in foot traffic in the past two years with many vacant storefronts the result. Something changed. Small business owners in the City had a lot invested. This proposed project was exactly what was needed. She loved the building architecture and thought it to be very "forward thinking." The Hendricks proposal would bring needed foot traffic and mid-week lunch crowds to the downtown.

Jim Stouffer, 637 Main Street, had been in the City since the Lang buildings were opposed. Now people did not argue that it was a wonderful blessing to have them. This new building development would be a blessing also in the downtown area. He hoped that the Commission would consider it.

Michael Groh, 328 Juniper Court, explained that while many people used the phrase "historic Delafield," the City was defined by developer Bob Lang in 1989. There is no history to protect. The character of the area had changed dramatically in the past 30 years when WE Energies moved out and the building became Wheel and Sprocket. The City had a precedent of developers working to have trade-offs. Hendricks was investing more than \$2 million into the community, was adding 87 parking stalls to the community and that was a trade-off for the additional story as well as the modified setback. The Commission should vote to approve this project, focus on the future, increase the diversity in the City architecture and those actions would show leadership and vision for the community's future.

Mike Burns, 148 Laurel Circle, agreed with Jim Stouffer. The zoning was being used as a means to negotiate to a point where the proposal was turning into a great project. The most recent renderings provided did seem to fit Delafield, would be an economic benefit and would bring more people into the City to shop and eat in addition to adding to the tax base. Also, the proposed development would create jobs. He was in favor of the project.

Rick Lieblang, 312 Evelyn Ave., and downtown business owner, wanted the project to move forward. He thanked Diane Hendricks for doing this in the community. The project would be the same height as other existing buildings. He had been in business in Delafield for 30 years and the City was losing business to surrounding communities. The Commission should consider all heard and let the businesses grow.

John Rasmussen, Great Harvest Bread store owner, explained he had lived and worked in the City. Eight years ago he became a business owner because of what the City was and what it could become. Residents and businesses were a big part of his growth as well as adding to the community. Currently his store was located between two vacant store fronts. The City could not lose more businesses. The new businesses that had come to the downtown had injected enthusiasm and excitement into the area; however, it seemed like it was starting to down trend. He had recently opened a second business in Oconomowoc, Wisconsin where the City leaders had constructed a building that looked similar to the one proposed. Architecture did not have to be "cookie cutter." Delafield was not a historical community. Bob Lang brought in some nice buildings and Hendricks had invested in current buildings. There used to be a shabby strip mall where businesses were being constructed. The City needed to grow.

Jeff Nipper, Owner of 608-610 Milwaukee Street, was in favor of this proposal. It was important to keep in mind that the same people that complained about the Lang development in the past were complaining now.

Paula Hornbeck; owner of Eye Candy, lived in North Prairie. She supported the project moving forward. Downtown Delafield really needed what was going to be built. She resented that her comments should not be included because she didn't live in the City. She had been in business in the City for 11 years and had more invested in the community than some people that did live here. Nobody cared more than the business owners

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in the City because the businesses were their “life blood.” Some people spent their money here, some did not. Business owners spent their life, time and money in the City. Another business that failed was another life that was suffering.

Kurt Heikkinen, 252 Hickory Drive, and Montage CEO, appreciated the strong sentiment people conveyed because it related to businesses and the future. He started his tech company 10 years ago with just four people. He now employed more than 100 people with 80 people in the City of Delafield. His company had been venture capital funded and recently merged with another company. He had a choice to make as a business leader regarding where to locate his future offices. He needed to look forward and consider 30% growth and additional jobs. His company’s presence in Delafield should not be taken for granted. It was conditional.

Steve Kissler, Waukesha resident and co-owner of Stephen Paul Design, began his business after seeing an ad pinned to the travel business next to his current location and was sealed with a handshake because things were bustling here. The City should make this project happen and would get parking with the project as a result.

Jack Demski, 318 Bleeker Street, thought that the proposed building would act as a capstone for the downtown in a way that would lead the City forward. There were positives in the project. There were “haters” for every great thing in history. It was important to keep the City “on top” as a community amongst the neighboring cities.

Lorraine Bonniwell, 761 Mill Street, was not in favor of this project. It was too high and blocked the buildings in the back. She questioned what would happen to the downtown parking with all the business being brought to town. The building looked nice but was way too tall on Genesee Street.

Sarah Johnson, 300 South Lapham Peak Road, and owner of Delafield Main Street Boutique; was in support. She moved to the City eight years ago because she loved the community and dreamed of opening her own business. The new proposal would help all businesses to grow and prosper.

Craig Chiaverotti, 435 Wells Street, thought the project would be a boon to the community. He was in favor and hoped the Commission would vote for the project.

Jeremy Craven, 226 White Pine Road, supported the previous business owner that said she was not a resident but thought her view was dismissed. He noticed the same thing in the past and because of this chose to speak as a resident for himself and his wife in support of the project.

Marjorie Nowell, 2293a Circle Ridge Drive, questioned whether the land being used to install 87 parking spaces in the project was still in conservancy. She also noted several apartments and condos vacant at this time and she wondered what made people think those would be occupied because of the new project.

Ted Dunham, 129 South Laurel Court, appreciated the community discourse on this project. He had moved with his family four times in the past 16 years because of his work with a large corporation based in Pewaukee. Each time he moved he thought of the school system and vibrancy of community. It was an embarrassment that the referendum lost in a place where there is a disproportionate amount of wealth. While he could have moved anywhere in the past, he chose to move to Delafield because of the vibrancy of the community and the opportunity to see the City thrive. When a person considered this from a concept of opportunity cost associated with the current vacant lot, it was a massive one that the City could not afford to pass up. He endorsed the project and looked forward to the next steps.

Tracy Jones, 1751 West Shore Drive, hoped that the propose building would be able to be built. All had heard from the business owners. The City needed people to come into town and to enjoy the businesses. Her

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family had moved several times due to corporate transfers. She had moved here 12 years ago because of the quaint downtown within walking distance, shopping and great buildings. She did not know how to solve the issues of height and setback but she thought this was a great building and Bob Lang had built great buildings in the past.

Hearing no one come forward to provide additional comment at this time, Public Hearing #1 was closed at 8:27PM.

PUBLIC HEARING #2 **Amended Conditional Use Permit**
TAX KEY/ADDRESS **DELC 0734.989 4024 Nagawicka Road, Hartland.**
OWNER: **University Lake School.**
APPLICANT: **SunVest Solar Inc.**
MATTER: Consider an Amended Conditional Use and Site Plan to accommodate
Installation of a solar collection system north of Vettelson Road

Attwell opened the Public Hearing at 7:01PM. Hearing no one come forward to provide comment at this time, Public Hearing #2 was closed at 8:28PM.

PUBLIC HEARING #3 **Amended Conditional Use Permit**
TAX KEY/ADDRESS **DELC0793.049, 408 Main Street, Delafield.**
OWNER/APPLICANT: **John D. Tomasini.**
MATTER: Consider an Amended Conditional Use and Site Plan to accommodate a four unit
attached single family development that is proposed with less building area than
recently approved.

Attwell opened the Public Hearing at 7:01PM. Hearing no one come forward to provide comment at this time, Public Hearing #3 was closed at 8:29PM.

1. Approve Plan Commission meeting minutes of the [May 29, 2019](#) meeting.

A correction was made on Page 4, Item 6a, Paragraph 1, Sentence 19 to change “The County regulated vape shops and CBD oils, but did not regulate public health.” to “The County regulated public health but did not regulate vape shops and CBD oils.”

AICHER MOVED TO APPROVE THE MAY 29, 2019 PLAN COMMISSION MEETING MINUTES AS AMENDED. MAREK 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 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 0807.985.012, 3776 Kettle Court East, Delafield. Owner: KB Investments. Applicant: Bauer Sign and Lighting.** Applicant seeks approval of an Amended Business Plan of Operation and signage for Stuffed Puffs, a confectioner. Hours of Operation are 5:00 A.M. to 2:00 A.M., all days, with 40 full-time employees.
- b. **DELC 0798.005, 620 Milwaukee Street, Delafield. Owner: Andrea D. Johnson. Applicant: Carol Guayliardo.** Applicant seeks approval of signage for Bliss Boutique, a retail store in the Downtown Delafield Design District.

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- c. **DELC 0803.988.005, 2574 Sun Valley Drive, Delafield. Owner: Gary Stortz. Applicant: Innovative Signs.** Applicant seeks approval of a permanent building sign for Elite Performance Chiropractic that conforms to the multitenant sign program.
- d. **DELC 0804.994.019, 2726 Hillside Drive, Delafield. Owner: Bank of America. Applicant: Bauer Sign.** Applicant seeks approval of a Business Plan of Operation and permanent sign for Chiro One Wellness Center. Hours of operation are 7:00 A.M. to 7:30 P.M., Monday through Thursday, with three full-time employees.

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 items on or off this Agenda.

Hearing no other comments pertaining to items on or off this Agenda, Citizen's Comments were closed.

Attwell recessed the meeting at 8:30 PM and reconvened the meeting at 8:40 PM.

- 5. Unfinished Business.

- a. Review and discussion of floor area and basement calculations.

Information had been provided in the epacket for this meeting regarding this agenda item. Historically there was an issue that affected residential property owners pertaining to the process of how to calculate the area allowed to be finished once a house was constructed. This issue would most often appear when a house was sold to a new property owner with the understanding that there was basement or attic space that could be "finished." The new property owner would embark on the construction process in areas where the space being created was not to be considered useable space. Hardships could not typically be proven to gain variances in these cases. Definitions in the current zoning code were partially at fault. To clarify the desired intent of the Zoning Code, proposed definitions and diagrammatic sketches were reviewed. With the proposed changes, a property owner would be aware of the amount of finished space allowed at the time of permitting because the finished area would have been incorporated in the calculations even if the construction of those areas would take place in the future. Discussion took place. The desire was clarity not stricter standards. The maximum floor area ratio standards might also need to be adjusted in the future. Suggestions on the potential maximum floor area ratio standards would take place at a future meeting. No action was taken.

- 6. New Business

- a. **DELC 0734.989 4024 Nagawicka Road, Hartland. Owner: University Lake School.** Applicant: SunVest Solar Inc. Applicant seeks approval of an amended Conditional Use Permit and Site Plan to accommodate installation of a solar collection system north of Vettelson Road. Recommend to the Common Council of the same.

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

Kurt Kindred, SunVest Solar Inc., N27W24025 Paul Ct #100, Pewaukee, WI, explained a revised design was provided and included in the epacket for this meeting. As requested at the last Plan Commission meeting, the solar arrays had been rotated and a fence was included on

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the proposed plans. Commissioners discussed the options available for fencing the area other than the proposed six foot cyclone fence. Other colors or landscaping could be considered. Kindred agreed to work with City staff on landscaping to break up the visual view of the fence exterior.

AICHER MOVED TO APPROVE AN AMENDED CONDITIONAL USE PERMIT AND SITE PLAN TO ACCOMMODATE INSTALLATION OF A SOLAR COLLECTION SYSTEM NORTH OF VETTELSON ROAD FOR DELC 0734.989 4024 NAGAWICKA ROAD, HARTLAND. OWNER: UNIVERSITY LAKE SCHOOL. APPLICANT: SUNVEST SOLAR INC, CONTINGENT UPON WORKING WITH CITY STAFF ON LANDSCAPING AND FENCE EXTERIOR 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. **DELC0793.049, 408 Main Street, Delafield. Owner/Applicant: John D. Tomasini.** Applicant seeks feedback on downsizing the approved four unit residential condominium. Recommend to the Common Council of the same.

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John Kutz, of MSI General, explained the Plan Commission had previously approved the original submittal. Since that time a reduction was made in the footprint of the project from 6,207 sf to 4,046 sf and the units were reduced in size from 3,100 sf to 2,020 sf. As a result of the reduction in footprint, green space had increased on the site. All other plans had been revised accordingly.

JASHINSKY MOVED TO APPROVE DOWNSIZING THE APPROVED FOUR UNIT RESIDENTIAL CONDOMINIUM FOR .049, 408 MAIN STREET, DELAFIELD. OWNER/APPLICANT: JOHN D. TOMASINI AS PRESENTED AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. REIHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. **DELC 0793.014.002, 515 Wells Street, Delafield. Owner: Hendricks Commercial Properties LLC. Applicant: Delafield Hospitality LLC.** Applicant seeks approval for a Business Plan of Operation, Architectural modifications, and permanent building signage for Americas Continental Eatery. Hours of Operation are Monday through Thursday 11:00 A.M. to 12:00 A.M., Friday and Saturday 11:00 A.M. to 2:00 A.M., with eight full-time employees and eleven part-time employees.

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

Michael Feker, Americas Continental Eatery Chef, explained the building was located in the previous Ward's restaurant location. Signage would be white and black as presented in the epacket for this meeting. The existing four downstairs windows would be replaced with garage doors that would sit on a sill to allow privacy for the patrons inside the restaurant. The railing would remain on the porch. He was willing to limit outdoor dining hours and music.

MAREK MOVED TO APPROVE FOR A BUSINESS PLAN OF OPERATION, ARCHITECTURAL MODIFICATIONS, AND PERMANENT BUILDING SIGNAGE FOR AMERICAS CONTINENTAL EATERY. HOURS OF OPERATION ARE MONDAY THROUGH

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THURSDAY 11:00 A.M. TO 12:00 A.M., FRIDAY AND SATURDAY 11:00 A.M. TO 2:00 A.M., WITH EIGHT FULL-TIME EMPLOYEES AND ELEVEN PART-TIME EMPLOYEES FOR DELC 0793.014.002, 515 WELLS STREET, DELAFIELD. OWNER: HENDRICKS COMMERCIAL PROPERTIES LLC. APPLICANT: DELAFIELD HOSPITALITY LLC SUBJECT TO MUSIC AND TABLE SERVICE BEING DISCONTINUED AT 10:00 P.M. WEILER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- d. **DELC 0799.982.003, 296 South Genesee Street, Delafield, Owner/Applicant: Aaron Niezwaag.** Applicant seeks a special exception approval of an accessory building that exceeds the maximum area for a residential property.

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

Aaron Niezwaag, 296 South Genesee Street, was present to answer questions. His lot was ten acres. The intention of the accessory building was to hold livestock and become a machine shed. There was no business use intended for the proposed building.

AICHER MOVED TO APPROVE AN ACCESSORY BUILDING THAT EXCEEDS THE MAXIMUM AREA FOR A RESIDENTIAL PROPERTY FOR DELC 0799.982.003, 296 SOUTH GENESEE STREET, DELAFIELD, OWNER/APPLICANT: AARON NIEZWAAG AS PRESENTED. GREENWAY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- e. **DELC 0798.098.001-004, 319 –337 Division Street, Delafield. Owner: Behrend Property LLC. Applicant: Condo Development Inc.** Applicant seeks preliminary feedback on a development concept to realize an eight unit attached single family dwelling.

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

Greg James, applicant's representative, noted revised plans had been submitted since the last Plan Commission meeting and were included in the epacket for this meeting. One large building had been eliminated and replaced with two four-family unit buildings for a total of eight units in the project. The buildings complied with present zoning and no zoning or land use changes were required. An existing ten foot easement at the back of the property currently housed the sewer laterals. These laterals would be abandoned and the sewer blocked off at the main at Lake Street. A new sewer easement would be created. Anticipated materials for the buildings included LP Smart Side siding with first floor white brick with grey tones. The dormers would be grey colored Smart Side siding in a shake style. He also noted the units were wider, now 1,800 sf, and the interior garage space had changed to 22 feet by 22 feet to allow two cars to park side by side. Concern was expressed for the ability for fire apparatus to manage a fire emergency on the property. This was not cause for concern. Fire service could be provided from Division Street. It was suggested that the ridgeline of the two buildings could be changed or varied in pitch or elevation to make it look more aesthetically pleasing. A public hearing would be scheduled.

- f. **DELC 0793.021 and 0793.021.001, 705 Genesee Street, Delafield. Owner/Applicant: Hendricks Commercial Properties LLC.** Applicant seeks approval of a Conditional Use Permit to allow multitenant residential dwellings in the CBD-1 district and associated Special Exceptions for the building height, building setback and four floors.

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

Kyle Gibson, Hendricks Properties Development Manager, noted adjustments were made to the exterior of the building based on feedback received from that meeting. Other various plans, including stormwater, lighting and landscaping plans, were included in the submittal as requested at the last Plan Commission meeting and a comparison of three and four stories buildings on and off the lot line were also provided as requested. The office building was reduced to 55 feet, was 80 feet long along Main Street, and the entire property was 340 feet along Main Street. Sixty feet of that space would be open space with a large plaza along Genesee Street. Two color schemes were submitted in the materials for this meeting and the developer was open to change. The project included two buildings. One building was a commercial office building with a first floor market area with vendors, market goods and retail tenants. The first floor of the residential building could include a mixture of restaurants and retail tenants. There were 87 underground parking stalls proposed. Maximizing the four floors allowed for 33 additional surface stalls and the plaza.

Pete Davis, Johnson Design, 211 West Second Street, provided an overview of changes to the overall design of the project. Stormwater was a concern at past Plan Commission meetings. The stormwater was being maintained on site and would be brought safely back into the stormwater system without resulting in flooding of neighboring properties. Work continued on the lighting plans. The architecture was changed to reflect a historic turn-of-the century hotel with a main corner clipped and designed to funnel the general public into that space. The large tower portion and cornice areas had been changed to wood to tie in with other buildings as well to create a residential feel and reduction in visual height of the building. Double hung windows would be used throughout the building. A comparison of the two buildings with setbacks was reviewed, noting there was no difference in visual height from across the street when the currently proposed building and the third story building located at the sidewalk were compared.

Dupler noted the legal issues referenced by Holton earlier in the meeting would be decided by the Common Council based on the advice of the City attorney. The Commission was to evaluate the plan on its merits without concern for the legal issues at this time. Discussion of the proposed building height took place. The Zoning Code was clear that the maximum allowable height of the proposed buildings was 45 feet in this zoning district. Exceptions had been granted in the past to allow other buildings to be constructed higher. Any changes recommended to the building height in excess of the Zoning code would require a Zoning Code amendment by the Common Council in this matter. Dupler reviewed the process to be followed if the Plan Commission chose to approve special exceptions in this proposal. Discussion at this meeting should be relative to the Zoning Code allowances for height, setback and limitation of floors in this district. A discrepancy in the height was noted between the architectural renderings and City Planner's calculations. A discussion of the classification of heights took place at this time. Davis noted the proposed plans included measurements to the roof lines. The office building was 55 feet tall in the front of the building. Because it was ADA compliant, the entire first floor was at grade (sidewalk) level. With regard to setback issues associated with the office building, Davis explained square footage was needed to make the building a viable height. If the height were reduced, surface parking and underground parking spaces would be reduced as well. With regard to the residential building, the height issue was the same but the setback issue was not. The residential building was located close to the lot line on the north side of the property and an exception was requested as a result. Balconies shown in the plans would be revised to meet the property lines. Commissioners also discussed the color schemes presented in the epacket for this meeting (p139 and 148). The buildings had been lightened in

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color with dark railings and accents. Angle elevations relative the garage door openings shown in the epacket were also discussed. A retaining wall would be needed to hold the earth back in the underground garage entrance area and to maintain appropriate ceiling heights.

Commissioners discussed the proposal. Updated plans including the change in architectural details to wood elements were appreciated; however, the Zoning Code would need to be changed for approvals of the proposal with regard to height, setbacks and number of stories. Design was not the factor that brought business into the area; it was the business that drew people. Discussion took place regarding what was previously allowed and what could likely be anticipated in future developments if the Zoning Code were to be changed to accommodate this proposal. Discussion also ensued regarding the ability to change the height as an exception in the future. Clarification was provided that the office building would be slightly taller than the residential building as shown in the renderings in the epacket for this meeting. Discussion further ensued regarding the number of stories on the proposed buildings and reducing the setback from Genesee Street. Davis explained if units were removed and a feature such as a restaurant were to be added to the top floor an issue of access would be created that would drastically alter the building design. If the building were to be shifted back far enough to alleviate the open space between the two buildings, the buildings would touch and the plaza area would be 30 extra feet and would not be welcoming.

Discussion also took place regarding conditions to be placed on the property relative to the zoning district that would be included with any approval of a conditional use for this property. The following issues were agreed to by the applicant and would be included in approval of the final development plan that also approved the conditional uses allowed for this property in this zoning district:

- Fast food franchise restaurants would not be allowed in the first floor marketplace or retail areas.
- Condominiums were allowed contingent upon the review and approval of the declarations/bylaws related to aesthetics, noise and use of the exterior façade, specifically the balconies.
- City approval of a change in use from condominiums to apartments should be noted in the condominium covenants and/or ownership documentation for the residential building with limitations noted regarding rental of a condominium. Leasing agreements should be used for rental of the commercial building.
- Condominium bylaws, declarations and/or covenants would be included in the conditional use for this property.

MAREK MOVED TO APPROVE A SPECIAL EXCEPTION TO ALLOW THE RESIDENTIAL BUILDING HEIGHT OF 55.3 FEET IN EXCESS OF THE CBD-1 BUILDING HEIGHT LIMITATION OF 35 FEET NOTED IN CITY OF DELAFIELD ZONING CODE SECTION 17.39(18)(I)a, SUBJECT TO FURTHER REVIEW OF THE DESIGN CRITERIA RELATIVE TO 17.42(3), INCLUDING COMPATIBILITY AND AESTHETICS ASSOCIATED WITH THE OVERALL DESIGN OF THE PROJECT, FINAL SITE PLAN APPROVAL AND TO RECOMMEND TO THE COMMON COUNCIL AS A CODE AMENDMENT. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. SIX VOTED IN FAVOR. MOTION CARRIED WITH SCHULT VOTING NAY.

MAREK MOVED TO APPROVE SPECIAL EXCEPTION, TO RELAX THE RESIDENTIAL BUILDING SETBACK REQUIREMENTS IMPOSED BY CITY OF DELAFIELD ZONING CODE SECTION 17.15(3), AND ACCEPT THE SETBACKS AS PROPOSED ON THE SITE PLAN DATED MAY 29, 2019, SUBJECT TO FURTHER REVIEW AND APPROVAL OF THE DESIGN CRITERIA RELATIVE TO 17.42(3), INCLUDING COMPATIBILITY AND

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AESTHETICS ASSOCIATED WITH THE OVERALL DESIGN OF THE PROJECT, FINAL SITE PLAN APPROVAL AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME AS A CODE AMENDMENT. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. SIX VOTED IN FAVOR. MOTION CARRIED WITH SCHULT VOTING NAY.

MAREK MOVED TO APPROVE A SPECIAL EXCEPTION TO WAIVE THE THREE FLOOR LIMITATION IN CITY OF DELAFIELD ZONING CODE SECTION 17.39(l)c AND TO ALLOW FOUR FLOORS AS PROPOSED FOR A RESIDENTIAL BUILDING SUBJECT TO FURTHER REVIEW AND APPROVAL OF THE DESIGN CRITERIA RELATIVE TO 17.42(3), INCLUDING COMPATIBILITY AND AESTHETICS ASSOCIATED WITH THE OVERALL DESIGN OF THE PROJECT, FINAL SITE PLAN APPROVAL AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME AS A CODE AMENDMENT. JASHINSKY SECONDED THE MOTION. WEILER REQUESTED AN AMENDMENT BE MADE TO THE MOTION TO INCLUDE THAT BUILDINGS BEYOND 45 FEET IN HEIGHT OR THREE STORIES WOULD HAVE UNDERGROUND PARKING. AICHER CLARIFIED THE AMENDMENT WOULD BE PART OF THE CODE AMENDMENT RECOMMENDED TO THE COMMON COUNCIL. JASHINSKY SECONDED THE AMENDMENT. SIX WERE IN FAVOR OF THE AMENDMENT WITH SCHULT VOTING NAY. THERE WAS NO FURTHER DISCUSSION. SIX WERE IN FAVOR OF THE MOTION AND AMENDMENT. MOTION CARRIED WITH SCHULT VOTING NAY.

MAREK MOVED TO APPROVE A SPECIAL EXCEPTION TO ALLOW THE OFFICE BUILDING HEIGHT OF 57.5 FEET IN EXCESS OF THE CBD-1 BUILDING HEIGHT LIMITATION OF 35 FEET IN CITY OF DELAFIELD ZONING CODE SECTION 17.39(18)(l)a, SUBJECT TO FURTHER REVIEW AND APPROVAL OF THE DESIGN CRITERIA RELATIVE TO 17.42(3), INCLUDING INCLUDING BUT NOT LIMITED TO COMPATIBILITY AND AESTHETICS ASSOCIATED WITH THE OVERALL DESIGN OF THE PROJECT, FINAL SITE PLAN APPROVAL AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME AS A CODE AMENDMENT. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. SIX VOTED IN FAVOR. MOTION CARRIED WITH SCHULT VOTING NAY.

MAREK MOVED TO APPROVE A SPECIAL EXCEPTION TO RELAX THE OFFICE BUILDING SETBACK REQUIREMENTS IMPOSED BY CITY OF DELAFIELD ZONING CODE SECTION 17.15(3), AND TO ACCEPT THE SETBACKS AS PROPOSED ON THE SITE PLAN DATED MAY 29, 2019, SUBJECT TO FURTHER REVIEW AND APPROVAL OF THE DESIGN CRITERIA RELATIVE TO 17.42(3), INCLUDING BUT NOT LIMITED TO COMPATIBILITY AND AESTHETICS ASSOCIATED WITH THE OVERALL DESIGN OF THE PROJECT, FINAL SITE PLAN APPROVAL AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME AS A CODE AMENDMENT. WEILER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. SIX VOTED IN FAVOR. MOTION CARRIED WITH SCHULT VOTING NAY.

MAREK MOVED TO APPROVE A SPECIAL EXCEPTION TO WAIVE THE THREE FLOOR LIMITATION IMPOSED BY CITY OF DELAFIELD ZONING CODE SECTION 17.39(l)c AND ALLOW FOUR FLOORS AS PROPOSED FOR THE OFFICE BUILDING, SUBJECT TO FURTHER REVIEW AND APPROVAL OF THE DESIGN CRITERIA RELATIVE TO 17.42(3), INCLUDING BUT NOT LIMITED TO COMPATIBILITY AND AESTHETICS ASSOCIATED WITH THE OVERALL DESIGN OF THE PROJECT, FINAL SITE PLAN APPROVAL AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME AS A CODE AMENDMENT. WEILER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. SIX VOTED IN FAVOR. MOTION CARRIED WITH SCHULT VOTING

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AICHER MOVED TO APPROVE THE PROPOSED CONDITIONAL USE PERMIT FOR MULTI-FAMILY RESIDENTIAL DWELLINGS AND COMMERCIAL OFFICE BUILDINGS IN THE CDB-1 DISTRICT, CONTINGENT UPON THERE BEING NO FAST FOOD FRANCHISE RESTAURANTS IN THE FOOD COURT OR FIRST FLOOR RETAIL AREAS, REVIEW AND APPROVAL OF THE CONDOMINIUM DECLARATIONS, BYLAWS AND COVENANTS BY THE PLAN COMMISSION, CONTINGENT UPON APPROVAL OF THE SIX SPECIAL EXCEPTIONS PREVIOUSLY NOTED IN THIS MEETING RELATED TO BUILDING HEIGHT, SETBACKS AND FLOOR LIMITATIONS, FINAL SITE PLAN APPROVAL AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. MAREK SECONDED THE MOTION. REIHER REQUESTED AN AMENDMENT BE MADE TO THE MOTION TO INCLUDE THE VERBIAGE "SUBJECT TO FURTHER REVIEW AND APPROVAL OF THE DESIGN CRITERIA RELATIVE TO 17.42(3), INCLUDING COMPATIBILITY AND AESTHETICS ASSOCIATED WITH THE OVERALL DESIGN OF THE PROJECT." AICHER MOVED THE AMENDMENT BE INCLUDED IN THE MOTION AS PROPOSED. MAREK SECONDED THE AMENDMENT. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR OF THE MOTION AND AMENDMENT. MOTION CARRIED.

7. Zoning and Ordinance Revision – None.
8. Reports of City Officials:
 - a. Clerk
 1. Plan Commission Meeting Dates & Deadlines
 - i. Meeting July 31, 2019
 - ii. Meeting Submittal Deadline July 16, 2019
 - iii. Public Hearing Submittal Deadline July 1, 2019.
 2. Correspondence – None.
 - b. Planner – No report.
 - c. Building Inspector – No report.
9. Adjournment.

There was no further business; therefore, the Wednesday, June 26, 2019 Plan Commission meeting adjourned at 10:42PM.

Minutes Prepared By:

Accurate Business Communications, Inc.

A Better Delafield Presentation Speakers

(All residents of the City of Delafield)

Chloe Wandschneider.
834 Mill Street

Jacki Lyden
1614 W. Shore Drive

Caryl McAllister + Stratton McAllister
1925 Moraine End Drive

Summary of Our Perspective - from A Better Delafield

We strongly support the development of the lot at 705 Genesee Street.

We are concerned about the following:

- Hardscape that will lead to fast-tracking water into buildings downhill, including the historical Fish Hatchery.
- Depletion of the Aquifer is jeopardizing the water supply for all in the area, as evidenced by ever deeper well depths

We cannot purchase a new aquifer.

We appreciate the changes made to the building at 705. The setbacks and addition of trees/greenspace surrounding it are quite welcome.

The architectural style of any building needs to honor restrictions set by the people of Delafield. The changes to the business/commercial building does that. The proposed condo does not. We're asking that the same architectural adjustments be made to the Condominium building.

We are suggesting that high efficiency plumbing fixtures; (low flow toilets and high efficiency utilities) be employed to minimize the use of water - thereby improving the draw on our precious aquifer.

We suggest installing "Green Roofs" on both buildings. This will keep any water in the form of rain/snow from getting polluted by the streets below. All water trapped by plants can be channeled back into the aquifer.

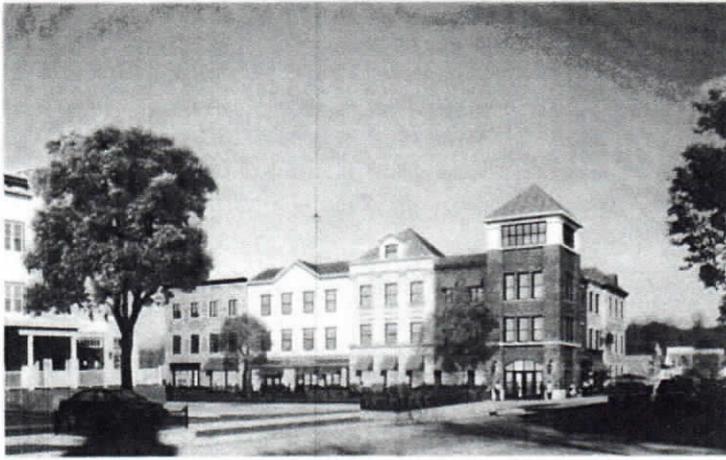
We suggest that the building be constructed "At-Grade" as is our city's code restrictions (14.1 Preservation of Topography).

Delafield is a unique place.

We have codes and restrictions to protect the look and feel of our downtown. We understand the need to develop and grow. We're simply asking to grow smart.

While there is variation in some architectural style allowed, we ask that Hendricks Corporation work within those restrictions. We are confident they are capable of doing so.

When a company works with city officials and promises this:



VIEW FROM SOUTH EAST



But promotes/pushes this. It makes us very uncomfortable.

Hendricks Corporation: Transforming Delafield into Anywhere, USA



If we let this push this forward - *what's to stop another group from making even more dramatic proposals?* Absolutely nothing.

We're still hopeful that the Hendricks Corporation will realize that *one size does not fit all*. We hope they will work with elected officials to develop the site in a way that works for everyone.