

CITY OF DELAFIELD PLAN COMMISSION MINUTES

7:00 P.M. Public Hearing regarding Village Square (Michael D. Schutte, Jonathan G. Spheeris, Jondex Corp. V. City of Delafield)

ROLL CALL

Present

Mayor Paul Craig
Beth Leonard
Dick Kuchler
Phil Schuman
Matt Carlson, Administrator
Marilyn Czubkowski, Clerk

Absent

Chrys Mursky
Mike Court
Roger Dupler
Tom Maney

Also Present – Common Council Members

Mayor Paul Craig
Jeff Krickhahn, Ald.
Phil Schuman, Ald.
Erv Sadowski, Ald.
Mike Roberts, Ald.
Marilyn Gardner, Ald.
Linda Kuklinski, Ald.
Don Swain, Ald.

PUBLIC HEARING

A presentation by Atty. Murn was made regarding the proposed Settlement Agreement and the differences between the Developer and City regarding the parcel of property at Highway 16 and 83. The traffic counts in 1982 at this intersection were 10,675 per day; in 2000 it increased to 20,600 cars per day and the projections for 2003 are over 23,000 cars per day. This is why the site was chosen. The demographics of the area are what is driving the development. He thought it was appropriate that in proposing this development they looked at the adjoining zoning (B1A). His clients were not interested in continuing litigation if a compromise could be reached. He did not think that the litigation should be held against the developer. The Settlement Agreement that they entered into and what is being proposed at the Common Council is taking the GDP stage and codifying it in the Agreement. The Settlement Agreement as drafted does not envision abandoning the SIP stage, it takes great pains to ensure that the SIP process and the ordinance itself is understood in the Agreement, not discounted, and followed. Part of the reason for the disagreement between the Developer and the City was that the Developer was uncomfortable spending the \$200,000 - \$300,000 that would be necessary to bring all of the plans that were requested without having the assurance of what could be built on this property. He stated that his clients are not interested in continuing litigation if some common ground can be reached. The developer should not have the litigation held against him.

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The Settlement Agreement has a number of provisions in it that would normally not be dealt with until the SIP stage, but because of Common Council concerns they are included. The preservation of the woods was discussed. The woods on the site will be preserved and the buildings have been moved in the Settlement Agreement to allow as much of the woods to remain as possible. Berming layouts are addressed in the Settlement Agreement. The Developer will be happy to make adjustments to the agreement that the Common Council believes are necessary to make sure that the integrity is met. The size and location of the buildings was discussed. Building size of 150,000 sf is the maximum and the grocery store was moved to a new location as a compromise to address Common Council concerns. It is the Developer's intent to protect all adjoining property owners and their wells and they will adjust the agreement to reflect this. Four-sided architecture has been agreed to. Lighting parameters are in direct response to the Common Council. Signage is locked in – only in one area and the current plan addresses this. The Settlement Agreement was not intended to cover every situation but to create an understanding as to what could be on this parcel so the Developer could get the information to the City to make the final determination. Valuation of the development was reviewed. The Settlement Agreement is something that the Developer believes in and will honor. They would like to move on.

Mayor Craig stated that a time limit would not be imposed tonight.

Larry Schouten, 4518 Vettelson – Discussed reports dated 2/19/04 confirming that little has changed to affect previous decisions to deny. He thought that many items created conditions worse than before. This development must be denied.

Alyce Schouten, 4518 Vettelson – Read a portion of article from the Waukesha Freeman dated May 4, 1999 regarding the defeat of Lake Country Crossing. This was a less intense development at 147,000 sf. She thought that this had to be denied.

Jaci Bouman, 4449 Vettelson – She expressed concern about any type of development until Highway 83 is a four lane highway. Additional concern was expressed that no planned use for future development of the land bordering Vettelson Dr. is made. It was her impression that this development was supposed to be taken care of as one entity.

Barb Rambadt, 3440 Nagawicka Road – She has lived on Nagawicka Road since 1961. A review of the road accesses to Highway 16 took place. She felt that the City never intended a development to feed into Vettelson Road. Vettelson Road cannot handle shopping center traffic. The safety of school children was addressed. Construction of Highway 83 is scheduled for 2009 per the DOT. The three acre parcel on Vettelson should be designated as undevelopable open space. Felt that the Settlement Agreement should be denied.

Dave Lamerand, 536 Saxony Court, Hartland – He clarified that he was representing himself as President of the Village of Hartland. Traffic is the big issue. They were concerned about the on/off ramps. The traffic study findings versus the Settlement Agreement provisions were compared. This development will create more traffic onto Vettelson Road, West Capital Drive, Palmer and the Village of Hartland. He stated that

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the Village of Hartland passed a motion requiring that the City of Delafield address proper traffic controls.

Dave Meyer, S83W23915 Artesian Avenue, Big Bend – Represented Wetland Waterway Consulting and was appearing on behalf of the concerned citizens in the area. This is the third paper he has written. Felt the Settlement Agreement was biased in the Developer's favor and has not addressed any of the concerns raised regarding environmental issues. Addressed the isolated resource area and stated that a five acre minimum is needed to remain in this status. The Settlement Agreement does not offer any improvements. The isolated resource area would be destroyed. Three zoning codes have not been addressed by the Developer. Archeological resources in this area are being ignored. An archeological survey should be required before any ground moving takes place. In regard to the retention basin issues he thought that more detail in the stormwater management plan be given before the Settlement Agreement is accepted. He reviewed groundwater and drinking water impacts. The existing aquifers are going to be affected. The tests to be conducted have not been identified. A third party testing firm should be employed and tests identified in the Settlement Agreement. The Developer should pay any and all costs to negative water quality. A baseline needs to be made. He stated that none of the issues have been adequately addressed and the developer must be held accountable.

Bill Restock, 4527 Vettelson Rd. – His property shares property lines with the proposed Village Square development. The Settlement Agreement falls short of protecting the City of Delafield's interest. He reviewed past meetings regarding B-6 zoning. He is not fighting development in general, but is fighting a development that does not meet the zoning codes. The site intensity of the Settlement Agreement is greater than the plans the Common Council denied. Fourteen sections of the City of Delafield zoning code are not satisfied. Seventeen goals and objectives of the comprehensive plan are not met. There are 30 question items in the Settlement Agreement that need clarification. The current proposal is worse for the City than any other plans and the City needs to reject this. The report dated 2/20/04 from Michael Ramaseck was quoted on why the proposal should be denied. B. Restock asked to hold the developer accountable to build according to zoning codes.

Mark Weber, Clare Lane, North Lake – Worked at Meyer Construction in Hartland and discussed the traffic conditions on Highway 83 during certain times of the day. Highway 83 is overloaded now. The development will add to traffic volume. Had a hand raising vote for those in favor of Village Square (4) and the rest of the audience was overwhelmingly against.

Ann Seidel, 5144 N. Hwy. 83, Hartland – She opposed the development. It is too large and is incompatible with the neighborhood due to traffic, light and noise. Many surrounding areas are affected. The services that the developer will provide are already being provided. Asked to protect the City residents. This is a regional development, not a neighborhood development. The City is not under obligation to agree with the Settlement Agreement if it doesn't meet the City's needs. Asked if the area could be developed with a less intense development. Suggested asking the residents and/or develop a task force to develop ideas for development of the property, i.e., public swimming pool, driving range, botanical garden, community soccer fields,

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tennis courts, community garden teaching center, park, regional library for all communities, or cultural arts center. Try to work together to come up with a plan to work for all. She encouraged Commissioners to not let this proposed plan go through.

Gerry Flakas, 793 Fieldstone Road – He addressed high taxes and would like to see an increase in the tax base by encouraging development.

Andrew Zietlow, 4411 Vettelson Rd. – Stated that the documents must be looked at with skepticism. He asked what land was used to represent the 7.2 acres of natural area in this most current development – the developer, the Zietlow Family, the Volk Family, and the Gatzlow Family. The new document leads one to believe that the total 7.2 acres presides on the developer's site – it does not. He addressed archeological sites and stated that this should be dealt with before. Asked about compatibility of development with surrounding properties – this development is not compatible. The developer has made no significant changes to address compatibility. He asked if the development was consistent with the current make-up on Vettelson Drive – no. Based on facts, this mediation document is open-ended and developer friendly and does not protect the City of Delafield.

Charles Neidhoeffler, 3821 Nagawicka Road – Pick'n Save is the major item in the new development. He reviewed the Pick'n Save stores and other grocery stores in the area and did not think that another grocery store was needed. The intersection of Highway 83 & 16 was discussed. Nagawicka Road traffic has increased with the schools and no more traffic is needed. No more traffic is needed on Vettelson. The people in Delafield do not want the development. Requested that the development be voted against.

Bob Borkowski, 4521 Vettelson Road - distributed papers to the Plan Commission and Common Council. Zoning on Vettelson Road and the Master Plan for the City were referred to in the documents along with the three acre parcel. On the north side of Vettelson Road there are nine residential properties all zoned B1A, two B6 zones toward the west. The south side of Vettelson has 12 residents zoned R2 or R3. He discussed how busy the road is by the school now. It will not get better with a development. The railroad crossing on Vettelson Road was addressed – 24 trains come through each day. Light rail would intensify this. Present traffic dangers in the areas of Nashotah (the bridge on Highway C in particular) and the Village of Hartland were addressed.

Don Rambadt, 3440 Nagawicka Road – He has looked the entire proposal over and this violates the basics of city planning. He referenced item #16 dealing with water quality. The City of Delafield has a lot of shallow wells and because of the natural reduction of rainfall, the ground water table is falling. The testing of the wells within 500' of the property was discussed – D. Rambadt thought that the City must insist before proceeding further with the Settlement Agreement on making sure that the testing addresses how the water quality will change. He reviewed retention ponds in previous developments. He complimented the changes made to the retention ponds, but a system of baseline for the quality of the water needs to be determined. Hydrocarbons can get into the water. The Settlement Agreement should be voted down.

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Bill Maslowski, 2012 Nagawicka Road – He was concerned about his taxes. He felt that the development as proposed is not going to be a good development for the City. He developed the Bark River Commerce Center and had to come up with appropriate roads and accesses so as not to contribute to the problem on Hwy. 83. They have come up with an agreement with the Village of Hartland that every tax dollar in his development would go towards Lake Country School. Village Square is not right at this particular point in time because the traffic infrastructure is not yet built to accommodate the traffic. The property is bad for this type of development. He felt that retail development on this property would be too much for the roads. It was expressed that the City needs an attorney skilled in real estate development. His own attorney felt that the Settlement Agreement was unbalanced and troublesome. This is not a good mediation agreement. Felt the intensity was too great for this property. He agreed with Ann Seidel's comments. Stressed that the City must listen. Felt that good relationships must be made with all communities around the City of Delafield. He asked that this be voted down.

Kathleen Rosenheimer, W335 N5651 Island View Lane – Asked that the proposal be denied.

Diri Curtis Costa, 1808 Bark River Drive – Reminded the group that this development and past developments have been denied by both the Plan Commission and the Common Council. This developer has had many opportunities to work with City and come up with a plan that works. If it were not for the lawsuit, this discussion would not have to taking place again. No significant changes have been made to make it worth approving. The size of the building was addressed. Other negative impact issues such as traffic, environmental, fiscal, and costs to the City have not been addressed in the Settlement Agreement. She did not see a reason to accept the proposal.

Mike Schmidt, Vice President, Roundy's Corporation – He stated that their mission is to build stores and that they would be a good corporate citizen. This would be a neighborhood center. Their studies indicate a need for a supermarket. Given the opportunity, they will meet and answer all questions posed tonight. He thought that the developer would be able to discuss concerns. Brochures were available for residents.

Leslie Fancher, W302N6135 Spence Rd. – Read e-mail. This development will change Lake Country forever. Traffic, light, and pollution was discussed. This has a huge ramification on the way of life. Encouraged the City not to let the developer win. The developer does not have the best interests of the people at heart. Encouraged the City not to let this happen to the Lake Country Area.

Mike Gatzow, Vettelson Road – He stated that he was not against the development. Reviewed past development in the community and surrounding areas. The area is not going to stop growing. Hoped that the Plan Commission would work to make the property a good viable building site and make the best decision possible.

Mayor Craig stated that it needed to be known that the Settlement Agreement has been taken to an independent attorney and the City will wait for his response. It is

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not known how long this will take. He expressed appreciation for all comments made tonight. Copies of these minutes will be available to the public. He thanked those in attendance and the Lake Country School for hosting the meeting. This meeting will be broadcast on cable TV.

Al Zietlow, 3312 Bayview Court – He addressed fiscal responsibility. The Delafield officials were elected because of their talk of being fiscally sound. He stated that the approval of Village Square would not be an example of good fiscal responsibility. The development is a negative revenue operation and the City will gain less revenue than it will cost to serve this area. This development is going to cost the City money to develop the infrastructure (but the City does not know the amount). He asked where this money would come from, taxpayers? He clarified that this development is not going to be a win to Lake Country School and Arrowhead High School. School revenue is not generated in the same way the City of Delafield revenues are generated. School systems are controlled by revenue caps governed by the number of students and has nothing significantly related to tax base. This development will not be a direct benefit to the school, but the overall equalized tax factor may change and then the mill rate factors may somewhat change. He was concerned about the language in Item 13c (equal taxation). He thought there were loopholes in the Settlement Agreement and that it was in favor the developer only. He encouraged fiscal responsibility from the elected officials.

M. Czubkowski noted that e-mails had been received on the subject of the public hearing and that copies had been provided to the commissioners.

CLOSE OF PUBLIC HEARING

Mayor Craig thanked all for attending.

ADJOURN

M. ROBERTS MOTIONED FROM THE COMMON COUNCIL TO ADJOURN FROM THE MEETING. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

P. SCHUMAN MOTIONED FROM THE PLAN COMMISSION TO ADJOURN FROM THE MEETING. D. KUCHLER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

THE PUBLIC HEARING ADJOURNED 8:53 P.M.

Respectfully submitted:

Minutes Prepared By:

Marilyn Czubkowski, CMC
City Clerk/Treasurer

Accurate Business Communications LLC