

CITY OF DELAFIELD PLAN COMMISSION MINUTES

CALL MEETING TO ORDER

Mayor Craig called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

Absent

Mayor Paul Craig
Phil Schuman
Chrys Mursky
Mike Court
Marty Sawall
Dick Kuchler
Beth Leonard (entered 7:05 p.m.)
Roger Dupler
Tom Maney
Matt Carlson
Marilyn Czubkowski

1. APPROVE PLAN COMMISSION MEETING MINUTES OF DECEMBER 21, 2005

D. KUCHLER MOTIONED TO APPROVE THE MINUTES FROM THE DECEMBER 21, 2005 MEETING. P. SCHUMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

2. DELAFIELD CITIZEN'S COMMENTS PERTAINING TO SUBJECTS ON THIS AGENDA

Jim Hammes, Attorney representing the Geasons - Spoke regarding the Resolution to amend the Master Plan as it relates to the Geason property. The Common Council heard all of the Plan Commission's comments and concerns and approved the development at a reduced density with 52 single family units and 52 condominium units. The Master Plan does not reflect the development that has been approved. They requested that the Master Plan be amended in order to go forward in an orderly fashion. They are willing to work with the City on the water issues. He thought that it was appropriate to act on this now.

Mayor Craig asked three times if there were any other citizens who wished to speak. There were none.

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P. SCHUMAN MOTIONED TO CLOSE CITIZEN'S COMMENTS. M. SAWALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. CONSENT AGENDA.

C. Mursky requested that Item 3b be removed. R. Dupler asked that Item 3f also be removed.

P. SCHUMAN MOTIONED TO APPROVE ITEMS 3A, C, D, AND E. M. SAWALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FOUR WERE IN FAVOR. M. COURT ABSTAINED. MOTION CARRIED.

- a. **TAX KEY 803.006, 20 CROSSROAD CT, DELAFIELD.** OWNER: D. K. HINKEL INVESTMENTS, LLC. APPLICANT: DAVID WOLF, D.C. - APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR A CHIROPRACTIC OFFICE. HOURS OF OPERATION ARE WEEKDAYS, 8:00 AM - 6:00 PM; SATURDAY, 8:00 AM - 12:00 NOON. 1 FULL TIME EMPLOYEE.

Approved (see above).

- b. **TAX KEY 798.026.001, 645 WELLS STREET, DELAFIELD.** OWNER: LANG INVESTMENTS. APPLICANT: ROBERT LOEPFE. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR ROBERT LOEPFE BUILDERS, A HOME BUILDING COMPANY. HOURS OF OPERATION ARE WEEKDAYS, 8:00 AM - 5:00 PM. 3 FULL-TIME AND 1 PART-TIME EMPLOYEE.

C. Mursky stated that she did not see any documentation that this included signage. R. Dupler clarified that at this time there is no proposed signage. M. Carlson stated that a temporary permit has not been granted, but there is a sign that has multiple panels. The Lang representative will apply for a temporary permit in order for this to be in compliance.

C. MURSKY MOTIONED TO APPROVE. P. SCHUMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. **TAX KEY 803.988.004, 2655 SUN VALLEY DRIVE, DELAFIELD.** OWNER: G. STORTZ. APPLICANT: JERRY HOEPFNER, DBD VENTURES, INC. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION AND SIGNAGE FOR DINNER BY DESIGN, CONSUMER PREPARED MEALS AT RETAIL. HOURS OF OPERATION ARE WEEKDAYS, 9:00 AM - 9:00 PM; SATURDAY, 9:00 AM - 3:00 PM EIGHT PART-TIME EMPLOYEES.

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Approved (see above).

- d. **TAX KEY 621.999 AND 746.999, 2777 MISSION ROAD, DELAFIELD.** APPLICANT: SIEPMANN REALTY FOR MISSION WOODS SUBDIVISION. APPLICANT SEEKS FINAL APPROVAL OF MISSION WOODS TREE MITIGATION PLAN.

Approved (see above).

- e. **TAX KEY 807.978.006, 355 AUSTIN CIRCLE, DELAFIELD.** OWNER: FRED WELCH. APPLICANT: SCOTT D. MILLER. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR ENTERPRISE OPPORTUNITIES, LLC, A FINANCIAL CONSULTING, BUSINESS VALUATIONS FIRM. HOURS OF OPERATION ARE WEEKDAYS, 7:00 AM - 5:00 PM; 5 PART-TIME AND 4 FULL-TIME EMPLOYEES.

Approved (see above).

- f. **TAX KEY 804.994.019, 2726 & 2736 HILLSIDE DRIVE, DELAFIELD, WI.** OWNER: GCG/MARCUS DELAFIELD, LLC; APPLICANT: NICHOLAS WILLIAMS. APPLICANT SEEKS APPROVAL OF SIGNAGE FOR TWIST 'N OLIVE.

Nicholas Williams was present at the meeting. R. Dupler stated that the proposed font does not match that which was part of the original petition. The original font was one of the recommended fonts for standard approval; the new font may not match any of the existing fonts. N. Williams stated that the landlord of the building had approved this. R. Dupler displayed an example of the font similar to that which was on the original application. N. Williams did not feel that the majority of the businesses in the mall used a standard font.

C. MURSKY MOTIONED TO REFER TO STAFF WITH THE DIRECTION THAT IT NEEDS TO BE AN APPROVED FONT WITH THE SIGN PACKAGE. D. KUCHLER SECONDED THE MOTION. MAYOR CRAIG CLARIFIED THAT THE PETITIONER WOULD WORK WITH R. DUPLER AND CITY HALL ON THE FONT. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

4. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVALS

- a. **TAX KEY 782.030, 2112 BAY POINT LANE, HARTLAND.** APPLICANTS: ROBERT J. AND MARYEVE HEATH. APPLICANTS SEEK APPROVAL OF THE CONSTRUCTION OF A BOAT HOUSE.

R. Heath stated that comments from the Lake Welfare Committee, Plan Commission, and others were taken into consideration in the design. The design provides them with a boathouse that they like, provides significant protection for the lake, and spares the bluff, trees, and

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existing gazebo on the property. David Frank was present at the meeting and described the landscape/topographical plans. They requested that the location of the boathouse be moved east approximately 75 feet in order to allow minimal topographical disruption of existing topography, would be out of the sight lines from the west, maintains oaks, allows consideration of restoration of gazebo which dates back to 1892. Photos were distributed to the commissioners. A rain garden is incorporated into the plans. The landscape plan was described in detail. Jim Hoffman from Hoffman Builders described the structure. Plans for the new residence were available and the boathouse materials were discussed.

R. Dupler addressed the following concerns from the last meeting: 1) illustration of the boathouse in context with the entire lot illustrating not only the boathouse location, but the proposed house location – the plans to date illustrate this. 2) grading solutions with the assumption that they were going to build the boathouse into the embankment – with the new location he did not think a grading issues were present. The shoreline restoration may also not longer be an issue. He felt that the present location was justified. 3) Photometrics have been submitted and are consistent with the ordinance and pose no concerns. 4) Architectural modifications have been completed – the overhead door has been modified to accommodate one large double wide door rather than two singles. The building architecture continuity between the two structures was reviewed – there is no illustration of the coins on the corners (masonry element) on the back of the home. The boathouse exhibits them and matches the front of the house. There are no coins on the back of the home. 5) There are still some questions regarding the railing (visibility vs. natural materials). He recommended approval contingent on the designation of material and resolution of the railing.

D. Kuchler stated that the packet indicated tempered glass. The representative stated that a clear glass would not be non-glare. If it was non-glare, it would have a foggy look to it. A glare would not appear to someone going by on the lake because of the pitch. He did not believe that glare would be an issue. P. Schuman felt that this would have a more open look. General discussion took place regarding the overall plans.

P. SCHUMAN MOTIONED TO APPROVE WITH THE RAILINGS DESIGNED AS PRESENTED WITH THE TEMPERED GLASS AND WITH THE CONTINGENCY THAT THE HOME ARCHITECTURE REFLECTS WHAT HAS BEEN SHOWN TO THE PLAN COMMISSION. D. KUCHLER SECONDED THE MOTION. B. LEONARD STATED THAT AN EXCELLENT JOB WAS DONE IN RELOCATING THE BOATHOUSE AND WITH THE RAIN GARDEN IT HAS BEEN DONE NICELY. P. SCHUMAN MENTIONED THAT THE LAKE WELFARE COMMITTEE IS WORKING ON SEMINARS FOR LANDSCAPERS FOR LAKE FRIENDLY LANDSCAPING. C. MURSKY THANKED THEM FOR THEIR SPIRIT OF

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COOPERATION ON THE PROJECT. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **TAX KEY 730.990-994, 4830-4900 EASY STREET, HARTLAND.**
APPLICANTS: ANTHONY COLETTI, GODFREY, LEIBSLE, BLACKBOURN & HOWARTH, S.C. APPLICANT SEEKS FINAL APPROVAL OF CONDOMINIUM PLAT AND EASEMENT DOCUMENTS.

A. Coletti, D. Morganson, and G. Beary were present at the meeting. They submitted an easement agreement and revisions to the condominium plat.

R. Dupler stated that the condominium plat and proposed easements were reviewed and have been found to be acceptable to staff. He recommended approval. They have asked for a stormwater management agreement to be drafted and this negotiation is in process. M. Carlson stated that the City Attorney raised an issue with respect to the ownership and maintenance responsibilities, but thought it could be worked out. He suggested including this as a contingency if inclined to approve this item. A. Coletti stated that they are amendable to changing the agreement to provide that the homeowners rather than the condo association be responsible for taking care of the stormwater management.

B. LEONARD MOTIONED TO RECOMMEND TO THE CITY COUNCIL FOR APPROVAL OF THE CONDOMINIUM PLAT AND CROSS ACCESS EASEMENT AND THAT A STORMWATER MANAGEMENT AGREEMENT BE EXECUTED. P. SCHUMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. RESOLUTION PC2006-01 - RESOLUTION TO AMEND THE COMPREHENSIVE PLAN - MASTER PLAN, CITY OF DELAFIELD

R. Dupler stated that the Comprehensive Plan as it exists today was adopted in 1991. Numerous changes have taken place since then. Issues have been identified that they recommend the City take consideration of (see Resolution). He reviewed what has transpired since the concept plan was originally approved in 1991. Mayor Craig described the approval process. R. Dupler reviewed the areas that are foreseen to be in the City's interest and have been discussed for changes in the Master Plan as identified in the Resolution. M. Carlson stated that the Master Plan changes fall into either those that might be considered as changes that the community has already processed, those categories primarily on the northwest side with the Nashotah Seminary property, and those on the east side of Highway 83.

P. SCHUMAN MOTIONED FOR PASSAGE OF RESOLUTION PC2006-01. D. KUCHLER SECONDED THE MOTION. B. Leonard addressed

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the Geason property – planned mix use. Unless there is something different than residential, she asked why a residential designation would not be used as opposed to mix use. Clarity must be expressed as in what the City expects or wants to see here. R. Dupler stated that the property owner in this area requested mixed use and he concurred. J. Hammes stated that he thought that everyone anticipated that these properties would be residential – his mixed use request was because he was looking at the City’s past practice and was trying to fit it in. He did not object to purely residential as long as the density is the 52 single family/52 condominiums. The Geasons were not opposed to the residential zoning as long as it was on the density that was approved. P. Schuman stated that it is currently zoned B6 because of the agreement with the Town of Delafield. R5 zoning was discussed. M. Carlson stated that in order to change this particular parcel to R5 the City would need to amend the border agreement with the Town of Delafield and the Village of Hartland. Although they may be willing to do this, it is a procedural step that would have to be done. B. Leonard stated that the City needed to get a clean idea of what is expected along the corridor. P. Schuman would agree with making it an R5 planned unit development, but he did not want this to hold up the Geason Development. He thought planned mix use would accomplish everything and give the City flexibility. C. Murskey had concerns with R5 because it would be the first time the City would do that. She felt it would set a precedent for a density or at least an argument for other petitioners. She would be reluctant to set in motion a precedent for continuing this density. P. Schuman stated this is the reason to keep the same B6 now. D. Kuchler agreed. B. Leonard felt that it was unfair to people when it is not clear whether this would be commercial or residential – this would be defeating the purpose of planning if this was not set up and a decision made. D. Kuchler felt uncomfortable with the density that (R5) could potentially bring. Mayor Craig stated that if the intent was well made he did not see how it would be a problem. In order to address future petitioners for other pieces of properties with the same density of R5 he stated that it must be a planned unit development. M. Carlson stated if it was R5 and the zoning category of R5 reflects Geason-type density, the next person who has R5 will ask for Geason-type density. D. Kuchler suggested zoning around the Geason property. R. Dupler thought that if there was going to be development in a reasonable time frame (10 years) it would be in the Plan Commissioner’s collective memories as to what the intents were if B6 were used. If the Plan Commission is concerned that this wouldn’t be developed for a number of years, then the designation of “residential” in the comprehensive plan would be worth considering. It was his opinion that something would happen in this area within the next 15 years. Other properties in addition to the Geason property are the Parry’s, the other Geason property, and the Horworth property. P. Schuman suggested having these three properties not part of the Geason Development now zoned R5 with medium density and to keep the existing Geason property as B6. M. Carlson stated that zoning could not be changed tonight; it would require a public hearing,

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public notification, etc. The Plan Commission can give staff directive to initiate the process, but the zoning cannot be changed tonight. It was clarified that this dealt only with changing the Master Plan. The Master Plan is presently two acre rural estates and consideration is being given to changing it to planned mixed use (to include commercial) or medium density residential being followed up with an R5 zoning designation. M. Carlson stated that a public hearing would be required for a zoning change but not for a Master Plan amendment. Mayor Craig stated that a changed plan to planned mix use is being proposed in the document. It has been recommended to change this to a medium residential. This would allow the Geason project to move forward and later, if the Plan Commission chose, would allow a recommended a zoning change. What needs to be dealt with is the planned mix use or the medium density residential. D. Kuchler desired to let the Geason property agreement stand, but he would like the remaining properties be low density rather than R5. Mayor Craig clarified that the Plan Commission is trying to deal with the one parcel of land. He asked if with this clarification, the group would be in agreement that they would like to see that parcel of land in entirety as medium density residential area with a future change of zoning to start of R5. P. Schuman agreed as long as it didn't hold up the Geason development. D. Kuchler was in agreement. C. Mursky did not agree. She stated that if this is the first time something is R5 and the Plan Commission would be setting a precedent for density. Mayor Craig asked if there would be agreement if the R5 was removed and it be left as B6 with medium density residential. C. Mursky was in agreement with this. B. Leonard felt that this would allow the two larger parcels to become commercial. Mayor Craig stated that the only thing it could potentially become would be office, although M. Carlson stated that that would not be consistent with the Master Plan designation of medium density residential. R. Dupler stated that there was one other R5 in the City on the west side of the lake. T. Maney clarified that that particular area was R5A (St. John's on the Lake) and was not the same. The area being discussed tonight would be the only R5. C. Mursky thought it would be cleaner with the medium density.

P. SCHUMAN AMENDED HIS MOTION TO CHANGE THE CATEGORY TO MEDIUM DENSITY RESIDENTIAL. R. Dupler stated that this would affect the top paragraph on page two. **D. KUCHLER AGREED WITH THE AMENDMENT.** It was clarified that this would change the Comprehensive Plan for the parcel from planned mix use to a medium residential. **ALL WERE IN FAVOR OF THE AMENDED MOTION. MOTION CARRIED.**

The State Forest was the next parcel to be discussed. There was no discussion.

The park at Cedar Valley was the next item. There was no discussion.

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The Bostrum Memorial Park was the next item. There was no discussion.

The Nashotah House land – changing to a rural estate designation. B. Leonard asked for clarification on the area south of Upper Nashotah Lake. M. Carlson stated that it was on Oakwood Road (Highway B). The letter was not received until January 25 and this change was not included in the Resolution. The one on the south end of Nashotah Lake would need to come back to the Plan Commission. Mayor Craig asked if the Commissioners had any problem in changing the Master Plan to rural estate for the Nashotah House land. There was no problem.

M. Court referred back to the Geason parcel. He thought that the tax ID jumps to Highway 83. It was stated that the City would need to add in the Resolution those tax key numbers, but only the lands that are east of Highway 83. P. Schuman and D. Kuchler understood this.

B. Leonard asked, in general, if there was a way that better descriptors could be provided for what these parcels were. M. Czubkowski stated that Resolutions do not get published. M. Carlson stated that the map could be put on the website.

R. Dupler stated that the tax key number that this would affect is 0781989 (that portion east of Highway 83).

ALL WERE IN FAVOR OF THE AMENDMENT. MOTION CARRIED.

Mayor Craig stated that as a whole this plan was given a hearing. M. Carlson stated that there were amendments made in conjunction with requests for zoning changes and when the requests were made for rezonings, they were legally required to hold public hearings for those rezonings. They were processed at the same time. Mayor Craig asked if the City was legally obligated under its own ordinances, state, or federal, to hold hearings for a Master Plan change. Sometimes when Master Plan amendments were made they were processed with requests for rezonings and evidence had not been found that public hearings were held for every Master Plan amendment. M. Carlson stated that the City was not obligated and this had been clarified by the City Attorney and SEWRPC. B. Leonard discussed the public hearings. In regard to the Nashotah House property, M. Czubkowski stated that there was a zoning amendment – three items were listed on the sheet that had taken place at the same time with one hearing being held on the same day for each item. B. Leonard stated that the public hearing purpose in the past also included amendments to the Comp Plan. Mayor Craig felt that people knew that this was going to be discussed. B. Leonard asked what other communities do when their Comp Plan is amended. R. Dupler stated that typically modifications to the graphic Master Plan (the map) are done by resolution. When analysis of the Comprehensive Plan is being considered in total (statistical analysis, population analysis, economical

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growth, projections of housing, transportation needs, etc.) it typically goes through a protracted series of approvals finalized with a public hearing. When it comes to modifying the graphic Master Plan as a result of previous Plan Commission action, it is done as a resolution with no public hearing because the issues have been discussed and public hearings have already taken place. The map amendment is a mechanism for this body to keep their map updated. The map amendment is by resolution and no public hearing is held. Mayor Craig thought that the intent of the hearing had been accomplished.

C. Mursky called the question.

Mayor Craig clarified that the motion is as it had been presented to the public and to the City in PC2006-01 with the amendment on page two, the second line, stating that instead of planned mixed use, it will say "medium density residential" and a note being attached to the fourth property down, DELC-0781-989, to exclude the western parcel of that land west of Highway 83.

M. Czubkowski reviewed the motion as Alderman Schuman making the motion, seconded by D. Kuchler.

A ROLL CALL VOTE WAS TAKEN: MAYOR CRAIG, AYE; P. SCHUMAN, AYE; M. COURT, AYE; C. MURSKY, AYE; B. LEONARD, NAY; D. KUCHLER, AYE; M. SAWALL, AYE. MOTION CARRIED.

5. PLANS OF OPERATION, SIGNAGE AND SITE PLAN

None.

6. PRELIMINARY

None.

7. ZONING AND ORDINANCE REVISION

a. COMPREHENSIVE PLAN AND ZONING MAP INCONSISTENCIES

Roger gave an overview of the inconsistencies. This will be discussed at future meetings.

8. HEARING DATES

None.

9. ADMINISTRATOR'S REPORT

a. NORTHEAST QUADRANT PLANNING SESSIONS FOR THE CITY OF DELAFIELD.

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R. Dupler stated that a mailing will go out to each individual owner. Mayor Craig encouraged attendance. This will be posted on the City's website and a trailer will be put on the cable channel.

10. BUILDING INSPECTOR'S REPORT

Total number of permits to date, 29, plus six occupancy permits. New construction permits include one single family home, one martini lounge, and one massage establishment.

11. BOARD OF ZONING APPEALS

a. BOARD OF ZONING VARIANCES GRANTED JANUARY 12, 2006

A report was included in the commissioners' packets.

12. CORRESPONDENCE

None.

13. ADJOURNMENT

P. SCHUMAN MOTIONED TO ADJOURN FROM THE MEETING. D. KUCHLER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 9:26 P.M.

Respectfully submitted:

Minutes Prepared By:

Marilyn Czubkowski, CMC
City Clerk/Treasurer

Accurate Business Communications LLC