

CITY OF DELAFIELD PLAN COMMISSION MINUTES

PRESENTATION BY MAYOR PHILIP SCHUMAN - INFORMATION REGARDING SPACE NEEDS REFERENDUM

Mayor Schuman presented information on the referendum regarding space needs for the City. Additional information is available on the City of Delafield's website.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

Mayor Phil Schuman
Michael Frede
Christopher Smith
Keith Strege
Roger Dupler
Tom Maney
Matt Carlson
Mike Court

Absent

Ron Miskelley
Dick Kuchler
Chrys Mursky

Also Present

Mark Sewell, City Attorney
Ellen O'Brien Deputy Clerk

- 1. APPROVE PLAN COMMISSION MEETING MINUTES OF FEBRUARY 28, 2007 MEETING

C. SMITH MOTIONED TO APPROVE THE MINUTES FROM THE FEBRUARY 28, 2007 MEETING. M. FREDE 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

There were no citizen's who wished to speak.

K. STREGE MOTIONED TO CLOSE CITIZENS COMMENTS. C. SMITH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- 3. CONSENT AGENDA

None.

- 4. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVAL

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- a. **TAX KEY 756.996.002, NORTHWEST CORNER OF HIGHWAY 83 AND OAKWOOD ROAD, HARTLAND.** APPLICANT: RICHARD FLATH. APPLICANT SEEKS APPROVAL OF FINAL CSM FOR OAKWOOD CHURCH (FORMERLY KETTLE MORAINÉ EVANGELICAL FREE CHURCH)

R. Dupler reviewed the history of the project. The Northeast Quadrant analysis is continuing and should be finalized within the next month with recommendation to the Common Council for the rerouting of Hirschman Lane. Originally Hirschman Lane was intended to separate the church from the park. With the rerouting, it is desired that that option be abandoned. The recommendation by staff to the Plan Commission was met with unanimous approval and recommendation to the Council. Council elected to hold process on the remapping until the Northeast Quadrant is complete. In order to resolve the church's situation, the City has allowed them to pursue a temporary business plan of operation with the assumption that they would have a CSM prepared prior the issuance of that permit. M. Carlson stated that the church had asked for a temporary occupancy permit. It was clarified that the Northwest Planning Study and the Northeast Planning Study began with a study of stormwater management. R. Dupler stated that in September, 2005 the church had an approved site plan, the park had an approved site plan and the Northeast Quadrant had its final approval. Everyone was proceeding on the assumption that the road would be moved. In order for the church to get its CSM and temporary occupancy permit, staff recommended to employ a road reservation along the west side of their property. The reservation can be activated by resolution by the City. M. Court provided correspondence providing documentation on the history of the church project showing that City staff has tried to facilitate getting the occupancy permits for the church and not hold up the process. Attorney Sewell was present to help the Plan Commission understand what the legal responsibilities are with respect to the CSM and the connection between that and the official map. Attorney Sewell reviewed Ordinance 18.15. The problem is that while the area may be demapped soon, it is still there today. The City is required to obtain a reservation under the City's ordinances. Attorney D. Richards sent Attorney Sewell a letter suggesting an expiration date on the road reservation. Comments and a new CSM map were provided to the Commissioners. It needs to be determined if outlot number one would be dedicated. M. Carlson stated that Staff has tried to help the church open before the holiday season. Attorney Dean Richards, representing the church, was present at the meeting. A copy of the letter from Attorney Richards to Attorney Sewell was provided to the Commissioners. Attorney Richards stated that the language in the conditional use permit (already approved) could be put into the CSM. The signed developer's agreement from June 2006 stated what the church's responsibilities are. The CSM attached to the developer's agreement does not include the extension of this road right of way. The church's initial proposal

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included the development of the road that the City is now asking for. The City approved this project last year without the road. State Statutes were referenced. M. Carlson stated that the CSM that Attorney Richards was referring to was a "preliminary" CSM. Attorney Richards did not think that the CSM needed to be in place for the church to occupy the building by Palm Sunday. He asked that the City approve the CSM without the right of way. The church will provide the CSM with the reservation if the City demands it, but they would only do so because they did not have any other choice.

Attorney Sewell reviewed the Delafield Code of Ordinances and stated that the Plan Commission was required to abide by them. He thought that it was not limited to land divisions, but whenever there was a track of land these things needed to be reserved. He thought that having a reservation made with an expiration date corresponding with the demapping, would be acceptable. M. Carlson stated that outlot one should be dedicated to the City now for purposes of stormwater management. He believed that the City had the ability to acquire dedication of stormwater facilities right of way through the CSM process. Attorney Sewell agreed.

Attorney Richards asked that the wording be taken out of the conditional use and put into the CSM. He did not feel that the stormwater issue should be discussed tonight.

M. Court stated that intersection improvements for Oakwood and Highway 83 were requirements for occupancy and is something that still needed to be worked out. The City is trying to help the church by granting a temporary occupancy permit. M. Carlson thought that in the final analysis regarding the language allowing the road right of way to dissolve was very reasonable. Attorney Richards clarified that the church submitted all of the plans for improvements in a timely manner to the DOT and that the DOT held up the process; thus the improvements cannot be done until this spring.

The City would like outlot one to be dedicated for stormwater management purposes. Attorney Sewell thought that this should be cleared up now and felt that it should be dedicated for stormwater management purposes at this time. Discussion took place on outlot one and the stormwater management plan, and the terms "dedication" versus "reservation" versus "easement".

C. SMITH MOTIONED TO APPROVE THE CSM CONTINGENT UPON COMPLIANCE WITH THE FOLLOWING ITEMS FROM THE SURVEYOR'S LETTER DATED 3/13/07: 1) BUILDING SETBACK LINES CANNOT BE SHOWN WITHIN THE STORMWATER EASEMENT; 2) CORRECTING THE ERRORS IN DIMENSIONS ON THE 24' WIDE ACCESS EASEMENT; 3) REMOVAL OF THE NAME "OAKWOOD TRAIL" AS A ROAD NAME; 4) DEDICATION ON THE WEST SIDE LINE

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SHALL BE CHANGED TO "ROAD RESERVATION" AND THE ROAD RESERVATION EXPIRES UPON DEMAPPING OR REMOVAL OF THE ROAD FROM THE OFFICIAL MAP; AND 5) THE OUTLOT SHOULD BE DEDICATED FOR FUTURE STORMWATER OR A PRESERVATION AREA AS PART OF THE CSM APPROVAL. M. FREDE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

5. PLANS OF OPERATION, SIGNAGE AND SITE PLAN

None.

6. PRELIMINARY

None.

7. ZONING AND ORDINANCE REVISION

No report.

8. HEARING DATES

No report.

9. ADMINISTRATOR'S REPORT

No report.

10. BUILDING INSPECTOR'S REPORT

No report.

11. BOARD OF ZONING APPEALS

No report.

12. CORRESPONDENCE

None.

13. ADJOURNMENT

C. SMITH MOTIONED TO ADJOURN FROM THE MEETING. K. STREGE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 8:20 P.M.

Minutes Prepared By:

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Accurate Business Communications, Inc.