



# CITY OF DELAFIELD MEETING MINUTES PLAN COMMISSION

Commissioners: Mayor Kent Attwell, Ald. Tim Aicher, Dan Cahalane, Mike Hausman, Dan Jashinsky, Edward Marek, Laura Schult, Robert Weiler

Wednesday, February 23, 2022

7:00 p.m.

City Hall, Council Chambers  
500 Genesee St.

## Regular Meeting

**DRAFT**

[YouTube Link](#)

### 1. Call to Order

Meeting was called to order at 7:00 PM.

### 2. Pledge of Allegiance

The pledge of allegiance was recited.

### 3. Roll Call

**Commissioners Present:** Kent Attwell, Mayor  
Tim Aicher, Ald. D7  
Dan Cahalane  
Mike Hausman  
Dan Jashinsky  
Laura Schult  
Ed Marek  
Robert Weiler

**Also present:** Amy Barrows, City Planner  
Scott Hussinger, Building Inspector  
Molly Schneider, City Clerk

### 4. Minutes

Discussion and possible action on the following minutes:

#### A. Approval of minutes of the [January 26, 2022](#) Regular Meeting.

*Motion by Marek seconded by Aicher, to approve the minutes of the January 26, 2022 meeting as presented.*

*All in favor. Motion carried.*

### 5. Citizen Comments on Consent Agenda Items

Hearing no one present who wished to speak, Citizen's Comments on Consent Agenda Items were closed.

### 6. Consent Agenda

Recommended approvals in accordance with the staff report. Items listed under the Consent Agenda are considered in one motion in accordance with the Staff Report unless a Plan Commission member or staff member requests that an item be removed from the Consent Agenda. Items recommended for discussion and possible action:

**A. DELC0798954, 810 Genesee Street. Owner: Michael Graf. Applicant: Michelle Mulvaney, Beauty by Michelle. Applicant is requesting approval of a Business Plan of Operation for a new hair salon.**

**B. DELC0798954, 810 Genesee Street. Owner: Michael Graf. Applicant: Ramona Weissgerber-Kummer, Green Door Café. Applicant is requesting approval of a Business Plan of Operation and Permanent Signage for a new café.**

Attwell noted that item 6.A. had been withdrawn from the agenda.

*Motion by Aicher seconded by Weiler, to approve item 6.B. on the consent agenda as presented.*

*All in favor. Motion carried.*

**7. Public Hearing:**

**A. Public Hearing #1:**

**Topic:** Planned Unit Development Conditional Use – General Development Plan  
**Location:** Nagawicka Road East, Tax Key #: DELC0781989004 & DELC0781989005  
**Owner:** Joes Legacy Farm, LLC  
**Applicant:** Jon Spheeris  
**Matter:** Planned Unit Development Conditional Use – General Development Plan for a conservation type single-family subdivision.

Attwell opened the Public Hearing at 7:02 PM.

Chuck Gallagher, 1343 Parry Ln, Hartland - The developer should also be cognizant of the landscaping on the backside of the development. There is the potential for a culture clash. Screening would be helpful to prevent this. The common areas should be maintained without heavy use of chemicals as the neighbors use wells. The City should not allow the Declaration to allow for the power of the developer to eliminate or change the document as they see fit. The City should ensure certain sections should be preserved, such as section 13, 15, 18, 19, 32 and 33.

Hearing no one further who wished to comment, the public hearing was closed at 7:06 PM.

**8. Citizen Comments on items other than Consent Agenda Items & Public Hearing**

Kathy Schuetz, 211 Oneida St, Delafield - Spoke regarding item 9.D. on the agenda. Has a property on the backside of the proposed alley and is against the alley proposal. ATC stated that private alleys and parking lots are not allowed on electric company-controlled easements. This may affect the Dental office parking.

Marcia Stocks, 226 Genesee St, Delafield - Spoke regarding item 9.D. on the agenda. Lives in the last family-owned parcel that was part of Orchard Hill. Does not support the surrounding homes being torn down. Is not in favor of rezoning. The proposal is not defined well. The process of conversion of home into commercial operations is usually an organic process. The request from one absentee property owner should not dictate a change in the entire neighborhood. There is no need for an alley. There are other properties that have parking in front of the buildings. There will be a security issues without lighting. Would prefer low intensity business in that area. Retail relies on customer traffic.

Nancy Rademacher, 200 Genesee St, Delafield - Spoke regarding item 9.D. on the agenda. Has a home in the proposed area for rezone. The home is set far off of Genesee. There would not be room for an alley. Traffic is busy in front of her home. The lots are narrow and the business would be intrusive on the home feeling. Will the rezoning affect property taxes?

Jacob Feutz, 208 Genesee St, Delafield - Spoke regarding item 9.D. on the agenda. Is concerned about traffic. The biggest issue is the intersection of Poplar and I-94. The area is across the street from Cushing and would be affected by school traffic. There is no demand for the business district in this area. There is no commercial entity interested in this, it is waste of everybody's time to continue. Wonders how this got this far.

**9. Unfinished Business**

Discussion and possible action on the following items:

**A. DELC0781989004 & DELC0781989005, unknown address on Nagawicka Road East. Owner: Joes Legacy Farm, LLC. Applicant: Jon Spheeris. Applicant is requesting the Plan Commission approve the Planned Unit Development – Conditional Use General Development Plan for a conservation type single-family subdivision.**

***See the Planner's report in the February 23, 2022 ePacket for detailed information on this proposal.***

Common Council adopted a Land Use Plan amendment and rezone for the property.

John Spheeris and Rob Davie, Lake Country Engineering, were present to discuss the proposal. The drainage pattern was considered and the fencing was discussed. The developer will be discussing paths and trails with Park and Rec Commission. A traffic study was done and provided to the Plan Commission. Barrows noted the Engineer's report does recommend the decel and excel lanes. The traffic study is recommending tapers.

Davie discussed the engineering. The fencing will be along the path to separate the residential lots from the path. The preliminary storm water management plan shows that the development meets the City's ordinance. The preliminary grading plan will limit the hauling of dirt in or out. The path will be connected to the path on the south, but there isn't much room for the work on the provided easement. A temporary grading easement would be helpful. There is a request for permanent easement in one area. The north path by the Bridle Path will be more difficult. A tree inventory was completed as well as a topography. 14 feet of easement would be necessary to get the path graded appropriately. Trees will have to be removed. In the northeast ditch area, the request was made to connect the paths. There is a ditch that was meant to keep farm runoff from getting into other properties. The flow will be maintained to limit the stormflow from the easterly property into the development. The asphalt path would dead end into the ditch swell. There was another spot recommended for the path for connecting in the future, and to avoid connecting the regular asphalt path to the Bridle path completely. The developer has done pressure testing. A lift station should not be necessary.

Barrows asked about adding a "No Horses Beyond This Point" sign. This will be accommodated.

Attwell asked Jashinsky about Public Works Committee working with the Developer. Easements should be addressed. There is an existing easement in the Bridle Path area. Many existing easements won't work long term due to size. A narrower path is not recommended.

Barrows explained that road sizes require Plan Commission approval. This is a narrower road but reduces impervious surface and is the same width as Hawthorn. There are no sidewalks, but there are paths in lieu of the sidewalks. Curbs were discussed.

Attwell asked about the private trails within the subdivision and if the paths would remain as a mowed grass path. These don't necessarily stay as well maintained in some instances. Something with more substance was requested to ensure maintenance.

Barrows noted there was a discrepancy with the developer's agreement setbacks and needs to be corrected. The City will want to have certain deed restrictions amendments require City approval.

Aicher noted that there should be significant screening, especially on the east and the south, in addition to the existing trees on the adjacent properties. Aicher asked about the fill staying on site to prevent disruption for possible grading later. Davie noted that the preliminary grading plan can be adjusted to keep more fill onsite.

Attwell asked about the tapers. Jashinsky explained the tapers versus excel and decel lanes.

Barrows asked about the timeline for going to Public Works Committee for consideration. The applicant would like to go as soon as possible to get input prior. Grading, stormwater, and engineering plans will be provided for the Public Works Committee.

Attwell asked about adding the decorative fencing along the Bridle Path where there are gaps. Spheeris will look at putting in fencing in the gaps, but it may be difficult due to the machinery necessary for installation.

Barrows suggested a FAR cap of 35% to limit the bulk of the lots. Possible limits were discussed, but the developer wanted clarification on the basement being included. 50% FAR was agreed upon, due to the topography of the development location and the garage inclusion in the total.

*Motion by Aicher seconded by Jashinsky, to recommend that staff draft a Conditional Use-Planned Unit Development General Development Plan Agreement inclusive of the conditions and the modifications to the RE-1 district listed in the Planners Report dated February 16, 2022, and the addition of a condition that the floor area be limited to a 50% Floor Area Ratio cap (.5 FAR), for adoption by the Common Council upon further development review and recommendation of the Park and Rec Commission and Public Works Committee.*

*As part of this recommendation the Plan Commission is supporting the road width and lack of sidewalks.*

*All in favor. Motion Carried.*

- B. DELC0781989004 & DELC0781989005, unknown address on Nagawicka Road East. Owner: Joes Legacy Farm, LLC. Applicant: Jon Spheeris. Applicant is requesting the Plan Commission approve a Preliminary Plat for a conservation type single-family subdivision.**

**See the Planner's report in the February 23, 2022 ePacket for detailed information on this proposal.**

Barrows discussed some of the comments in the surveyor's report. There are encroachments from the Certified Survey Map that are mostly landscaping related. Davie explained they are trying to keep the orchard intact, but are trying to make it obvious to the property owner as to where the lot ends.

*Motion by Jashinsky seconded by Marek, to recommend approval of the Preliminary Plat subject to the surveyor comments, which are included in the Engineer's Memo dated February 16, 2022, and subject to compliance with all objecting and approving authorities.*

*All in favor. Motion Carried.*

- C. DELC0743999006, unknown address on Nashotah Road. Owner: Hawthorn Development, Inc. Applicant: Siepmann Realty, c/o Jim and John Siepmann. Discuss and provide feedback regarding the proposal and schedule a public hearing for a revised Planned Unit Development – Conditional Use General Development Plan for the development of Hawthorn Farm South (Phase II).**

**See the Planner's report in the February 23, 2022 ePacket for detailed information on this proposal.**

Jim Siepmann and John Siepmann were present to discuss the proposal.

Barrows explained this is Phase II and the developer did receive approval for GDP for the entire development that included town homes with single family homes and needed to benefit from phase III regarding open space. This current proposed development is similar to Phase I and included public and private trail systems. The construction and maintenance responsibilities for road extension on north side should be considered. To meet the open space requirements, they may require similar flexibility as previously approved or the development or would require easements on each individual property to meet the open space requirements.

The developer road location is laid out in the previous approvals, but the responsibility portion should be laid out now because the land in this area is needed for Phase II development. Requiring this now would allow for the property to the north to be developed even if the Hawthorn Farms Phase III hasn't been developed yet. Discussion ensued regarding the logistics of the construction and maintenance responsibilities.

Siepmann explained Hawthorn South would be part of a development which includes are three phases. Public trails will be constructed and will be paved. Stormwater basins are preliminary. Curb and gutter and sewer will be similar to Phase I as well as landscaping, fencing and signage. The Cul-de-sac will have to have emergency access due to length.

Aicher noted the public seems to be supporting the development.

Barrows asked about connecting the pathway to the road to the south. Siepmann would like to connect the trail at Red Chapel but needs easement access.

*Motion by Marek seconded by Jashinsky, to schedule a public hearing when the developer has provided the documentation required to the City Planner for a revised Planned Unit Development – Conditional Use General Development Plan and SIP for the development of Hawthorn Farm South (Phase II).*

Discussion: Aicher asked about the process for the developer. Barrows noted that once the developer provided the information, she would then provide the necessary notice and get the applicant on the next possible agenda.

*All in favor. Motion carried.*

- D. DELC0798964, 310 Genesee Street, Owner: Ryan Eisenhut; DELC0798962, 302 Genesee Street, Owner: William & Judy Pawlicki; DELC0798946005, 226 Genesee Street, Owner: Bradley & Marcia Stocks; DELC0798958, 208 Genesee Street, Owner: Jacob & Jacquelyn Feutz; DELC0798957, 200 Genesee Street, Owner: Jeffrey Rademacher & Nancy Harvey; DELC0798954 & DELC0798953, 124 Genesee Street, Owner: Michelle Kelly, and DELC0798892, 600 Poplar Path, Owner: City of Delafield. Applicant: City of Delafield. Discussion on potentially rezoning the subject properties and amending the land use plan to allow for low intensity commercial uses and to amend the land use plan and zoning for the cemetery.**

***See the Planner's report in the February 23, 2022 ePacket for detailed information on this proposal.***

Barrows explained that this was part of Economic Development Focus Group project that was determined to potentially become a transition area from residential to business. The uses, due to traffic and location, would be similar to uses like a home occupation type intensity, but not requiring the residential component. The Plan Commission had requested a list of all possible qualifying uses and a feasibility study for the alley/lane.

Barrows summarized the feasibility study. The extension into the Town bank is not practical due to a 10 ft drop. Grading and tree removal would be necessary and this is not possible with the current building layout, so it would be based off of new construction occurring on the lots. The logistics of making the alleyway happen would be difficult.

Schult noted that in other municipalities, the parking is in municipal lots and isn't necessarily required for the business. Does not think the alley is necessary. The municipal parking lot is nearby. The market should dictate what happens, similar to when Town Bank came in to the City.

Cahalane noted that the feasibility study shows that the alley isn't easily constructed and really isn't a viable option.

Barrows noted that there is interest in the properties as commercial properties.

Marek does not support the alleyway. It isn't necessary for the area and shouldn't impact the dental office proposal.

Hausman asked what would happen to the potential for the Alley/Lane in the future if the Plan Commission did not entertain this now.

Attwell noted that the easement access to Poplar through the dental office should be required now to prepare for the lane/alley in the future. Discussion continued about ways to ensure the easement would be viable in the future if necessary.

Weiler suggested addressing the dental office separately.

Barrows noted if there was language added regarding access to roads other than Genesee, it might make sense to be more like a home occupation usage if access is off of Genesee.

Signage size was discussed.

Aicher suggested just changing the corner zoning to B-5 or similar. Discussion ensued about the potential positives and negatives of the zoning change.

Barrows suggested the amending the Land Use Plan to a transitional district and deal with zoning one property at a time. Weiler asked about MB-2 CBD which changes when two lots combine. Neighborhood Business District (NB-1) would be good name for the district to best describe the intent.

Marcia Stocks, 226 Genesee St, Delafield – is concerned with the definition of intensity. A Conditional Use requirement would be a good idea. Retail shops require a lot of business traffic.

Jacob Feutz, 208 Genesee St, Delafield – the properties are set far back and homes are close. Any amount of intensity that would allow customer access would be intrusive to the neighbors. The City cannot address traffic issues at Poplar and Genesee and I-94 if they were to arise because the City does not have the control of the intersection.

Cahalane asked if increased property allowance usage would be appealing. Feutz did not have interest in the property if his surrounding neighbors were commercial. The appeal would be for a commercial purchaser. Stocks asked what would happen to the property taxes if they were surrounded by commercial properties.

Feutz noted a gateway district isn't a great designation. These properties should be addressed when the road is sufficient for the traffic. Employees would be more acceptable than customers. The effort for the district creation may be premature, as the current residents have indicated a desire to stay.

Schult suggested something like computer repair would be acceptable. Barrows suggested no retail or customer traffic as a designation or Land Use Plan designation that presents standard for when the area would be best suited for transition to business use.

Nancy Rademacher, 200 Genesee St, Delafield – noted concern about the traffic entering the wrong driveway.

The Land Use Plan change would allow for the zoning changes to be addressed more intentionally when circumstances are right.

The Plan Commission directed Barrows to work on Land Use Plan update for a holding pattern in the area.

Aicher suggested providing information to neighbors. A neighborhood meeting was suggested. Discussion ensued regarding ways to improve notifications for these types of proposals.

Cahalane asked about how to move the dental office proposal forward. The dental office needs to go through the same process of a Land Use Plan amendment and the rezone. The dental proposal is looking at May/June.

Jashinsky asked about the cemetery. Barrows noted this will need to be addressed, but the process is time consuming so it is more efficient to consider multiple properties at one time.

#### **10. New Business**

Discussion and possible action on the following items:

No new business.

#### **11. Zoning and Ordinance Revision: None**

#### **12. Report of City Officials**

##### **A. Plan Commission meeting dates and deadlines**

- 1) Regular meeting March 30, 2022
- 2) Regular meeting submittal deadline March 15, 2022

##### **B. Correspondence**

##### **C. Planner**

##### **D. Building Inspector**

#### **13. Adjournment**

Having no further business, the meeting was adjourned at 9:24 PM.

Respectfully Submitted,  
Molly Schneider,  
City Clerk