



# 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, January 26, 2022

7:00 p.m.

City Hall, Council Chambers  
500 Genesee St.

## Regular Meeting

**DRAFT**

[YouTube Link](#)

### 1. Call to Order

The 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 [December 15, 2021](#) Regular Meeting.

*Motion by Aicher, seconded by Marek, to approve the minutes of the December 15, 2021 meeting as presented.*

*All in favor. Motion carried.*

### 5. Public Hearing:

#### A. Public Hearing #1:

**Topic:** Amend Map 7-4 City of Delafield 2030 Master Land Use Plan Map of the 2030 Comprehensive Plan from the Agricultural to Low Density Residential category on property described below.  
**Location:** Nagawicka Road East, Tax Key #: DELC0781989004 & DELC0781989005  
**Owner:** Joes Legacy Farm, LLC  
**Applicant:** Jon Spheeris  
**Matter:** Amendment to Map 7-4 City of Delafield 2030 Master Land Use Plan Map of the 2030 Comprehensive Plan from the Agricultural to Low Density Residential category to accommodate a Planned Unit Development – Conditional Use for a conservation type single-family subdivision.

Mayor Attwell opened the public hearing at 7:01 PM.

Chuck Gallagher, 1343 Parry Ln, Hartland – Lives on a property that abuts the property proposed for rezoning. Did not approve of the makeup of the Economic Development Focus Group. Felt it was more of a committee that was made up of members, such as developers, that could benefit directly from recommendations for development. There was one member who was local to the area in question that was part of the group that voted against the recommendation for rezoning. The was survey in 2008 that was done to prepare for an update to the Comprehensive

Master Plan. The results returned included the top three items that defined neighborhood character in Delafield were preservation of woodlands and wetlands, open space and distance between neighbors, and traditional neighborhood design with larger lot sizes with owners being responsible for preserving the features. It was noted that the Land Use Plan was intended to promote development in areas that was of similar density so as to maintain the characteristics of the surrounding neighborhoods. The PUD proposed is well under the surrounding lot sizes, which is contradictory to the Land Use Plan. The City had previously sought to rezone the land to RE-2. He supports the rezoning to RE-2, with about 14 lots versus the proposed 29 lots.

Jason Harned, 1423 Parry Ln, Hartland – abuts the property proposed for rezone. Moved in expecting development. The surrounding properties are RE-1. The proposal will increase the number of houses significantly over the RE-2. Four homes on the same amount of land that one home is on in the surrounding lots. The fields are traffic paths for wildlife. Have there been traffic studies on the addition of homes? The current traffic situation is busy. The current neighbor is 80 yards away from home with natural barriers. The current proposal will have three homes 20 – 40 feet away. The proposal will segregate from the existing neighborhoods. Additional studies and community input should be obtained prior to moving forward with the vote.

Diane D'Amore, 2804 Horseshoe Bend, Hartland – Objects the proposed rezoning. Owns three homes on 12 acres that are adjacent to the lands up for rezoning. The existing code restricts building to three acres minimum. The high standards of the resource preservation are not reflected in this proposal of 29 homes. This proposal will diminish the landscape of this area and will kill off natural land and wildlife. The Bridle path will be negatively affected by the proposal and will negatively impact the tranquility of the area.

Dan D'Amore, 2755 Horseshoe Bend, Hartland – Opposes the proposed rezone. Properties abut the Bridle Path. One of the proposed lots will be 20 feet from the bridle path and the same distance from his home. Would like more time to make adjustments to block his home from the view of the development.

Michael D'Amore, 2812 Horseshoe Bend, Hartland – Grew up in Brookfield, which has become crowded and full of traffic and has seen increased crime, this area is turning into that same type of area. The developer is only concerned with squeezing as many homes onto the property as possible. Spheeris had sued the City previously when a development had not been approved. Traffic is a concern and setting this precedent for developers is a concern. Also is concerned with ecological destruction, stressing wildlife, pollution, financial impacts of added services, and widening of roadways. Development will create a drain due to costs of services that far exceeds the income for the City. The surrounding area isn't at all like the proposal and is not in accordance with the Master Plan.

Mark Schaefer, 2106 Evergreen Ln, Hartland – The proposal seems like a good fit for the area. Lives in development directly to the west and the properties are one acre or less. The architectural guidelines are restrictive and respectful. This supports the Economic Development study and the single-family homes are preferable to commercial, industrial or high-density apartments. The location could make it attractive for other high-density developments. There is a concern regarding the traffic control needs.

Chuck Moranchek, 2609 Horseshoe Bend, Hartland – Opposed to the proposal. Has lived in their six-acre lot which abuts the proposed development since 1980. This development will negatively impact the wildlife in the area. This is not the right place for this zoning. Does not have issue with development of the property, but one acre lots are too small for this area. This is not the way to solve the City's revenue issues. The City should spend less so there isn't a revenue problem. Would ask that the Plan Commission slows down regarding the approval.

Laura Moranchek, 2609 Horseshoe Bend, Hartland – Didn't receive notice in enough time. Felt that they needed more time to research the proposal. What kinds of studies were done regarding the impacts to wildlife, traffic and City resources? Agreed with Chuck Gallagher and the statements about following the long-term plan. The lots are too small. Two-acres would be more fitting. Questioned the process regarding the proposed development and property zoning. Asked for the vote on the changes to postponed.

Barrows briefly summarized the process for the proposed development.

Marilyn Geason, 1424 Woodside St, - Is the current owner of the farm property proposed for development. The Geason family farm was a centennial farm and had been active for 107 years in Delafield. She can no longer maintain the property as a farm. Had waited several years for the right proposal and the right developer for the property. The property will be a beautiful development with trails and walking paths. Had turned down other offers that were not a benefit to the community. This development will benefit the community.

Seeing no one else who wished to speak, the public hearing was closed at 7:36 PM.

## **B. Public Hearing #2:**

**Topic:** Amend the Zoning District of the Official Zoning Map from the A-1 Agricultural and Residential Holding District to the RE-1 One-Acre Rural Estate District on property described below.

**Location:** Nagawicka Road East, Tax Key #: DELC0781989004 & DELC0781989005

**Owner:** Joes Legacy Farm, LLC  
**Applicant:** Jon Spheeris  
**Matter:** Amendment to the Zoning District of the Official Zoning Map from the A-1 Agricultural and Residential Holding District to the RE-1 One-Acre Rural Estate District to accommodate a Planned Unit Development – Conditional Use for a conservation type single-family subdivision.

Mayor Attwell opened the public hearing at 7:37 PM.

Seeing no one present who wished to speak, the public hearing was closed at 7:37 PM.

#### 6. Citizen Comments on Consent Agenda Items

Hearing no one present who wished to speak, citizen's comments on consent agenda items were closed.

#### 7. 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:

*See the Planner's report in the January 26, 2022 ePacket for detailed information on this proposal.*

- A. DELC0804999011, 3201 Gold Road Suite 9-A. Owner: Ramco-Gershenson Properties LP. Applicant: Kris Sedlock, Buff City Soap. Applicant is requesting approval of a Business Plan of Operation and Permanent Signage for a new soapmaking retail business.
- B. DELC0733998002, 3047 Village Square Drive. Owner: Delafield Station LLC. Applicant: Studio 83 Pilates (Christina Nelson). Applicant is request approval of a Business Plan of Operation for a new fitness studio.
- C. DELC0733998002, 3152 Village Square Drive. Owner: Delafield Station LLC. Applicant: Mackenzie Edinger, Inclusion Coffee Company. Applicant is requesting a site plan review to allow for an electronic menu board to be located along the southern façade of the building.

*Motion by Aicher seconded by Schult, to approve the consent agenda as presented.*

*All in favor. Motion carried.*

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

Hearing no one present who wished to speak, citizen's comments on items other than the Consent Agenda Items & Public Hearing were closed.

At this time, Attwell moved to 10.A. on the agenda.

#### 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 adopt a resolution recommending approval of the requested Land Use Plan Amendment from the Agricultural category to the Low Density Residential category. The resolution would also recommend adoption of an updated Land Use Plan Map for all properties amended through 2021 and the property described above.

*See the Planner's report in the January 26, 2022 ePacket for detailed information on this proposal.*

Barrows explained the applicant had previously been in for a conceptual presentation. The proposal will require a Land Use Plan amendment. Common Council will make the final approval, but cannot amend the recommendation. If any changes were to be necessary, it would have to come back to the Plan Commission for review and recommendation, and then return to Common Council. It was important to note that when the Land Use Plan had been written, the area was not served by sewer and water services. These services are now available in this area. The Economic Development Focus Group recommended the low density one-acre PUD conservation development. This will provide a transition from the Economic Development Focus Group proposed medium density zoning closer to HWY 83. The isolated natural area will be preserved.

Cahalane asked for clarification on the PUD lot size allowances. Barrows noted that the PUD allows for certain setback and lot size exceptions, but preserve larger area of open space which is theoretically better for the environment. Larger lots, such as a standard one-acre lot, that are not part of a PUD, would not necessarily be better, as all of the land would be divided up for usage and could have a greater impact on surrounding neighbors.

Barrows noted some considerations from the Comprehensive Plan and noted the housing market had changed and the sewer and water also are a significant change. There was one vote against the land use change, but the vote

may have been more due to teetering between higher density and the proposed low-density. Financial costs to develop at the RE-2 may not be reasonable.

The resolution is subject to conditions. The property owner/developer must submit a Conditional Use and the City must approve the Conditional Use for the development and all conditions of development Conditional Use be met. Any development must be connected to sanitary sewage and water.

Hausman asked about low density residential versus rural estate lot sizes. Rural estate is a minimum of two acre and low density is a minimum of one acre.

Cahalane asked if there was a risk of losing some of the conservation. A two-acre development may not be as environmentally pleasing. A two-acre density could consume the same amount of space, and would likely about the roads and surrounding lots completely. The isolated natural area could have one house in it, where this development is preserving this in its entirety.

The rezone should be subject to a conservation subdivision. The Hawthorn farm is a conservation subdivision.

Aicher asked if the Land Use Plan (LUP) allows for natural conversion from Agricultural to RE-2 and if the proposal takes the density to RE-1? Barrows clarified that the LUP is from Agricultural to low density residential. The LUP anticipates a conversion from agricultural to RE-2. Zoning is RE-1, which is rural estate one, still rural in nature, but on one acre lots.

Hawthorn Farm was discussed and is RE-2. The development has half acre lots, but over a larger land mass. Aicher noted that conservation subdivisions were intended to maintain the natural forests instead of divvying them up into separate lots. It preserves larger natural areas and is a desirable type of development. Owners and developers are invested in the open space and are required to maintain it.

Hausman noted that the LUP change implies allowing higher density in this area. Aicher asked if this is committing to the higher density. Barrows explained this is subject to the rezoning and the PUD. Land Use is one step. The development is another. Having the development in hand is nice because the City can see what they are going to end up with. The density could be less, but the plan could not be as nice.

The resolution includes all LUP amendments through 2021 – Hawthorn Farm and C and 94 which were already approved and will update on the LUP map.

*Motion by Schult seconded by Marek, to adopt the enclosed resolution that recommends adoption of an amendment to the subject parcels from the Agricultural land use category to the Low-Density Residential land use category in the Comprehensive Plan for the City of Delafield. The resolution also recommends adoption of the updated Land Use Plan Map, which is inclusive of all amendments through 2021 in addition to the subject parcels.*

*Motion carried with Aicher and Hausman voting Nay.*

- B. DELC0781989004 & DELC0781989005, Unknown Address on Nagawicka Road East. Owner: Joes Legacy Farm, LLC. Applicant: Jon Spheeris. Applicant is requesting the Plan Commission recommend approval of the requested Rezoning from the A-1 Agricultural District to the RE-1 One-Acre Rural Estate District.**

***See the Planner's report in the January 26, 2022 ePacket for detailed information on this proposal.***

Cahalane noted that two acres versus one acre is not necessarily the driver for conserving the property and addressing the surrounding property owner's concerns.

*Motion by Cahalane seconded by Weiler, to recommend Common Council amend the Zoning District of the Official Zoning Map which is adopted as part of Chapter 52 Zoning of the Municipal Zoning Code of the City of Delafield from the A-1 Agricultural & Residential Holding District to RE-1 One-Acre Rural Estate District, subject to Common Council adopting an Ordinance that Amends the Land Use Plan to the Low Density Residential category and subject to the approval of a Planned Unit Development - Conditional Use prior to any development taking place.*

*Motion carried with Aicher and Hausman voting nay.*

- C. DELC0781989004 & DELC0781989005, Unknown Address on Nagawicka Road East. Owner: Joes Legacy Farm, LLC. Applicant: Jon Spheeris. Applicant is requesting the Plan Commission discuss and provide feedback regarding the proposed content related to a Planned Unit Development – Conditional Use for a conservation type single-family subdivision and schedule a public hearing for the same.**

***See the Planner's report in the January 26, 2022 ePacket for detailed information on this proposal.***

Barrows explained that the applicant updated plans from the previous proposals and added a stormwater facility. More detailed information must be submitted regarding erosion plans. There is more detailed landscaping included.

John Spheeris, Alex Spheeris, and Matt Spheeris from Spheeris Development and Rob Davie from Lake Country Engineering were present to discuss the proposal. They would like the rezoning with a condition of a PUD. This was

in line with the recommendation from the Economic Development Focus Group and the comprehensive plan. The new plan includes sewer and water. The Spheeris developments tend to increase property values. The isolated natural areas will be protected. The Bridle Path won't be affected. Davie explained that there was a stormwater and grading plan completed and the stormwater events will be controlled. The events which cause erosion will be reduced. There will be 29 lots, though 30 are allowed. There is 20.29 acres of open space which meets or exceeds City requirements. Half acre lots will have sewer and water with curb and gutter. City lots with these amenities tend to be much smaller. The open space is a good buffer for the surrounding lots. The homes will be valued between 1.2 and 1.5 million which will create significant tax revenue for the City. Homes will be required to be kept within the existing charm and character of the City and the developers will be installing a pedestrian path. Traffic impact will be minimal.

Barrows summarized the requested lot setbacks, which are reduced due to the developer anticipating ranch style homes with a larger footprint. The developers explained there is a minimum of 35 feet around the perimeter from the lots around the development. There will be around 85 – 90 feet to the closest home. There will be at least 50 feet from the horse trail property line. This is true for around the whole development and the space is common space, independent of any lots. The access points are in the correct location, but a traffic study had not been completed.

Schult noted that Hwy 83 widening is a concern. Jashinsky noted Hwy 83 is a state road and any widening of the road is decided by the state. Subdivisions are not typically a high traffic generator.

Aicher asked about the curb appeal of the smaller lots in comparison to larger lots. Additionally, there is a concern about the activities on 4 acre lots versus the activities on a smaller lot and especially the proposed high-end development. Screening is important to the harmony of the neighborhood. Communication is important.

Attwell asked about adding a decorative fence between the public path and the lots which is a nice feature and adds to the rural aesthetic. Spheeris noted maintenance is something to consider.

Hausman asked if there are other comparable developments with these smaller acreage lots. This would be close to the Hawthorne Farms lots size and development style.

Attwell asked about the reduction of sediment into Lake Nagawicka. There is a significant reduction of the sediment, especially in the 10-year event amounts. The City ordinance is met, which is stricter than the DNR. This is achieved by grading towards the ponds and storm sewer that will carry water into ponds.

Attwell noted that historically there was not sewer and water, and now it is a requirement for a developer. The cost is significant for a developer. Estimates for water main alone are about \$405,000. These added costs make it hard to develop at the 2-acre density.

The Plan Commission requested the developer provide a traffic study and a draft maintenance plan for the open space areas. Renderings of view from the roads were requested as well as meetings with concerned citizens regarding renderings specific to their possible views.

*Motion by Aicher seconded by Marek, to schedule a public hearing for February 23, 2022 regarding a Planned Unit Development – Conditional Use for a conservation type single-family subdivision located at DELC0781989004 & DELC0781989005 subject to approval by the Common Council for the LUP amendment and rezoning.*

*All in favor. Motion carried.*

## 10. New Business

Discussion and possible action on the following items:

- A. DELC0803988005, 2574 Sun Valley Drive. Owner: R Gary Storts. Applicant: Berkshire Hathaway HS Lake Country Realty (represented by Jodi Van Zile, Signarama). Applicant is requesting approval of Permanent Signage to advertise Berkshire Hathaway HS Lake Country Realty.**

***See the Planner's report in the January 26, 2022 ePacket for detailed information on this proposal.***

Terry Dittrich, Berkshire Hathaway, 803 N. Ponderosa Dr, was present to discuss the proposal.

Barrows explained that the sign option that the applicant is proposing would normally be on the consent agenda. The proposed sign was summarized and the sign meets the provisions of the multi-tenant signage program.

*Motion by Weiler seconded by Aicher, to approve the permanent signage as presented in option A of the planner's report dated, January 20, 2022.*

At this time Attwell move to item 9.A. on the agenda.

- B. DELC0803994, 2675 Sun Valley Drive. Owner: E&K Land LLC. Applicant: Bubbles Foam Farm (represented by John Kutz). Applicant is requesting the Plan Commission review and provide feedback regarding a concept plan for a potential redevelopment of the site to build a car wash and potentially schedule a public hearing for a conditional use permit request.**

This item was withdrawn by the applicant.

- C. DELCO0798953, Unknown address south of 124 Genesee Street. Owner: Michelle Kelly. Applicant: Michelle & Mike Kelly. Applicant is requesting the Plan Commission review and provide feedback regarding a concept plan for a potential dental office building to be built on the subject property.**

***See the Planner's report in the January 26, 2022 ePacket for detailed information on this proposal.***

Barrows explained that this is relative to the Economic Development Focus Group recommendation to amend the LUP for part of the Downtown area to low intensity professional office type uses, such as a home occupation type of business, but without the requirement for the residential portion. The traffic and parking was a concern. The property is vacant and zoned for residential purposes. The applicant would like to put in a dental office. The lot allows for access off of Poplar Path instead of Genesee St. The applicant is also proposing an access point off of the property that could be extended in the future to the north. This would be a cross-access easement similar to an alley. A study was recommended regarding whether this would be feasible. The setbacks meet the requirements off of Poplar Path.

Michelle and Mike Kelley were present to discuss the proposal. The proposed business use would not be intense. The hours are limited. The building was meant to look like a home and fit into the design of the area. There is room for expansion in the future, but the rooms are also meant for storage and space. Even if all the rooms were utilized, it would still be a small operation.

Jashinsky asked about a vision corner and some restrictions in that area might be considered.

The applicant has done a significant amount of cleanup on the vacant lot.

Marek noted the proposal has a nice look. Discussion ensued about the benefits of this building being at the entrance to Delafield.

Aicher noted that this development is appropriate even if other properties to the north do not follow the rezoning.

The applicant noted there are restrictions due to the power lines.

Screening was mentioned.

There was a consensus of support from the Plan Commission for the proposal.

- 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 January 26, 2022 ePacket for detailed information on this proposal.***

Barrows noted the Economic Development Focus Group discovered Cemetery is zoned as residential. It is recommended to rezone this property to Institutional category for LUP and public zoning for the zoning map.

The Economic Development Focus Group made this recommendation due to interest in a property that was for sale being primarily for business use. The Downtown Development Plan recommended that this area stay residential for 20 years. That was 30 years ago, and there have been significant changes. Residential will remain as an allowed use. The Plan Commission could craft a new district or use existing districts. There are comparable business districts, but some of the uses would not be appropriate. A transitional district to be crafted would be the recommendation. There could be consideration that includes access limitations and other items that would be specific to the area.

Schult would prefer to tailor it to the area. B-1 would be close, but the restaurant uses and tavern uses are not appropriate for this area. Aicher asked about limitations for liquor licensing that keeps them away from schools. There are distance limitations. B-1 has limitations that would make the uses that are not appropriate difficult to have in this area. There could be an amendment to the B-1 district.

Appropriate uses might be small gift shops, antique shops, boutiques, book stores, tax offices, insurance agents, other small professional offices and other small businesses. Considering business with limited traffic is important. Food service business tend to create a lot of traffic. Take out restaurants would not be appropriate.

The consensus was to pursue the rezoning. It is important to be clear on the possible pros and cons of the rezoning.

## **11. Zoning and Ordinance Revision:**

None.

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

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

**1) Regular Meeting February 23, 2022**

**2) Regular Meeting Submittal Deadline February 08, 2022**

**B. Correspondence**

**C. Planner**

**D. Building Inspector**

There had been one home permit issued for Hawthorn Farms. Hendricks received a permit to install foundation.

**13. Adjournment**

Having no further business, the meeting was adjourned at 9:37 PM.

Respectfully Submitted,

Molly Schneider  
City Clerk