



# 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

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March 29, 2023

7:00 p.m.

City Hall, Council Chambers  
500 Genesee St.

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## Regular Meeting Minutes [YOUTUBE LINK](#)

### 1. Call to Order

The meeting was called to order at 7.00 p.m.

### 2. Pledge of Allegiance

The Pledge of Allegiance was recited.

### 3. Roll Call

**Commissioners Present:** Tim Aicher, Ald. D7  
Dan Cahalane  
Mike Hausman  
Laura Schult  
Robert Weiler

**Commissioners Excused:** Kent Attwell, Mayor  
Ed Marek  
Dan Jashinsky

**Also Present:** Mike Court, City Engineer  
Crystal Turner, Deputy Clerk

**Absent:** Amy Barrows, City Planner

### 4. Minutes

Discussion and possible action on the following minutes:

#### A. Approval of minutes of the [February 22, 2023](#) Regular Meeting and Public Hearing.

*Motion by Schult, seconded by Hausman, to approve the minutes of the February 22, 2023 Regular Meeting and Public Hearing, as presented.*

*All in favor. Motion carried.*

### 5. Citizen Comments on Consent Agenda Items

Aicher opened citizen comments at 7:01 p.m.

Hearing no one who wished to speak, the citizen comments were closed at 7:01 p.m.

### 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. DELC0793001005, 528 Wells St Suite C. Owner: Hendricks Commercial Properties LLC. Applicant: John Bodden, Boutique Wealth Management. Applicant requests approval of a Business Plan of Operation and Permanent Signage for a financial advisory business

- B.** DELC0802997, 1760 Milwaukee St., Unit C. Owner: Waukesha County Capital, LLC. Applicant: Michael Sparks, Phoenix Roofing LLC. Applicant requests approval of a Business Plan of Operation for a roofing business.

*Motion by Schult, seconded by Weiler, to approve the Consent Agenda as presented.*

*All in favor. Motion Carried.*

## **7. Public Hearings:**

### **A. Public Hearing #1:**

Topic: Rezone from R-3 Single- and Two-Family Residential to R-4 Single- and Two Family Residential

Location: DELC0798978, 505 N. Lapham Peak Road  
DELC0798979001, 427 N. Lapham Peak Road  
DELC0798893001, 532 Bleeker Street  
DELC0798167002, 1014 Kenora Road  
DELC0798976, 1016 Kenora Road

Part of DELC0798977001, 333 N. Lapham Peak Road. Owner: American Legion Post No. 196

Owner: Behrend Property, LLC. & American Legion Post No. 196

Applicant: Jim Behrend

Matter: Rezone several properties or portions of properties from the R-3 Single- and Two-Family Residential to R-4 Single- and Two Family Residential to accommodate a 29-lot single-family residential subdivision.

Aicher opened Public Hearing #1 at 7:04 p.m.

Hearing no one who wished to speak, closed Public Hearing #1 at 7:04 p.m.

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

Topic: Conditional Use Amendment - American Legion Post No. 196

Location: DELC0798977001, 333 N. Lapham Peak Road. Owner: American Legion Post No. 196 and part of DELC0798167002, 1014 Kenora Road. Owner: Behrend Property, LLC.

Owner: Behrend Property, LLC. & American Legion Post No. 196

Applicant: Jim Behrend

Matter: Amend the Conditional Use Permit for the American Legion to modify the physical boundaries.

Aicher opened Public Hearing #2 at 7:05 p.m.

Hearing no one who wished to speak, closed Public Hearing #2 at 7:05 p.m.

## **8. Citizen Comments on items other than Public Hearing**

Hearing no one who wished to speak, Citizen's Comments were closed at 7:05 p.m.

## **9. Unfinished Business**

Discussion and possible action on the following items:

- A.** DELC0798978, 505 N. Lapham Peak Road, DELC0798979001, 427 N. Lapham Peak Road, DELC0798893001, 532 Bleeker Street, DELC0798167002, 1014 Kenora Road, DELC0798976, 1016 Kenora Road. Owner: Behrend Property, LLC. Part of DELC0798977001, 333 N. Lapham Peak Road. Owner: American Legion Post No. 196. Applicant: Jim Behrend. Applicant is requesting to Rezone properties that are currently owned by the applicant and properties to be transferred to the applicant from

the R-3 Single- and Two-Family Residential District to the R-4 Single- and Two-Family Residential District. The lands to be transferred to the American Legion Property will remain in the R-3 Single- and Two-Family Residential District.

Jim Behrend, 757 Garrison Court, was present to discuss the concept plan and proposal. Behrend summarized the plan. Behrend will submit a final plat once approved with 29 lots. Current zoning limits to 19 lots. Would prefer the single-family lots.

Aicher asked that Behrend is comfortable with it zoned as single- or two-family residential.

Behrend stated that lots are from ten to twenty thousand square feet and potentially would be tight with duplexes which is why he would prefer single-family homes.

*Motion by Schult, seconded by Cahalane, to recommend that Common Council adopt the enclosed ordinance that amends the zoning district on all of or a portion of the subject properties from the R-3 Single- and Two-Family Residential District to the R-4 Single- and Two-Family Residential District subject to the conditions contained in the enclosed ordinance. The ordinance is subject to City Attorney review prior to Common Council consideration.*

*All in favor. Motion Carried.*

- B.** Part of DELC0798167002, 1014 Kenora Road. Owner: Behrend Property, LLC. DELC0798977001, 333 N. Lapham Peak Road. Owner: American Legion Post No. 196. Applicant: Jim Behrend. Applicant is seeking approval of a Conditional Use Amendment to modify the physical boundaries for the American Legion to include additional acreage that will be transferred from the Behrend Property and remove acreage that will be transferred to the Behrend Property.

Jim Behrend, 757 Garrison Court explained the trade of the Legion and Behrend lands. Giving up residential and taking the institutional, non-residential land it is required to go through this process.

*Motion by Schult, seconded by Weiler, to recommend that Common Council approve the Conditional Use Amendment subject to the terms and conditions of the enclosed Conditional Use Agreement, which is subject to City Attorney review prior to Common Council consideration.*

*All in favor. Motion carried.*

- C.** DELC0733998006, 3201 Village Square Drive. Owner: ISB Community Bank. Applicant: Terron Wright on behalf of JPMorgan Chase Bank. Applicant requests Site Plan and Appearance Approval for site improvements at a new Chase Bank

David Stangle, 200 S. Michigan, Chicago, was present to discuss the proposal.

Court summarized the landscape plan which was to be updated and reviewed at this Plan Commission.

Stangle explained they are currently planning five dense Yews and climbing Ivy on the side next to emergency door as there is not too much space for larger plantings on that side.

Schult asked if this was the enclosure attached to building and noted there was another.

Stangle confirmed the north east corner has the trash enclosure and does have taller trees. Low lying plants would be around the electrical enclosure.

Stangle stated north and east sides would be 3ft Yews and Ivy on the south side.

Weiler asked to confirm that mechanicals are within the enclosure and what is the landscaper's preference on plantings?

Stangle noted brick matches the building so that is not of concern and 3 ft. plantings are less of a safety concern considering it is a bank.

*Motion by Hausman, seconded by Weiler, to approve the site plan proposed in February and Landscape Plan revised 3/7/2022 as presented at tonight's meeting.*

*All in favor. Motion Carried.*

- D. DELC0798966, 418 Genesee Street. Owner: VT Properties, Inc. Applicant: Samantha Stinson. Applicant requests a Business Plan of Operation and Permanent Signage to operate a tattoo shop known as Holy Seraphim.

Samantha Stinson, 2547 Nutter Circle Nashotah, was present to discuss the proposal.

Court summarized the Business Plan of Operation and signage.

Stinson stated public hours would not be 6am-12am, but when the artists may be operating. Clients may have limited time in the area. Public hours would be 10am-8pm.

Aicher noted this could be listed as by appointment only prior to 10am and after 8pm.

Discussion ensued on "buffer zone hours," how other businesses have been approved and the times local businesses close in the downtown area.

Weiler asked what the parking situation was like.

Stinson noted there is parking on the side of the building which the landlord is working on with as some of it owned by the apartments behind. Currently they have two spots assigned to the business and there is a public parking lot across the street.

*Motion by Hausmann, seconded by Cahalane, to approve the business plan of operation with the exception of hours of operation being from 6 a.m. -8 p.m. and then by appointment only from 8 p.m.-11 p.m. and signage as presented.*

*All in favor. Motion Carried.*

Stinson asked for clarification regarding the signage approval. Hausman clarified the motion did include approval of signage as presented.

- E. DELC0733998002, 3138 Village Square Dr. Owner: Delafield Station, LLC. Applicant: Ahmed Dawadeh. Applicant requests approval of a Business Plan of Operation to operate a tobacco shop known as Luxury Smoke.

Ahmed Dawadeh, 650 East Village Green Ct, Oak Creek, was present to discuss the proposal.

Court summarized the Business Plan of Operation to include tobacco, accessories and limited CBD sales.

Dawadeh apologized for missing the last meeting and stated he will not be selling any glass or accessory paraphernalia in the store. For screening, stickers to state those under 21 years of age cannot enter and they will scan an ID at checkout to confirm this.

Hausmann asked if something had substantially changed from the last time.

Dawadeh stated the picture was of his other store and this one is not selling any glass.

Hausmann raised the concern that it was the proximity of the business to the local schools.

Cahalane asked if a signage plan was submitted?

Court stated they are not approving signage; applicant does have renderings but it is only the Business Plan of Operation for consideration tonight.

Schult asked a question from a neighbor who wanted to know what percent of sales were from THC products and what percent of sales are from glass ware apparatus.

Dawadeh stated they are not selling any glassware or even THC products.

Court stated the proposal includes nicotine products, vape products, e-cigs and limited CBD sales.

Aicher commented that there is not a specific derivative in the ordinance that covers the e-cigarettes and vape products.

Court confirmed that the intention of the Plan Commission is to decide if this business conforms to the tobacco shop criteria.

Aicher noted that state statutes call e-cigs out differently and we don't have an ordinance in the city to cover this. Ordinance notes as tobacco not smoke shop. The information submitted shows a large quantity

of e-cig and vaping products. To find an appropriate place in the city, a specific ordinance would need to be passed. Currently the business is too much of a leap from a tobacco shop.

Cahalane asked do we put on a future agenda as to what we do or to clarify.

Aicher said it would need to be put to Common Council to call out the specific use and to find a new or specific ordinance for these types of products.

*Motion by Aicher, seconded by Hausman, to deny the business plan of operation as presented based on the fact that it does not fit into the approved uses in this district as a tobacco shop.*

*All in favor. Motion Carried.*

## 10. New Business

Discussion and possible action on the following items:

- A.** Recommendation to adopt Resolution No. 2023-04, a resolution of the Common Council to vacate and discontinue a portion of public right-of-way for Smythe Lane and Farrand Lane pursuant to Wis. Stat §62.23(5). The matter was introduced at the February 20, 2023 Common Council meeting and a public hearing on the Resolution is set for the April 17, 2023 Common Council meeting.

Court summarized the right-of-way vacation and noted it has come to attention of the city the alleys were not listed as needing to vacate so there is an updated exhibit A and B provided. (*\*Clerk's note: Amended exhibits are attached to these minutes.*)

*Motion by Schult, seconded by Hausman, to vacate a portion of the public right of way of Smythe Lane and Farrand Lane, and the vacation of alleys from new exhibit 'A' and 'B' as presented tonight, and of St Johns Rd. to be 66 ft wide, and to send to Common Council the recommendation for the adoption of Resolution no. 2023-04.*

*All in favor. Motion Carried.*

- B.** DELC0793020003, 527 Milwaukee St. Owner: Hendricks Commercial Properties, LLC. Applicant: Mike Pallen, Music and Beer LLC. Applicant requests approval of a Business Plan of Operation to operate Mikerphone Brewery.

Mike Pallen, 1704 Linden Ave Park Ridge IL, was present to discuss the proposal.

Court summarized Mikerphone Brewery Business Plan of Operation. Majority of beer will be served on site. Zoning code does not specifically mention the production of beer. Business is similar to Delafield Brew House and Water St Brewery except on scale and without a restaurant.

Pallen summarized the growth of the business and starting the first outlet in Elk Grove Village.

Court noted the patio is shared and the business will not have live music but there is the potential for speakers providing outdoor music.

Cahalane asked who else has access to the patio.

Pallen stated Blue Collar and some of the residents have access but it is under used.

Hausman asked why Mikerphone are not permitted to sell beer in Wisconsin that is brewed at an Illinois site.

Pallen stated that they cannot sell out of state beer under just a brewery license.

Court noted signing is conceptual and will come later.

Pallen said that Hendricks have limited signing so they will plan to hang from the buildings sign holder.

Aicher asked if 9pm would be a good shut off for outdoor music.

Pallen confirmed the shut off for outdoor music time was acceptable and noted the Elk Grove entity would continue operations.

Aicher stated the river is underutilized but they should find a creative way to screen the dumpster.

*Motion by Schult, seconded by Cahalane, to approve the business plan of operation as presented, subject to all local, county, and state licenses, that outdoor music will end at 9:00 p.m. and work with staff to conceal the dumpster.*

*All in favor. Motion Carried.*

- C.** DELC0804994017, 2720 Heritage Drive. Owner: Heritage Hillside, LLC. Applicant: Gregory Hughes. Applicant requests approval of a Site Plan and Appearance Review to modify the façade of the existing multi-tenant building at Wal-Mart Center.

Court summarized the new roof, awnings and façade updates being presented.

Greg Hughes, 2720-2850 Heritage Drive, spoke to the façade updates confirming the green band will become beige. Currently the roof is faux copper and the new metal roof will be a dark bronze. They will take the circular column to a square pillar as the presented prototype to update the look. Paint for the whole exterior façade.

Cahalane asked what is driving this change.

Hughes stated they are being proactive to improve, to stay ahead of the curve and that they are 100% leased.

Schult asked if they own the retention pond.

Hughes confirmed they share the retention pond with Walmart and they have their landscape crew maintain this.

*Motion by Schult, seconded by Weiler, to approve the site plan and appearance as presented.*

*All in favor. Motion Carried.*

## **11. Comprehensive Plan, Zoning and Ordinance Revision**

Discussion and possible action on the following items:

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

- A.** Plan Commission meeting dates and deadlines
  - 1) Regular meeting April 26<sup>th</sup> 2023
  - 2) Regular meeting submittal deadline March 29<sup>th</sup> 2023
- B.** Correspondence
- C.** Planner
- D.** Building Inspector

## **13. Adjournment**

Having no further business, the meeting was adjourned at 8:12 p.m.

Minutes approved: April 26, 2023

Minutes prepared by: Crystal Turner, Deputy Clerk