



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

April 26, 2023

7:00 p.m.

City Hall, Council Chambers
500 Genesee St.

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
Dan Jashinsky
Edward Marek
Laura Schult
Robert Weiler
Kent Attwell, Mayor

Also Present: Amy Barrows, City Planner
Scott Hussinger, Building Inspector
Sally DuPont, Recording Secretary

4. Minutes

Discussion and possible action on the following minutes:

A. Approval of minutes of the [March 29, 2023](#) Regular Meeting and Public Hearing.

Motion by Laura Schult, seconded by Tim Aicher, to approve the minutes of the March 29, 2023 Regular Meeting and Public Hearing, as presented.

All in favor. Motion carried.

5. Citizen Comments on Consent Agenda Items

Mayor Attwell opened citizen comments at 7:01 p.m.

Hearing no one who wished to speak, the citizen comments were closed at 7:02 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:

Aicher requested that Item 6B be removed from the consent agenda.

A. DELC0803988005, 2574 Sun Valley Drive, #207. Owner: R Gary Storts. Applicant: Rex Connely, Lake Country Healing Hearts. Applicant requests approval of a Business Plan of Operation for an out-patient mental health service business

Motion by Tim Aicher, seconded by Laura Schult, to approve the Business Plan of Operation for Lake Country Healing Hearts.

All in favor. Motion carried.

- B.** DELC0804999008, 3260 Golf Road. Owner: Shoppes at Nagawaukee Equity LLC. Applicant: Lance McTrusty, Bauer Signs, on behalf of Noodles & Company. Applicant requests approval for permanent signage.

Amy Barrows stated Noodles & Company has proposed to amend their signage that is currently on the north side, east side, and south side of the building. The proposed new signage will have a red background with white lettering.

Motion by Tim Aicher, seconded by Edward Marek, to approve the Noodles & Company signage update.

All in favor. Motion carried.

7. Public Hearings: None

8. Citizen Comments on Items Other Than the Consent Agenda

Mayor Attwell opened citizen comments at 7:03 p.m.

Nicholas Cera, 929 Bahr Road, Delafield, WI, spoke about Delafield Dental's application for their landscaping. Nicholas said he is seeing lots of trees being removed from the property and the trees being left consist of buckthorn. Nicholas said the screening between his property and Delafield Dental's property was not sufficient to begin with and suggested appropriate screening be approved. Nicholas said Delafield Dental is not adding any screening in their landscape application and instead are using existing trees. Nicholas said from his property they see headlights coming and going and the outdoor lights are always on and very bright. Nicholas asked the Plan Commission to recommend hard screening be used, such as pine trees or a fence, to break up the sight line between Nicholas's property and Delafield Dental's property, and suggested they use a timer for their lights.

Laura Schult, 935 Bahr Road, Delafield, WI, said Delafield Dental has not controlled the timing of the outdoor lighting. Laura said the agreed upon time had been 7:00 p.m. or when personnel were no longer on the premises, but the 7:00 p.m. time has never taken place and the timing has consistently changed. Laura said from her property, she can see the bulbs in the outdoor lighting fixtures and the light is very bright. Laura questioned why the solid fence that had been spoken about at previous meetings was not a part of the approval process. Laura said solid fencing is not unreasonable and Delafield Dental has enough room to put the fencing south of their septic system. Laura asked the Plan Commission to consider the request for solid fencing.

Jennifer Jaeschke, 110 Hickory Court, Delafield, WI, spoke about concerns regarding the development of the St. John's Golf Course on behalf of various households in her neighborhood. Jennifer said she would like to see more abundant plantings on the western border, between the mowed path and the back of the lots. Jennifer said having a dialogue with the developers versus just having citizen comments at the city meetings would be beneficial. Jennifer said the residents she spoke with would like to keep the path along the western border as a no-mow path. Jennifer expressed concerns about the traffic, had concerns with the traffic study that was done, and she believes the traffic will be problematic. Jennifer asked the Plan Commission to consider the traffic and parking concerns.

John Radtke, 730 Mill Street, Delafield, WI, thanked the Plan Commission for having the city YouTube channel for the citizens. John requested of the Plan Commission that architectural control is maintained for the St. John's development area because it is near downtown Delafield.

Hearing no one further who wished to speak, citizen comments were closed at 7:19 p.m.

9. Unfinished Business

Discussion and possible action on the following items:

- A.** 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 to remove a chimney at the recently approved Chase Bank site.

David Stangle, Project Manager on behalf of JPMorgan Chase Bank, was present to speak.

Amy Barrows said recently the Plan Commission approved Chase Bank in Village Square. Since they have received approval, they have been remodeling the interior and discovered the chimney is in a state of disrepair and will cost a significant amount of money to repair. Chase Bank is proposing to remove the chimney, but because it does impact the architectural elements of the exterior of the structure and it is part of the site plan review, it has been brought to the Plan Commission for consideration.

David Stangle said the chimney is not serving any function and is just for aesthetics. David said the chimney has been poorly constructed and half of it has been held up by plywood, and the trusses supporting the other half are bowing, so the repairs would be extensive. David said he spoke with the general contractor and the chimney would need to be dismantled. David said the request on behalf of Chase Bank is to leave the chimney off and patch in the roof.

Marek agreed with the removal of the chimney and fixing the roof.

Motion by Dan Jashinsky, seconded by Edward Marek, to approve the Site Plan and Appearance to remove the chimney at the Chase Bank site in Village Square.

All in favor. Motion carried.

10. New Business

Discussion and possible action on the following items:

- A. DELC0792992, 1307 Genesee Street, DELC0792074, 439 Saint Johns Road; DELC0792069 & DELC0792078, 411 Saint Johns Road; and DELC0792073 & DELC0792060, unknown addresses on Wisconsin Avenue and Saint Johns Road. Owner: Hendricks Commercial Properties LLC. Applicant: Chris Miller, Miller Marriott Construction. Applicant seeks approval of a Final Plat to develop a 30-lot single-family subdivision known as Beacon Hill of Delafield.

Chris Miller, Miller Marriott Construction, and Josh Pudelko, Design Engineer, Trio Engineering were present to speak.

Amy Barrows said this is the final plat that needs to go to Common Council for review and approval. Once the final plat is approved, it gets signed, and the developer can start selling lots. Barrows said recently they did receive approval for the Developers Agreement and the road vacations. The road vacations have been recorded with the Waukesha County Register of Deeds; however, it is subject to the final plat being recorded before they are official. Barrows said they need to submit their stormwater and erosion control permit and get the Letter of Credit, and at that time they can start construction on the site. She anticipates the construction will start at any time. Barrows said they can now, without any approvals, start to tear down buildings if they have raze permits.

Barrows said there are a few notes and modifications that need to be addressed before it will be considered at Common Council. Barrows spoke about some minor notes on the plat:

- The existing structures must be removed from the property prior to the final plat recording, otherwise there will be some structures that cross lot lines and do not meet zoning code requirements.
- The city will need to see a note that Lots 14 and 15 are prohibited from access on Genesee Street. Barrows asked the Plan Commission to consider whether that is necessary on Lot 30, which is the lot on Genesee Street, north of Wisconsin Avenue, and it currently does access through to Genesee Street. Barrows asked Chris Miller if they have considered it any further. Chris Miller said he was comfortable with restricting access. Barrows said if everyone was comfortable, then they would ask them to tag that on the plat so it does not get missed by anyone.
- Barrows said they would like to see a reference to the master grading plan and tree removal plan that have already been reviewed and approved, that way when someone buys the property, it will be noted on the final plat so they will have to comply with the plan.

Barrows spoke about the following engineering comments:

- They did approve all the plans.
- The stormwater maintenance agreement will be going to Common Council in May for review and approval.

- The only change from the plat that will go to Common Council is regarding an easement that runs through the middle of the overall property in an east-west direction, that is a drainage easement that will be reduced from 20 feet to 15 feet because 20 feet was unnecessary. Engineering staff did review and accept, so they will be making that change.
- The surveyor had no additional comments.
- Barrows said at the last meeting in February, they reviewed and approved the Site Plan and Appearance Review.
- There are some items that need to be reviewed further by the Planner, but they have addressed just about everything.
- The developer did submit a landscape plan and Barrows asked for more detail on the landscape plan for when the city goes through the inspection process.
- Barrows said in her report she does have some changes she would like to see to the Declaration of Restrictions.
- The developer is proposing a sign at the southwest corner of Wisconsin Avenue and Genesee Street. The sign had to be located outside of the easement, so they adjusted the location.

Motion by Dan Jashinsky, seconded by Tim Aicher, to approve the Final Plat subject to compliance with the Planner, Surveyor, and Engineer comments and all other approval and objecting authorities, as well as compliance with the Site Plan and Appearance Review comments prior to presenting the Final Plat to Common Council, with the emphasis of Lots 14, 15, and 30 being restricted from access at Genesee Street.

Aicher asked the developer if the front facing lots will be predetermined or flowing as the development occurs. Chris Miller responded it has been flowing as development occurs. Chris Miller stated that out of 8-9 plans, two of the plans have a front facing garage, but for those plans, the porches will be more prominent than the garages.

Aicher expressed concern about the use of Arborvitae in the landscape plan because the deer like eating them. Aicher suggested updating the landscaping plan and substituting with something the deer do not like to eat. Barrows said she has noted the landscaping change and will bring it to staff to address.

All in favor. Motion carried.

- B.** DELC0792990 & DELC0793997, Oakwood Drive. Owner: Hendricks Commercial Properties LLC. Applicant: George Erwin III. Applicant is requesting approval of a Certified Survey Map to divide a lot into two lots (formerly known as the St. John's Golf Course).

George Erwin III, Applicant, and Josh Pudelko, Design Engineer, Trio Engineering, were present to speak.

Amy Barrows said the applicant is asking to reconfigure two existing lots that are there now, and they will be developing what will become Lot 1.

Barrows discussed the following comments/notes/modifications to the Certified Survey Map:

- The city is asking that the trail that runs on the north side of the Bark River, become a public trail as part of the subdivision plat, and be shown on the Certified Survey Map as well. The applicant can provide the legal description on the Certified Survey Map prior to it going to Common Council.
- On Lot 2, which will be the athletic fields that will remain in ownership by Hendricks Commercial Properties LLC, there is a small, open space easement that provides open space for the subdivision development. Barrows said the square footage of that area needs to be specified because it is necessary, and the city does not want the square footage to change in the future. Barrows stated she will work with the city attorney, but she believes a separate open space easement will need to be recorded with the Certified Survey Map or referred to it being recorded whenever the subdivision gets recorded.
- The surveyor has general comments that the applicant needs to include as part of a Certified Survey Map document.

Motion by Laura Schult, seconded by Robert Weiler, to recommend approval of the Certified Survey Map provided the Planner, Engineer, and Surveyor comments are met prior to a final Certified Survey Map being presented to Common Council for review and approval, and the trail that runs on the north side of the Bark River that the city wants to be a public trail as part of the subdivision plat be shown on the Certified Survey Map, and the square footage of the open space easement on Lot 2 be specified and recorded with the Certified Survey Map.

Cahalane asked about the large oak tree in the open space easement area and if the easement goes around the tree. George Erwin said the trees will not be disturbed and it is currently being used by the school. Josh Pudelko said the goal is to keep that area with the athletic facilities and to keep it guaranteed as open space in perpetuity, so this easement starts to reflect that on the Certified Survey Map.

Aicher said in regards to citizen comments about having dialogue with the developer about the path in the development being mowed versus not mowed, Aicher recommended to the builder that discussion with the landowners involved would be beneficial in coming to a resolution before the final plan. Aicher suggested having an access point somewhere on the south end of the property, near the cul-de-sac that exists on Valley Road Place and would there be an easement for access along the street.

All in favor. Motion carried.

- C. DELC0792990 & DELC0793997, Oakwood Drive. Owner: Hendricks Commercial Properties LLC. Applicant: George Erwin III. Applicant is requesting feedback regarding the St. John's Estates Subdivision conceptual plan and to schedule a public hearing for a Planned Development Conditional Use - General Development Plan for the subdivision (formerly known as the St. John's Golf Course).

George Erwin III, Applicant, and Josh Pudelko, Design Engineer, Trio Engineering, were present to speak.

Amy Barrows said the applicant has formally submitted their Planned Unit Development Conditional Use Application for General Development Plan. Barrows said if there is to be discussion between the landowners and the developer, that needs to happen quickly if there is to be a public hearing in May.

Barrows said she anticipates the development proposal would go to Public Works in June, but the engineering is still preliminary. Barrows said the city has asked the developer to make improvements to Exeter Street because there is quite a bit of school parking, and the city wants that to be a safe environment. Barrows said the developer is proposing to widen the road enough to allow for safe traffic flow and additional parking.

Barrows said the sites will be served by sewer and private wells, and there will be no hydrants available. The fire department does prefer the in lieu payment to having big cisterns on site. Those fees will go towards fire department equipment and the applicant will have to pay a fee per lot to the city.

The developer is proposing 45 lots, with an entrance off Oakwood Road, with two additional entrance and exits on Anderson Drive and Exeter Street. There is a proposed sidewalk to run along the south side and parallel to Oakwood Road, and a split rail fence to provide some aesthetic along the road. The sidewalk would extend along the entire length of the road, through the southern cul-de-sac, to Cushing Park and along the trail. The applicant has agreed to extend the trail to line up with the Miller Marriot Development at Beacon Hill.

Barrows said the applicant is proposing some berming along Oakwood Road. The berms will be about 4 feet in height from the roadside, and from the development side the berms will be 6-8 feet. The applicants are also proposing at the neighbors' request, a berm to prevent headlights from Oakwood Road.

The applicant is proposing three signs and the applicant will come with the sign designs and layouts to the public hearing.

There will be two connectors to the trail along the Bark River.

As part of the Planned Unit Development, the applicant is proposing flexibility that will need to be acted on; they are proposing a 40-foot road set back instead of 50 feet, the lot size and lot width that has been talked about, and they are not proposing floor area ratio. Barrows noted Hawthorn Farm, which was an

RE2, they agreed to a .35 floor area ratio, and Nagawicka Heights had half acre lots which were RE1, they proposed a .5 floor area ratio.

The applicant did submit a draft open space management plan that talks about how they are going to manage and use the open space area. They also submitted a tree mitigation plan. Barrows said right now there are 369 protected trees on the property, they are going to be removing 80 trees, and plant 290 trees.

Barrows said a landscaping plan was submitted. Barrows said there is a bit of a void behind Lots 15 and 16 and she would like to see that area filled with some vegetation.

The applicant did submit preliminary stormwater management plans. The engineer has determined there is sufficient room on the site for the proposed stormwater management, however more detail will need to be provided, but what was provided is sufficient for the General Development Plan.

The applicant submitted a master grading plan and there will be significant grading on the site to accommodate the site and home construction and the sewer.

The applicant submitted a draft Declaration of Restrictions. They do require one story homes to be a minimum of 1,900 square feet and more than one story homes need to be a minimum of 2,350 square feet. The roofs must have dimensional shingles in a weathered wood color, with a minimum pitch of 8/12 unless the home is Taliesin architecture. No metal, aluminum, or vinyl siding is permitted, 25% of the front of the home must contain brick or stone unless waived by the ACC, and no above ground pools are permitted. Each yard will be responsible for installing a front light post or lantern from a manufacturer selected by the developer.

George Erwin said they are preserving over 60% of the site. Erwin said the lots are half an acre and they have three-quarters of an acre of open space for every lot that is created. Erwin said they will leave the greens from the golf course up to the association for the subdivision. Erwin said they are looking at regulating the trail in the subdivision and having it be more of a private trail, but the trail along the Bark River will be public. Erwin said they will be meeting with the Administration at St. John's School to discuss Exeter Street, parking, and clear walking access points for the students.

Erwin said there is much interest in the development by many builders. Erwin said it will be open to quality builders and he has no doubt they will achieve diversity to enhance the community.

Aicher said he would like some scrutiny to be put on the trail on the west side regarding it being public versus private access and it should be discussed at the public hearing. George Erwin reiterated their view is the west side trail should be mowed, private, they will welcome their neighbors, and they will encourage people with bikes and strollers to use the sidewalks.

Cahalane suggested no use after sundown as a way to police the trail on the west side.

Jashinsky clarified with the applicant that the paved trails along Oakwood Road and from the cul-de-sac will be 8 feet and the sidewalks will be conventional 5 feet concrete sidewalks.

Mayor Attwell discussed making a path connection to Hillcrest Drive for safety reasons and asked for feedback from the Plan Commission. The Plan Commission agreed with the connection. Aicher suggested the Plan Commission discuss it at the public hearing at the meeting in May.

Motion by Tim Aicher, seconded by Dan Jashinsky, to provide feedback to the developer and schedule a public hearing for the Planned Unit Development Conditional Use – General Development Plan at the Plan Commission meeting in May.

All in favor. Motion carried.

- D.** DELC0799997001, 920 Indian Spring Drive. Owner: 920 Indian Spring Drive, LLC. Applicant: Russell Raposa. Applicant requests Site Plan and Appearance approval for lighting and tree mitigation at an existing dental clinic site known as Delafield Dental.

Dan Page, General Contractor, 2508 Lancaster Drive, Waukesha, WI, was present to speak.

Amy Barrows said Delafield Dental received approval in 2021 when the Plan Commission considered an addition and site improvements on the property. Delafield Dental has not finished up their landscaping

and there is a fencing requirement that has not been installed. Barrows said the city can require Delafield Dental to get their site completed and the city will verify compliance with the plans.

Barrows said it was determined that Delafield Dental's existing septic system needed to be replaced and there were protected trees that needed to be removed. The applicant is proposing to pay the fee of \$10,250 rather than replace the vegetation. Barrows said there is concern about the lack of space for the plantings. Barrows said Delafield Dental has put up three light poles in the parking lot that Delafield Dental did not previously get approval for. Barrows said it was submitted to the city's lighting engineer for findings. The lighting engineer determined the application of the lighting complies with the city's standards. Additional obstruction analysis was done, and it was determined there was not an obstruction. The lighting engineer felt the lighting was appropriate for the site. Barrows said the lighting does not have built in timers and the recommendation is that built in dimmers are implemented to dim the lights after hours.

Dan Page said the paper trail was lost before the lighting was approved but the papers were found, and the information was submitted. Dan said the owner of Delafield Dental is committed to the landscaping and payment of the tree mitigation. Dan said it is a tight site to add more trees with the septic field.

Mayor Attwell suggested a shield could be mounted to help with the lighting issues.

Mayor Attwell asked Dan Page why the fence is still not there. Dan said the owner is doing the fencing and landscaping together and the project was undertaken too late last year to finish, so they need to finish it up this year.

Motion by Tim Aicher, seconded by Dan Jashinsky, to approve the proposed site plan changes, subject to the following conditions:

- 1. All conditions of the 2021 approval shall be complied with prior to July 1, 2023.*
- 2. The tree mitigation fee (\$10,250) shall be paid prior to June 1, 2023.*
- 3. Pole lighting shall be dimmed or turned off after normal operating hours, which is 8:00 p.m. between Labor Day and Memorial Day and 7:00 p.m. the rest of the year. Consideration should be made to maintain some level of security lighting within the site.*
- 4. Install shielding of the light toward the south residents on Bahr Road to be coordinated with staff and installed within the site.*

Mayor Attwell suggested adding language about a timer on the lighting in order to adhere to the timing of the lighting specified in the motion.

Aicher made an addition to the motion:

Motion by Tim Aicher, seconded by Dan Jashinsky:

- 5. The lighting timing shall be affected by an automated switch to be installed by the property owner.*

All in favor. Motion carried.

- E.** DELC0803994, 2675 Sun Valley Drive. Owner: Johnson Bank. Applicant: Jim Pacioni, Poblocki Sign Company. Applicant requests Permanent Signage approval to modify previously approved signage at the Johnson Bank site.

Jim Pacioni, Poblocki Sign Company, was present to speak.

Amy Barrows said the Plan Commission did review and approve Johnson Bank and signage in August 2022. The applicant is proposing to reduce the size of the monument sign, make the pylon sign larger, and to have a sign on the Williamstowne/Target freestanding sign.

Motion by Tim Aicher, seconded by Edward Marek, to approve as presented. All ordinance requirements shall be met, including illumination. No sign shall result in internal/ external illumination of more than 40-foot candles when measured with a standard light meter held perpendicular to the sign face at a distance of 10" from the sign.

All in favor. Motion carried.

11. Comprehensive Plan, Zoning and Ordinance Revision

Discussion and possible action on the following items:

A. Chapter 52 – Zoning Code Update Project

1) Provide overview of project, including tasks and timeline.

Amy Barrows said she and Scott Hussinger, Building Inspector, have created a spreadsheet of zoning codes that need to be reviewed. The city has approved Barrows and Hussinger to move forward with making zoning code amendments. Barrows said in order to meet the city's budget, this will be spread out over a couple of years and the amendments will be done incrementally.

2) Provide summary of topics for consideration in Article I of the Zoning Code.

Topics include:

- General Provisions
- Plan of Operations
- Zoning Districts
- Environment Corridor Overlay Districts
- Conditional Uses
- Signs and Exterior Lighting
- Planned Developments
- Administration and Penalties

3) Discuss and provide feedback on potential text amendments related to Article 1 and schedule a public hearing.

Barrows would like to schedule a public hearing for May to discuss the following:

- Guest houses are defined in the ordinance but there are no provisions.
- Clarifying language that accessory structures are not allowed on a lot without a principal structure.
- Removal of the section regarding building location requirements/more than one principal structure on a lot.
- Removal of the section on height regulations of structures.
- Removal of a pier length and placement section.
- 5 acre minimum in each zoning district reference.
- Storage of equipment and RVs on property.
- Accessory structures.

Motion by Edward Marek, seconded by Tim Aicher, to hold a public hearing in May for the items as stated in the staff report.

All in favor. Motion carried.

12. Report of City Officials

A. Plan Commission meeting dates and deadlines

- 1) Regular meeting May 31, 2023
- 2) Regular meeting submittal deadline May 3, 2023

B. Correspondence

C. Planner

D. Building Inspector

Scott Hussinger said he issued permits for two new houses and in general housing is down.

13. Adjournment

Having no further business, the meeting was adjourned at 9:23 p.m.

Minutes approved: May 31, 2023

Minutes prepared by: Sally Dupont, Recording Secretary