



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, April 27, 2022

7:00 p.m.

City Hall, Council Chambers
500 Genesee St.

Regular Meeting DRAFT

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
Dan Jashinsky
Ed Marek
Laura Schult
Robert Weiler (arrived at 7:10 PM)

Commissioners Excused: Mike Hausman

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 [March 30, 2022](#) Regular Meeting.

Motion by Aicher seconded by Schult, to approve the minutes of the March 30, 2022 meeting as presented.

All in favor. Motion carried.

5. Citizen Comments on Consent Agenda Items

John Wiedenhoeft, 908 Sunset Dr, Delafield – Wants to know how will new businesses in the City assist with the education of drivers regarding the rules of the road.

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. DELC0804994017, 2730 Heritage Drive. Owner: Heritage-Hillside LLC. Applicant: Robert Sanstra on behalf of Sears Hometown Store. Applicant seeks approval of a Business Plan of Operation for the new Sears retail store.

B. DELC0798003, 612 Milwaukee Street. Owner: A+ Development LLC. Applicant: Allie Schmidt on behalf of Nourish Organic Juice Bar. Applicant seeks approval of a Business Plan of Operation for their new juice bar.

- C. DELC0804999010, 3105 Golf Road. Owner: Ramco-Gershenson Properties LP. Applicant: Zane Nichols on behalf of Kohl's/Sephora. Applicant seeks approval of Site Plan and Appearance Review and Permanent Signage for new exterior paint on the building façade, a new wall-mounted sign and two face changes to existing pylon signs.**
- D. DELC0793020001, 719 Genesee Street. Owner: Hendricks Commercial Properties, LLC. Applicant: Emily Wellkopf on behalf of Birchwood Wells. Applicant seeks approval of a Business Plan of Operation for the new Birchwood Wells retail store.**

See the Planner's Report in the April 27, 2022 ePacket for detailed information on these proposals.

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

All in favor. Motion carried.

7. Public Hearing:

A. Public Hearing #1:

Topic: Elmbrook Church Conditional Use Amendment
Location: 1100 STH 83 and 1210 STH 83, DELC0784971003, DELC0784971004, & DELC0784975
Owner: Elmbrook Church, Inc.
Applicant: Jennifer Akin
Matter: Conditional Use Amendment to allow summer programming, including the installation of a temporary tent to provide shelter for outdoor activities

Attwell opened the Public Hearing at 7:03 PM.

Hearing no one present who wished to speak, the Public Hearing was closed at 7:04 PM.

B. Public Hearing #2:

Topic: Planned Unit Development Conditional Use – General Development Plan Amendment
Location: Unknown address on Nashotah Road, DELC0742982, DELC0743999006, and DELC0743999009
Owner: Hawthorn Farm Properties, LLC
Applicant: John Siepmann
Matter: Conditional Use Amendment for Planned Unit Development – General Development Plan

Attwell opened the Public Hearing at 7:04 PM.

Hearing no one present who wished to speak, the Public Hearing was closed at 7:05 PM.

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

Phil Schuman, 1717 Nagawicka Rd, Hartland – Spoke regarding item number 10.C. Lives immediately south of Seven Seas property. Approves of the proposal. Asked that the 8-foot-high sound barrier fencing be extended along the area close to the house and deck on his property. Asked about the sewer effects on the private wells, wants to ensure that wells are not contaminated.

Terry Giles, 1607 Weber Ct and 1615 Nagawicka Rd, Hartland – Spoke regarding item number 10.C. Noted he has a deed restriction on the Seven Seas property and is impressed with the proposal for the property.

Marcia Stocks, 226 Genesee St, Delafield – Spoke regarding item 11.B., regarding the zoning change to not allow properties with businesses to not have access to Genesee St. The alleyway proposal would require all properties to be sold at once. Asked if the proposal had been gone through only for the benefit of one applicant? All other properties north of this area on Genesee St have access to Genesee St. The speed limit is the same along the whole road.

Jacob Feutz, 208 Genesee St, Delafield – spoke regarding item 11.A. Opposes the Land Use Plan change. His home was in a residential neighborhood, and he opposes the change as a property owner in the area being proposed for the change. If the neighboring properties were to change to businesses, this would no longer be neighborhood he would want to live in. Does not oppose the single property being changed but does not want to see the rest of the neighborhood convert to commercial.

Susie Thompson, 700 Milwaukee St, Delafield – Spoke regarding 11.B., 11.A., and 9.B. She would like to see consistency with the Zoning code terms used. Noted that expanding the Business area along Genesee opens up questions in the community regarding expanding that type of district throughout the City. The Siepman presentation is beautiful.

9. Unfinished Business

Discussion and possible action on the following items:

- A. DELC0784971003, DELC0784971004, & DELC0784975, 1100 and 1210 STH 83. Owner: Elmbrook Church, Inc. Applicant: Jennifer Akin. Applicant is requesting that Plan Commission discuss and provide feedback regarding a Conditional Use Amendment to allow summer programming, including the installation of a temporary tent to provide shelter for outdoor activities and schedule a public hearing for the same.**

See the Planner's Report in the April 27, 2022 ePacket for detailed information on this proposal.

Andrew Johnston, 2822 Ridley Rd., was present to speak regarding the proposal.

Barrows summarized the proposal. The tent will only be used during the summer programming. The Conditional Use limits the term of the tent usage to three months during the summer.

Aicher asked if the proposed Conditional Use limits the size of the tent for the future? He would like to increase the allowance so the Church would not have to return if there is growth in the program. Barrows will have to adjust the Conditional Use accordingly.

Motion by Aicher seconded by Marek, to recommend that Common Council approve the Conditional Use Amendment to allow summer programming, including the installation of a temporary tent in the sized proposed and up to twice the size or quantity, to provide shelter for outdoor activities subject to the terms and Conditions of the enclosed Conditional Use Agreement, which is subject to Attorney Review.

All in favor. Motion carried.

- B. DELC0742982, DELC0743999006, and DELC0743999009, Unknown address on Nashotah Road. Owner: Hawthorn Farm Properties, LLC. Applicant: John Siepman. Applicant is seeking an amendment to the Conditional Use Permit for a Planned Unit Development – General Development Plan to accommodate a 13-lot single family subdivision on the south side of Nashotah Road rather than the previously proposed 24-unit development with two units per building.**

See the Planner's Report in the April 27, 2022 ePacket for detailed information on this proposal.

John Siepman & Chris Siepman, W240N1221 Pewaukee Rd., Waukesha, were present to discuss the proposal.

Barrows explained this is to modify the General Development Plan that was already approved. The change to all single-family lots is due to the success of the single-family units in the first phase. The density is transferred to the northside of the road, as they are allowed 52 units. This density issue will be further dealt with as part of the Specific Implementation Plan.

Siepmann explained this is an extension of the already approved development on north side. The development will have the same feel as the existing development and will have the same deed restrictions. The stormwater retention pond is part of a previous agreement and will be developed for a nice center piece for the path that is being developed.

Aicher asked about the access road and whether it is emergency access only. Siepmann confirmed it was emergency access only.

Attwell noted some topics will need to be addressed in the developer's agreement. He asked about the shelter and who would maintain that. Siepmann suggested it would be dedicated to the city for maintenance. The circle trail on the map provided will be public.

Motion by Aicher seconded Weiler, to approve the General Development plan amendment to accommodate the 13-lot single family subdivision on the south side of Nashotah Road rather than the previously proposed 24-unit development with two units per building.

All in favor. Motion carried.

10. New Business

Discussion and possible action on the following items:

- A. DELC0743999006, Unknown address on Nashotah Road. Owner: Hawthorn Farm Properties, LLC. Applicant: John Siepmann. Applicant is seeking Preliminary Plat and Specific Implementation Plan approval to develop a 13-lot single family conservation design subdivision on the south side of Nashotah Road.**

See the Planner's Report in the April 27, 2022 ePacket for detailed information on this proposal.

John Siepmann & Chris Siepmann, W240N1221 Pewaukee Rd., Waukesha, were present to discuss the proposal.

Barrows explained that there is a 1070 ft long cul-de-sac so emergency access is provided as required. The Fire Department should confirm this is appropriate. The applicant is constructing the trails to Mission Road. The storm water feature will be in the City's out lot and will become an amenity of the path as part of the park system. The maintenance of the shelter needs to be reviewed. The surveyor and engineer have reviewed the plans. Very few surveyor comments but the engineer comments are more substantial. The grading plan was reviewed. There is significant grading required. There is no lighting plan being proposed. The landscape plan is similar to phase one. The fencing and signage will be the same. The proposed name is Hawthorn Farms South. 10 trees will have to be removed which equals 202 caliper inches and the proposed plantings will exceed that much. No fee in lieu of will be required regarding the tree mitigation. A draft developer's agreement is in the packet. Construction and payment responsibilities need to be identified regarding road on the north side of the development. The open space management agreement has been provided. The fee in lieu of fire protection payment is being paid.

Jashinsky noted this should also go to Public Works Committee for review and recommendation. Attwell requested signage for the crosswalk be reviewed. Siepmann noted this signage was in the plan.

Cahalane asked about the path width. The path width would be 8 feet.

Aicher asked if water retention ponds will have water all year round? Siepmann noted they are expected to have a constant water level, but it will be affected by ground water levels. The vegetation would be water tolerant.

Motion by Weiler seconded by Aicher, to recommend that Common Council approve the preliminary plat subject to compliance with City Surveyor and Engineering comments, as well as any requirements of all Objecting and Approval Authorities, prior to the submittal of a Final Plat and to Recommend that Common Council conditionally approve the Specific Implementation Plan components as described in the planners report provided for the April 27, 2022, subject to final review and approval of all required

plans and documents by the City Administrator, City Planner, City Surveyor, City Engineer, and City Attorney, as necessary, including the following:

1. *Final review and approval of detailed stormwater management and utility connection plans, public road improvement construction plans, trail construction plans, and grading plan*
2. *Stormwater Management Plan and Maintenance Agreement*
3. *Developer's Agreement and any necessary Financial Assurances*
4. *Open Space Management Plan*
5. *Subdivision Declaration of Restrictions and Covenants*
6. *Final Plat*

And subject to approval of recommendation by the Public Works Committee.

All in favor. Motion carried.

- B. DELC0787995, 1037 Milwaukee Street. Owner and Applicant: Peter Keck. Applicant seeks feedback and requests the scheduling of a public hearing for a special exception to convert an existing patio into a screened porch on a non-conforming lot that does not meet side yard setbacks.**

See the Planner's Report in the April 27, 2022 ePacket for detailed information on this proposal.

Peter Keck, 1037 Milwaukee Street, was present to speak regarding the proposal.

Barrows explained that the applicant is converting the existing patio to a porch. The ordinance allows for a request for an exception to the setback. This will require a Public Hearing.

Jashinsky asked about the Public Hearing and who would be notified and if there was an inkling on what the neighbors might think.

Marek asked for clarification as to whether the new structure would be out further than the existing structure. The structure would not be closer than the existing structure.

Motion by Aicher seconded by Jashinsky, to schedule a public hearing for May 25, 2022 for a special exception to convert an existing patio into a screened porch on a non-conforming lot that does not meet side yard setbacks.

All in favor. Motion carried.

- C. DELC0782001001, 1807 Nagawicka Road. Owner: Walkers Point Property, LLC (Jay Franke & David Herro). Applicant: Peter Damsgaard, Architect. Applicant seeks feedback regarding a Preliminary/Concept Presentation related to building and site improvements being proposed on property formerly occupied by Seven Seas.**

See the Planner's Report in the April 27, 2022 ePacket for detailed information on this proposal.

Barrows summarized the zoning of the property. The Conditional Use is allowed and there are no prohibitions on the transfer of ownership. The operations cannot cease for more than 12 months. There will be an event prior to October 2022. The renderings were reviewed.

Peter Damsgaard spoke regarding the architectural design. There will be significant appearance improvements, but the overall footprint will not change.

Barrows noted there be 194 parking stalls and the applicant believes only 191 stalls are necessary. Fencing needs to be addressed regarding the setback from the lot line. The applicant is open to extending the fencing as necessary. The weathervane will exceed the height allowance and would need additional approval. The stormwater will need to be reviewed. There will be no tree removal at this time.

Damsgaard noted there may be some trees removed after further review of the parking lot. The existing patio will be graded to be flush with the existing building grade. The bio retention structure cleans the water from the parking lot and controls the infiltration flow. It will meet or exceed the runoff quality requirements of the City.

Jashinsky asked about the existing storm pipe that goes to the south. Damsgaard explained they are looking into more details regarding this pipe, but the intention is to eliminate water running to the south.

Aicher noted construction time is an excellent opportunity to fix these types of issues. Snow removal should be considered with regard to the parking lot islands.

Discussion occurred regarding whether this will need to be reviewed by Public Works Committee. Barrows noted there will be less impervious surface with this plan.

Attwell asked about the boat house and noted that boat hose cannot be rebuilt as is and would have to be built in the character of the buildings in the future.

Aicher suggested beefing up the rooflines for aesthetics.

Marek and Schult appreciated the presentation.

Cahalane asked about the timeline. Damsgaard suggested about a year.

Attwell noted downward lighting on the lakeside would be necessary.

D. DELC0804988001, 3250 Hillside Drive. Owner: B&G Realty, LLC. Applicant: Ryan Janssen, Ryan's Buying, LLC. Applicant seeks feedback regarding a Preliminary/Concept Presentation related to the development of a vacant lot for the purposes of building a tenant salon suite facility, which would be known as Avery and Birch.

See the Planner's Report in the April 27, 2022 ePacket for detailed information on this proposal.

Ryan Janssen and Jennifer Janssen, S98W33279 Genevieve Dr., Mukwonago were present to speak regarding the proposal.

Barrows summarize the proposal. The applicant is intending to develop a salon facility, but the site is subject to an existing Planned Unit Development. There is an issue with the green space requirements due to the previous developments. There are options to move forward with the application, but the Conditional Use Panned Unit Development will have to be updated or eliminated to proceed. An amendment or termination would require the sign off of all of the property owners.

Aicher asked what properties were included. Attwell noted it is approximately 8 or 9 properties. Aicher noted the existing lack of cohesive nature of the properties involved. He suggested excluding the property from the boundaries of the agreement. Barrows noted they are all subject to the regional stormwater facility which would have to stay in place.

Jashinsky noted that there should be a utility or cross access based on the items presented. Barrows clarified it was there but was not on the plans.

Barrows explained the possible issues to look for regarding terminating the Conditional Use.

Marek suggested that terminating the Conditional Use would be the most beneficial to all of the property owners.

Attwell noted this would take time.

R. Jansen explained the proposed building is to accommodate the salon chair rental model. The design is upscale. This will be second location. The style is very boutique. There is a coffee bar and the plan is very open space concept in the middle will all of the salon suites having windows with the exception of four.

The consensus was that the concept was really lovely. The site is small, even without the Conditional Use issue.

Barrows explained the parking requirements and that spots could be banked in the future.

Discussion occurred about how to move the process forward.

- E. DELC0742986, W73 East Wisconsin Avenue. Owner: The Boat House of Lake Country, LLC. DELC0742014, W127 East Wisconsin Avenue. Owner: Boat House of Lake Country Real Estate, LLC. Applicant: Andy Ingarra (owner), Rick Hargarten (MSI General), and Scott Boese (Bauer Sign). Applicant seeks approval of Site Plan and Appearance Review for modifications to the building & light poles.**

See the Planner's Report in the April 27, 2022 ePacket for detailed information on this proposal.

Barrows explained that the site had been approved for an amended Conditional Use to expand.

Signage should be shown on a scaled survey and be resubmitted to Plan Commission for review and approval at the May meeting. There were certain conditions that were part of the approval that were summarized, specifically the condition that any large-scale modifications be approved by the Plan Commission. The proposal was summarized. The paint colors were reviewed.

Marek asked if the door was going to add to the total of already existing overhead doors. This will add a door to the current total. Marek did not see any issue with adding the additional overhead door.

The improvements are appreciated.

Attwell noted there are items that need to be addressed as soon as possible that were part of the original Conditional Use amendment approval.

Motion by Marek seconded by Weiler, to approve the overhead door and facade changes to the buildings and light poles.

All in favor. Motion carried.

11. Comprehensive Plan, Zoning and Ordinance Revision:

- A. 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. Consider adoption of a resolution that would recommend approval of an Amendment to the 2030 Comprehensive Plan Text specific to the Central Business land use category and expand the Central Business land use category with a Special Use Area #1 designation on the Land Use Plan Map. The Delafield Cemetery would also be modified from the Medium Density Residential category to the Institutional category.**

See the Planner's Report in the April 27, 2022 ePacket for detailed information on this proposal.

Barrows explained this proposed change is specific to the Land Use Plan only. The names for the areas on the Land Use Plan versus the zoning categories were clarified.

Aicher asked about the Land Use Plan change and how it affects the current ownership. The purpose is to allow for reasonable conversion of the land over time. Barrows explained that the area would remain R-3 unless another applicant were to request the change to the zoning. The land use id meant to reflect the long-term vision for the properties. Discussion occurred about the zoning and the process to change the zoning and the effects of the Land Use Plan and Rezoning.

Aicher asked about the access easement and the reason for inclusion in the packet. It was included to show the history of the considerations.

Motion by Marek seconded by Jashinsky, to adopt the resolution recommending to Common Council approval of an Amendment to the 2030 Comprehensive Plan Text specific to the Central Business land use category and expand the Central Business land use category with a Special Use Area #1 designation on the Land Use Plan Map. The Delafield Cemetery would also be modified from the Medium Density Residential category to the Institutional category.

Discussion: It was reiterated that there will be a Public Hearing at Common Council for this item and citizens can contact Barrows for information. Aicher stated is important for the residents to understand the course of action for the property to be rezoned beyond the change in the Land Use Plan. Attwell stated there had been a meeting with the property owners. Barrows stated that the language included for the rezone process would require significant review and allows for less latitude for the commercial development. Aicher stated it was a good plan, which is the job of the Plan Commission, but the Common Council will likely consider the wishes of the property owners.

All in favor. Motion carried.

B. Initiate Zoning Code text amendments for the creation of a new Central Business Zoning District (CBD-4) and schedule a public hearing for the same.

See the Planner's Report in the April 27, 2022 ePacket for detailed information on this proposal.

Barrows explained this is the district that couples with the Land Use Plan amendment. The district will exist for when a property owner chooses to request a rezone in the area of the Land Use Plan that allows for this.

Discussion occurred regarding the clarity. The examples create clarity. The conditions were summarized. There was clarification regarding the access from Genesee St.

Stocks clarified her concerns on the Genesee St. access. There is supposed to be no parking allowed based on the design of the roadway. The parking and limited access from Genesee St. restriction would make business access difficult. Discussion occurred regarding the limited access.

Aicher asked if this was just to add the district to the Zoning. Barrows clarified that this was to address the need with new area in the Land Use Plan. Aicher pointed out that the language related to Genesee St. should be removed so the district applies uniformly.

Barrows noted that from a planning perspective, it is awkward to skip a section of property when zoning for similar areas.

The setbacks were discussed. 10' setbacks from the Right of Way were agreed upon.

Parking was discussed. The language from CBD-2 shall be included.

Motion by Marek seconded by Jashinsky, to initiate the application and schedule a public hearing for May 25, 2022.

All in favor. Motion carried.

C. DELC0781989001, DELC0781989003, DELC0781989002, & DELC0784999, Owner: JAG II, LLC. DELC0781990001, Owner: John & Carolyn Geason, DELC0784997, Owner: Michael & Jill Woodford, DELC0784999001, Owner: James Parry, DELC0781990003, Owner: JAG 1605, LLC., DELC0778999001 & DELC0779999, Owner: Nagawicka View Dairy, Inc. Applicant: City of Delafield. Discussion regarding potential amendments to the 2030 Comprehensive Plan, including amendments to the Land Use Plan Map, so that the subject properties are all designated in the Medium Density Residential Category in accordance with the recommendations of the Economic Development – Land Use Focus Group. Currently, the lands on the west side of STH 83 are designated as Agriculture on the Land Use Plan Map.

See the Planner's Report in the April 27, 2022 ePacket for detailed information on this proposal.

Barrows summarized that the Economic Development Focus Group recommended this as a Land Use Plan amendment. Much of this area is already in medium density area. The eastern most properties must be developed in accordance with an adjacent development in another municipality. This area must be single family.

Cahalane asked about the rationale for medium density. Barrows explained the location to Hwy 83 and the fact that it is served by sewer and water lends to the higher density consideration. Cahalane asked about the traffic issues in the area and if City development would move the improvement on 83 to 4 lanes. Discussion occurred about the effects of development on the state road program.

Barrows clarified that the Land Use Plan change to medium density does not require that any subsequent rezone be the 4 unit per acre density, it just allows for up to that density.

Aicher is concerned about the area closer to the existing 2 acre lots and stated that a buffer should be considered. Barrows suggested a transitional zone could be added to clarify the intention to buffer low density from higher density. Discussion occurred about the transition area and about the possible developments that would be appropriate, such as condo units.

The consensus was to move forward with a draft resolution for consideration to amend the Land Use Plan to medium density in the proposed area.

12. Report of City Officials

A. Plan Commission meeting dates and deadlines

- 1) Regular meeting May 25, 2022**
- 2) Regular meeting submittal deadline May 10, 2022**

B. Correspondence

C. Planner

Barrows stated the review for the process update for expediting BPOs is still on the list for further consideration, but for a lighter agenda.

D. Building Inspector

Hussinger is expecting a substantial increase in commercial and residential construction activity.

13. Adjournment

Having no further business, the April 27, 2022 Plan Commission meeting was adjourned at 9:31PM.

Respectfully Submitted,

Molly Schneider,
City Clerk