



**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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May 31, 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**

Mayor Attwell called the meeting to order at 7:01 p.m.

**2. Pledge of Allegiance**

**3. Roll Call**

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

**Commissioners Excused:** Dan Cahalane

**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 April 26, 2023 Regular Meeting.

*Motion by Tim Aicher, seconded by Ed Marek, to approve the minutes of the April 26, 2023 Regular Meeting, as presented.*

*All in favor. Motion carried.*

**5. Citizen Comments on Consent Agenda Items**

Mayor Attwell opened citizen comments at 7:02 p.m.

Hearing no one who wished to speak, 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:

**A.** DELC0802997, 1760 Milwaukee St., Unit C. Owner: Waukesha County Capital, LLC. Applicant: Michael Sparks, Phoenix Roofing LLC. Applicant requests approval of Permanent Signage for a roofing business.

**B.** DELC0793001003, 440 Wells St., Suite 200. Owner: Hendricks Commercial Properties, LLC. Applicant: Evans Transportation Services – Charles Miller, representative. Applicant requests approval of a Business Plan of Operation and Permanent Signage for a transportation logistics service business.

- C. DELC0733998002, 3067 Village Square Dr. Owner: Delafield Station, LLC. Applicant: Papa John's Pizza – Valentina Ignatyeva, representative. Applicant requests approval of a Business Plan of Operation and Permanent Signage for a carry-out/delivery pizza restaurant.
- D. DELC0794022001, 157 Enterprise Road. Owner/Applicant: James Yaresh, Ghost Hawk Enterprises, LLC. Applicant requests approval of a Business Plan of Operation for the internet sales of hunting and fishing clothing and gear.

*Motion by Laura Schult, seconded by Dan Jashinsky, to approve the Consent Agenda as presented.*

*All in favor. Motion carried.*

**7. Public Hearings:**

**A. Public Hearing #1:**

Topic: Planned Unit Development Conditional Use – General Development Plan  
Location: Part of DELC0792990: Part of the SE 1/4 of Section 18, T7N, R18E with frontage on Oakwood Drive  
DELC0793997: Part of the NE ¼ of Section 19, T7N, R18E with frontage on Main Street  
Owner: Hendricks Commercial Properties, LLC  
Applicant: George Erwin III  
Matter: Planned Unit Development Conditional Use – General Development Plan to accommodate a 45-lot single family conservation design subdivision

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

Kathy McCormack, 108 Hickory Court, Delafield, WI spoke about traffic impact concerns from the development and asked the Plan Commission to consider a new traffic study.

Jennifer Jaeschke, 110 Hickory Court, Delafield, WI spoke about traffic and parking concerns. Jennifer said the traffic and parking are currently problematic and she is concerned about the impact of the new development. Jennifer said it is her opinion the path on the west side of St. John's Estates should be a no-mow path and mowing of the path would encourage more use and impact privacy. Jennifer spoke about the 20-foot rear setback and suggested the developer increase the required setback. Jennifer said she would like to request that adjacent neighbors to the development be allowed to augment the proposed plantings to increase privacy.

Steve Thuilliez, 1311 Dekoven Street, Delafield, WI spoke about his concerns regarding the connection from the St. John's development to Anderson Drive. Steve said Anderson Drive is very narrow and cannot accommodate larger vehicles and asked the Plan Commission to eliminate the connection.

Bill Buskuskie 332 Oakwood Drive, Delafield, WI asked the Plan Commission if they would consider creating a buffer for the residents on the east side of the St. John's development. Bill said the east side residents are against extending the walking path along the development to Hillcrest Drive because of the amount of vegetation and fixtures that would need to be removed in order to accommodate the extension. Bill also spoke about the amount of traffic in downtown Delafield and how there is a lack of parking available. Bill said he is hoping the city will create more parking as the area is being developed.

Hearing no one further who wished to speak, Mayor Atwell closed Public Hearing #1 at 7:19 p.m.

**B. Public Hearing #2:**

Topic: Text Amendments to Article I of the City of Delafield Zoning Code  
Location: None  
Applicant: City of Delafield Plan Commission  
Matter: Amend the text of Article I of the City of Delafield Zoning Code by removing Section 52-11 Definition for Guesthouse and 52-23 Pier Length and Placement and updating Section 52-

12 Compliance and Use Restrictions, Section 52-13 Building Location Requirements, and Section 52-17 Height Regulations.

Mayor Atwell opened Public Hearing #2 at 7:20 p.m.

Hearing no one who wished to speak, Mayor Atwell closed Public Hearing #2 at 7:20 p.m.

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

Mayor Attwell opened citizen comments at 7:20 p.m.

Hearing no none who wished to speak, citizen comments were closed at 7:20 p.m.

**9. Unfinished Business**

Discussion and possible action on the following items:

**A.** DELC0792990 & DELC0793997, Oakwood Drive. Owner: Hendricks Commercial Properties LLC. Applicant: George Erwin III. Applicant is requesting approval of a Planned Development Conditional Use - General Development Plan and Site Plan for a single-family conservation design subdivision known as St. John's Estates.

George Erwin III, Hendricks Commercial Properties LLC, and Josh Pudelko, TRIO Engineering, were present to speak.

Barrows went over the changes from last month:

- The applicant is proposing to extend the paved path to the south side of Hillcrest Drive. The trail would be in the road right-of-way, which was at the request of the city. The applicant is proposing this be optional at the request of the city.
- There is the extended path from the southern cul-de-sac that will lead to the existing trail that runs along the north side of the Bark River. These trails will be easements dedicated to the public.
- There will be a concrete sidewalk that runs along the road, minus the cul-de-sac on the north side. The developer will extend it on the west side, which is the athletic field, to Wisconsin Avenue to connect with Beacon Hill.
- The applicant is suggesting the foot path on the west side of the property be optional. Barrows said if the developer is not going to make the path public, and it is for the use of the homeowners, then it may be best for the developer to take it off the plans.
- There is a proposed foot path on the southeast side of the property, connecting from Exeter Street to the Bark River path. Barrows said if this is going to be a public path then it should be paved and shown as such on the plan.
- The applicant has added a component to the trail system along the Bark River. There is an original riverwalk easement. The applicant is asking to allow the city an opportunity to extend the width of the easement if the city wants to add benches and viewing areas. Barrows said they are working through the language and the city attorney will continue to review this.
- The city is asking that all the outlots be owned in an undivided common ownership between all the lot owners. The applicant would like the area to be owned by the HOA. Barrows said they will work with the city attorney and get back to the applicant. Barrows said typically they would prefer the outlots be owned in undivided ownership in the event the HOA dissolves. Erwin responded since he will be the owner of all of the lots, when he conveys it to the HOA, he inserts in the Deed of Conveyance a possibility of a reverter on a condition subsequent of the HOA dissolving, then the property becomes owned by the current owner of the original grantor.
- The applicant is proposing an open space easement on the athletic field area to meet the open space criteria. The applicant has proposed the easement will be tied to the Open Space Management Plan and will also be in the Developer's Agreement. There will be a restriction that it has to be maintained as an open space in perpetuity. Barrows said regarding open spaces, when

the applicant comes back with the Specific Implementation Plan, the city would like to see the Open Space Management Plan to include references to the open space easement.

- Barrows said the applicant has made some adjustments to the landscaping plan. The applicant has added some vegetation behind Lots 15 and 16. The applicant does have approval from the adjacent property to the north to construct a berm on that property.

Regarding a citizen comment made earlier in the meeting, Aicher asked Erwin if he was open to speaking to some surrounding residents that would be willing to contribute to the common area for privacy. Erwin responded he would, and it would be a win-win for everyone.

Mayor Attwell asked Erwin if he was comfortable eliminating the no-mow path from the plans. Erwin responded he is happy to remove the path from the plans.

- Barrows said the engineers have reviewed the stormwater management and there is sufficient space available. The detailed engineering was submitted as a Specific Implementation Plan review for June's meeting.
- The applicant is proposing some improvements to Exeter Street. The tennis courts will be converted to parking which will add 67 parking spaces and there will be 23 parallel parking spaces. Sidewalks and crosswalks will also be included for safety.

Erwin commented the improvements have been carefully reviewed by St. John's and they endorse the improvements.

- Barrows said the variety of home architecture and colors were not really addressed in the Declaration of Restrictions.

Aicher asked Erwin who comprises the architectural committee. Erwin responded it is often the builders, an architect, Erwin himself, or someone Erwin designates. Erwin said there are numerous pages in the deed restrictions addressing submittal for color schemes, etc., for the development.

*Motion by Tim Aicher, seconded by Laura Schult, to recommend that staff draft a Conditional Use-Planned Unit Development General Development Plan Agreement, inclusive of the below conditions, for adoption by Common Council upon further development review and recommendation of the Public Works Committee.*

1. *That use and development of the Property shall be undertaken in accordance with the RE-1 One-Acre Rural Estate Zoning District classification as set for the in the Zoning Code of the City of Delafield; and as modified herein.*
2. *The dimensional flexibility be limited to the following:*

<b>Ordinance Standards</b>	<b>Required</b>	<b>Proposed</b>
Min. lot size	43,560 sq. ft.	21,780 sq. ft.*
Min. lot width	140 ft.	120 ft.
Front setback	50 ft.	40 ft.
Rear yard	20 ft.	20 ft.
Side yard	20 ft.	20 ft.
Corner yard	30 ft.	30 ft.
Floor Area Ratio	N/A	.50

3. *The Conditional Use Permit authorizing a Planned Unit Development of the Property shall automatically terminate, within twelve (12) months from the effective date of this Ordinance unless:*
  - a. *The Common Council, after receiving a recommendation from the Plan Commission, approves a Specific Implementation Plan for the development of the Property in accordance with the provisions of the Zoning Code of the City of Delafield; and*
  - b. *The Developer enters into a Development Agreement with the City of Delafield, which Development Agreement shall include a requirement that the Property be developed in accordance with the Conditional Use Permit approving a Planned Unit Development within two (2) years from the effective date of this conditional use.*

4. *The Specific Implementation Plan (SIP) shall be submitted for review and approval by the Plan Commission and Common Council prior to any land altering activities taking place. The SIP shall include, but may not be limited to, detailed stormwater management and utility connection plans, public road improvement construction plans, Exeter Street/St. John's parking improvements, trail construction plans, grading plan, lighting plan, final landscape plan, including restoration and long-term maintenance of the common open space areas, detailed tree cutting and mitigation plans, subdivision signage with dimensions, the developer's agreement with any necessary financial assurances, and final subdivision restrictions. The open space management plan shall include a reference to the open space easement. The final subdivision restrictions shall include provisions that require variety in home architecture and color.*
5. *The landscape plans shall clearly label sidewalks and trails as public or private and how they will be improved. All of the public sidewalks and trails located outside of the public road right-of-way shall be part of an easement provided for the benefit of the city. Specific improvement requirements shall be established as part of the SIP and Developer's Agreement.*
6. *The common open spaces shall be owned in undivided interest by all lot owners of the overall development unless approved by the city attorney.*
7. *All necessary final easement documents, including utility, stormwater, riverwalk, open space, and public access easements shall be submitted for review and approval of the SIP.*
8. *Extend the path to Hillcrest Drive along Oakwood Road east of the development.*
9. *Elimination of the foot path on the west side of the development.*

Mayor Attwell addressed the citizen comment made earlier in the meeting regarding a buffer for the residents on the east side of the development. Mayor Attwell said he did not see room for a buffer or how it could be made better. Pudelko said on the east side of the development they were intentional about the layout in that area.

Barrows addressed the citizen comment made earlier in the meeting regarding increasing the buffer area on the west side of the development and said there is a buffer of 80-100 feet of open space in addition to the 20 feet of rear setback. Mayor Attwell said he is very reluctant to change the setbacks.

*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 Preliminary Plat for a single-family residential subdivision known as St. John's Estates.

Barrows went over the following:

Engineering Comments:

- The applicant needs to submit detailed engineering as part of the final plat.

Planner's Comments:

- The applicant needs to add notes to the plat.
- The applicant needs to submit the wetland and environmental corridor reports for the city's files.
- The applicant needs to remove the non-public trail.

Surveyor's Comments:

- The applicant needs to add notes to the plat.
- The applicant needs to make sure the street names are identified so the city can review and make sure there is no duplication.

*Motion by Dan Jashinsky, seconded by Tim Aicher, to approve the Preliminary Plat subject to compliance with the Planner, Surveyor, and Engineer comments and all other approval and objecting authorities prior to the submittal of a Final Plat. If modifications to the layout of the plat are required, the Preliminary Plat shall be submitted to Plan Commission for review and approval prior to Final Plat submittal.*

*All in favor. Motion carried.*

## 10. New Business

Discussion and possible action on the following items:

- A. DELC0797062, 1536 Third Street. Owner: Delafield-Hartland Water Pollution Control Commission. Applicant: Scott Luczak. Applicant is requesting Site Plan and Appearance approval of a generator at Pump Station #2.

Scott Luczak, General Manager, Del-Hart, was present to speak.

Barrows said Del-Hart owns a small parcel of land west of Milwaukee Street in a residential neighborhood that is used for a pumping station. There is a small structure on the property used for equipment storage and the rest of the property is open space. The property was issued a Conditional Use Permit in 1977 along with other pumping stations and the main treatment facility.

The applicant is proposing a new generator on the site but it does not fit into the existing structure. The applicant would like to construct the generator on the northeast side of the property. As part of the original Conditional Use Permit, it does state that it needs to have the best available soundproofing technology and the pumping station should be screened with decorative landscaping. Currently there is no landscaping and the generator will be outside of the existing structure. Barrows recommended at a minimum, they propose landscaping or a fencing structure around the generator in order to comply with the Conditional Use Permit and because it is adjacent to residential properties.

Barrows said public facilities and structures are permitted uses in the P-1 district, so Barrows did not think they need to amend the Conditional Use Permit.

Barrows said the applicant has agreed to either paint the generator to match the building or construct a fence around the generator. Barrows said the applicant will exercise the generator once a month, approximately an hour, around 11:00 a.m., and it will run in the event of a power outage. The old generator inside the existing building will be removed as well as the cooler structure on top of the building. Barrows said the plan says the sound level will be 74.6 decibels at 23 feet from the source and vibration isolator pads will be installed under each sub-base fuel tank mounting hole.

Barrows said according to Scott Hussinger, City Building Inspector, there is no setback for generators. The typical setback for a structure would be 25 feet for a side yard and 30 feet for a rear yard.

Barrows said this will be at the Plan Commission's discretion and they should consider the following:

- Location and any surveying requirements.
- Fencing and landscaping, the existing facility does not comply with the Conditional Use Permit.
- Fencing could include an interior noise barrier panel to reduce noise.
- Time limitations for exercising the generator.
- The rooftop cooler shall be removed at time of installation.

Barrows said since the proposed request is a permitted use in the P-1 District, an amendment to the Conditional Use Permit should not be required. However, if the applicant does not agree to install the landscaping as originally approved in the Conditional Use Permit or the Plan Commission feels that an amendment is required, a public hearing should be scheduled.

Luczak said he has no problem with landscaping and putting a fence around the generator. Luczak said he could work with the City Forester to see what he would recommend putting around the premises.

Mayor Attwell asked Luczak why the new generator is not able to go in the building where the original generator is. Luczak said the new generator will not fit due to the emission controls and coolers on the new generators. Mayor Attwell asked why the building will still be needed. Luczak replied it is needed for controls.

Schult asked why Luczak was not asking to add on to the building so the new generator could fit inside and protect it from the elements. Luczak said the new generators are designed for the elements. Schult asked what type of fuel the new generator will use and Luczak said it will use diesel fuel.

Marek asked Luczak if there is a concern about any types of emissions from the diesel fuel that the neighbors might be subjected to and Luczak said the neighbors did not complain about the old generator

and the new generator will not smoke like the old generator. Marek asked if vibration and noise will be an issue and Luczak said the new generators are quiet.

Luczak said he planned on using a wood fence and Jashinsky suggested using some type of sound board with the fencing to lessen any noise.

Barrows recommended putting time limitations on the exercising of the generator.

*Motion by Tim Aicher, seconded by Mike Hausman, to approve the removal of the cooler at the top of the building, coinciding with the installation of the new generator, surrounded by fencing, and to work with city staff on appropriate landscaping to upgrade the property and aesthetics, and to approve no more than a total of two hours per month of non-emergency use between the hours of 10:00 a.m. and 2:00 p.m., Tuesday – Thursday.*

*All in favor. Motion carried.*

- B.** DELC0807978011 & DELC0807978013, 3700 Hillside Drive. Owner: Schmidt at Design Mart, LLC & CLN Investments, LLC. Applicant: Chad Rahn, Operator, and Chad Schultz, Innovative Signs. Applicant is requesting to modify the multi-tenant signage program on property known as Delafield Design Mart Condominium.

Chad Rahn, Carisma Auto Spa, and Chad Schultz, Innovative Signs, were present to speak.

Barrows said the applicant purchased the east side of the building and is currently operating as Carisma Customs. The applicant is proposing to modify the multi-tenant program because the sign with the current lighting is hard to read.

*Motion by Robert Weiler, seconded by Ed Marek, to approve of the proposed request as presented. No sign shall result in internal/ external illumination of more than 40 footcandles when measured with a standard light meter held perpendicular to the sign face at a distance of 10" from the sign. The applicant shall obtain written permission from all property owners of the condominium and provide the City of Delafield with a copy prior to the installation of any new signage that does not comply with the 2006 and 2009 approvals.*

*All in favor. Motion carried.*

- C.** DELC0807978011 & DELC0807978013, 3700 Hillside Drive. Owner: Schmidt at Design Mart, LLC & CLN Investments, LLC. Applicant: Chad Rahn, Operator, and Chad Schultz, Innovative Signs. Applicant is requesting Business Plan of Operation and Permanent Signage approval for a car detailing business known as Carisma Auto Spa.

Barrows said the applicant is proposing to change the business name from Carisma Customs to Carisma Auto Spa and update the signage. The signage will be 60 square feet, which matches the original multi-tenant program, but the illumination and type of lettering will change.

*Motion by Laura Schult, seconded by Ed Marek, to approve the proposed request as presented. No sign shall result in internal/ external illumination of more than 40 footcandles 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.*

- D.** DELC0807978011 & DELC0807978013, 3700 Hillside Drive. Owner: Schmidt at Design Mart, LLC & CLN Investments, LLC. Applicant: Chad Rahn, Operator, and Chad Schultz, Innovative Signs. Applicant is requesting Business Plan of Operation and Permanent Signage approval for a car ceramic coating business known as Ceramic Pro.

Barrows said Ceramic Pro is a side business of the applicant and the applicant will be utilizing the same space as Carisma Auto Spa for that business. Ceramic Pro is a business specific to ceramic coating of cars and the signage is being proposed accordingly. There will be an additional sign on the far east side of the building for Ceramic Pro which will be 44 square feet.

*Motion by Ed Marek, seconded by Laura Schult, to approve of the proposed request as presented. No sign shall result in internal/ external illumination of more than 40 footcandles 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.*

- E. DELC0733994001, DELC0733994, and DELC0733995, 31385 Hill Road. Owner: Divine Redeemer Lutheran Church. Applicant: Matthew Mehring. Applicant is requesting feedback on a concept presentation and to schedule a public hearing for a Conditional Use Amendment to accommodate a day care facility on the same property as Divine Redeemer church and school.

Matthew Mehring was present to speak.

Barrows said the property includes a church and a school which is subject to a Condition Use Permit. They are proposing a new daycare facility, which is a separate building. Future phases would include a school addition and a proposed field house on the east side of the existing building. As part of the daycare, they are proposing additional parking. The property is currently served by a septic system and the applicant is proposing to extend sewer and water from the Pick n Save site and it will extend under Highway 16.

Barrows said the applicant has consulted the DOT and they are proposing a new entrance on the east side for the daycare facility, but they will be removing one of the entrances on the west side. The DOT has asked that they not increase the number of entrances.

Barrows said the property is in the wellhead protection zone, however the type of use that is being proposed should have no impact on the protections that are required.

The new parking lot will include 93 stalls to accommodate the daycare. Barrows said the code does not have any specific requirements for daycare facilities, so without specific requirements, it is up to the Plan Commission to decide. Barrows asked the applicant to come up with an assessment of their needs based on the facility and the Plan Commission can review the applicant's determination of what they need.

Barrows said the applicant will be submitting stormwater plans as part of an official submittal, lighting plans, and a landscape plan. They will not be removing any trees to make way for the new daycare. They would like to propose an additional monument sign along Hill Street to accommodate the daycare. Barrows said currently there are three properties, and the city will be asking the applicant to combine all three properties as part of a Certified Survey Map. Barrows asked the Plan Commission if they could act on the number of signs that would be helpful.

Barrows said the applicant would like to use the existing dumpster as part of the first phase and when the additional phases are constructed then they will move the dumpster and put a new enclosure around the dumpster.

Barrows said the Fire Department reviewed the plans and they want to make sure the turning radiuses are met, so the applicant needs to show that on their engineering plans. Hydrants and necessary water mains will need to be shown on the plans in order to support the sprinkler system that will be required. All of the sanitary sewer and water mains and any extensions would require an easement to be reviewed by the city.

Mehring said they have full engineering drawings that are currently being reviewed by the DOT for the boring under Highway 16 and they are working with the DOT on the sewer and water extension and access. Mehring said they are working with Barrows on the parking.

Mayor Attwell asked if there will be a fire hydrant located where the water is brought across because the city is asking for public access to the water that is brought under Highway 16. Mehring said they have sewer and water coming over that would be a water line feeding to a main fire hydrant, but they will need more dialog with the Fire Department. Jashinsky asked if the church and school would be connected to the new sewer and water and Mehring responded eventually they would.

Mehring asked the Plan Commission for their feedback on the second monument sign. Marek asked Barrows if there are any restrictions or limitations about putting up multiple signs. Barrows said she can consult with the city attorney but believes the code does limit the property to one sign, but the property consists of three properties, so there may be an exception that can be provided. Aicher said it is reasonable for the Plan Commission to be open to two signs. The mayor said he had no concerns.



*Motion by Tim Aicher, seconded by Laura Schult, to schedule a public hearing for the June Plan Commission meeting, once the following information is provided:*

- *Stormwater, civil, and engineering plans, including a utility extension design for the sewer and water.*
- *Public vs. private facilities will need to be identified. Plan Commission and/ or Public Works Committee should consider the overall service area beyond this project so staff can ensure proper extensions are granted.*
- *Engineering plans shall demonstrate that emergency vehicle turning radiuses have been met.*
- *A site plan of the entire premises shall be submitted.*
- *Lighting, landscaping, and signage plans shall be submitted.*
- *Building plans shall be submitted.*
- *Parking lot calculations, with consideration given to the city's ordinance provisions, shall be provided.*
- *Plan Commission will need to consider required parking for the day care facility.*
- *Consideration should be given to the review and timing of future phases.*
- *A Certified Survey Map shall be submitted for review and approval to combine the three lots.*
- *Any Comments from Plan Commission at this meeting shall be addressed.*

*Note: Engineering Plan is required prior to the application going to the Public Works Committee for review.*

*All favor. Motion carried.*

- F. 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 Preliminary Plat and Site Plan and Appearance approval for a 29-lot single family residential subdivision.

Jim Behrend, 757 Garrison Court, Delafield, WI, Robert Behrend, 142 W. Main Street, Wales, WI, and Rick Behrend, 2601 Nagawicka Road East, Hartland, WI, were present to speak.

Barrows said there will be four outlots to accommodate stormwater management and open space. All of the sites will be served by sewer and private wells.

Barrows said on Lots 4 and 7 there are structures that will remain. On Lot 7 there is an outbuilding that exists. Barrows said the Building Inspector needs to verify the requirements are met.

Barrows said they are proposing a sidewalk on the north side of the road that will connect to the existing sidewalk on the north side of Park Way to the west of the plat, and there will be a connection along North Lapham Peak Road to the Lake Country Trail.

Barrows said the surveyor had an additional comment that some of the building envelopes are in the easement, so if the applicant is going to show building envelopes on the plat, the applicant needs to make sure they are outside of any easement area.

Barrows said the surveyor is recommending a stub street to the American Legion property for future development. Jim Behrend said the subdivision to the west liked the layout and he would object to putting a road stub there.

Barrows said the applicant did submit a landscape and tree mitigation plan. They are proposing 227 inches of trees. Barrows said there are quite a bit of perennials proposed between the road and sidewalk. Barrows said she would like the city's landscape architect to review the plan.

Jim Behrend said their intention is to have some type of organized lighting owned by the property owners. Jim Behrend said it will likely be post lighting at driveway entrances that are somewhat uniform.

Barrows said the applicant is not proposing any signage for this subdivision.

Barrows said the Fire Department will require in lieu fees because the Fire Department prefers in lieu fees over a water tank.

Barrow noted that Final Engineering is required prior to the application going to Public Works Committee for review. In addition to addressing the subdivision layout concerns mentioned above, the applicant shall provide an updated stormwater management plan, and a lighting plan, if applicable, prior to the Plan Commission completing the Site Plan and Appearance Review. Landscape and tree mitigation plan was provided and needs review.

A Site Plan and Appearance approval shall be granted by Plan Commission and a Developer's Agreement shall be submitted to Common Council for review and approval prior to commencing any construction activities. The Site Plan and Engineering Plans shall be submitted to the Public Works Committee for review and comment after more complete plans are prepared.

Mayor Attwell expressed concern about the viability of the specialty plants that are proposed in between the road and sidewalk.

Jim Behrend said he is frustrated by the process and the changes the city is making to the plans. Jim Behrend said his concern is the grading that cuts into some significant trees and there may be ways to refine the pond and not grade around where the trees are and keep the trees.

Marek said he does not see the American Legion selling their property and it does not make sense to include the stub street. Barrows said if the Plan Commission does not feel it is necessary, it can be taken out. The mayor said he does not see the need for a road stub.

*Motion by Tim Aicher, seconded by Laura Schult, to approve the Preliminary Plat and Road Width Waiver subject to compliance with the Planner, Surveyor, and Engineer comments, minus the Surveyor's comments about a stub street, and all other approval and objecting authorities prior to the submittal of a Final Plat. If modifications to the layout of the plat are required, the Preliminary Plat shall be submitted to Plan Commission for review and approval prior to Final Plat submittal.*

*All in favor. Motion carried.*

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

Discussion and possible action on the following items:

- A.** Discussion and possible action to remove or amend sections of Article I of the City of Delafield Zoning Code, including Section 52-11 Definition for Guesthouse, 52-23 Pier Length and Placement, Section 52-12 Compliance and Use Restrictions, Section 52-13 Building Location Requirements, and Section 52-17 Height Regulations

Barrows said she combined Sections 52-12 and 52-13.

Regarding principal structures on a lot, Barrows said it does not apply to commercial buildings. Barrows suggested the Plan Commission think about whether they want to have all of them go through a Conditional Use process.

The Plan Commission members agreed to the removal of Section 52-17(c).

*Motion by Dan Jashinsky, seconded by Tim Aicher, to recommend Common Council adopt the enclosed draft ordinance to amend several sections of Article I of the City of Delafield Zoning Code subject to City Attorney review.*

*All in favor. Motion carried.*

- B.** Chapter 52 – Zoning Code Update Project: Discuss and provide feedback on potential text amendments related to Article I and schedule a public hearing.

Barrows said the goal is to make the grading and drainage provisions consistent.

Regarding 52-15(b)(1) Barrows said the code states that any grading permit requires Plan Commission approval. Barrows said they are proposing that an Erosion Control Permit be issued by the city engineer if it exceeds 3,000 square feet or 400 cubic yards. Barrows said they will add language that it should not be related to an otherwise permitted structure. Barrows said she will speak with the city attorney about impacts on adjoining properties without their consent and bring this back to the Plan Commission in June.

Regarding 52-15(b)(6) Barrows said the requirement of limiting grading over a five-year period is difficult to enforce and they are looking to remove the paragraph and Hussinger agreed.

Hussinger asked to consider requirements for tiered retaining walls, and he would like a standard. Barrows said they will work on this.

Regarding Section 52-20 Barrows said she will address it at another meeting.

Regarding 52-26(c) Barrows said she will speak to the city attorney.

Barrows spoke about Section 52-26 and the city's Chapter 34 (Offenses). Hussinger said there is a Nuisance Chapter in the Municipal Code that has been very helpful. Barrows said there are usually provisions in the zoning code and there should be section in the zoning code that refers to them. The Plan Commission members agreed that Section 52-26(b) did not belong under zoning and Hussinger said these things are addressed under the Nuisance Chapter of the Municipal Code. House trailers were discussed, and Barrows said she would discuss the topic with the city attorney.

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

- A.** Plan Commission meeting dates and deadlines
  - 1) Regular meeting June 28, 2023
  - 2) Regular meeting submittal deadline May 31, 2023
- B.** Correspondence
- C.** Planner
- D.** Building Inspector

## **13. Adjournment**

Having no further business, the meeting was adjourned at 10:00 p.m.

Minutes approved: June 28,2023

Minutes prepared by: Sally Dupont, Recording Secretary