



**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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June 28, 2023

7:00 p.m.

City Hall, Council Chambers  
500 Genesee St.

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

**1. Call to Order**

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

**2. Pledge of Allegiance**

The Pledge of Allegiance was recited.

**3. Roll Call**

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

**Also Present:** Amy Barrows, City Planner  
Crystal Turner, Deputy Clerk

**4. Minutes**

Discussion and possible action on the following minutes:

**A.** Approval of minutes of the [May 31, 2023](#) Regular Meeting and Public Hearing.

*Motion by Aicher, seconded by Schult, to approve the minutes of the May 31, 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 7.01 p.m.

**6. Consent Agenda**

Recommended approvals in accordance with the staff report. Items listed under the Consent Agenda are considered in one motion in accordance with the Staff Report unless a Plan Commission member or staff member requests that an item be removed from the Consent Agenda. Items recommended for discussion and possible action:

**A.** DELC0804994017, 2798 Heritage Drive. Owner: Heritage-Hillside, LLC. Applicant: Michael DeJong, Nothing Bundt Cakes & Eric Rohs, Sign Effectz, Inc. Applicant is requesting approval of a Business Plan of Operation and Permanent Signage for a new business, known as Nothing Bundt Cakes.

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

*All in favor. Motion Carried.*

**7. Public Hearings:**

**A. Public Hearing #1:**

Topic: Conditional Use Amendment  
Location: 31385 Hill Road, DELC0733994001, DELC0733994, and DELC0733995  
Owner: Divine Redeemer Lutheran Church  
Applicant: Matthew Merhing  
Matter: Conditional Use Amendment for a daycare facility and future additions to the church/school building

Mayor Atwell opened the Public Hearing #1 at 7.02 p.m.

Hearing no one who wished to speak, Atwell closed the Public Hearing at 7.02 p.m.

**B. Public Hearing #2:**

Topic: Text Amendments to Article I of the City of Delafield Zoning Ordinance  
Location: None  
Applicant: City of Delafield Plan Commission  
Matter: Remove or amend sections of Article I of the City of Delafield Zoning Ordinance, including Section 52-15 Grading and Drainage Requirements, Section 52-16 Setback and Yard Requirements, Section 52-18 Building Area Regulations; Floor Area, Section 52-19 Lot Area Requirements, Section 52-24 Private Swimming Pools, Section 52-26 Miscellaneous other General Provisions, and possibly other related Sections.

Mayor Atwell opened the Public Hearing #2 at 7.03 p.m.

Hearing no one who wished to speak, Atwell closed the Public Hearing at 7.03 p.m.

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

Mayor Atwell opened citizen comments at 7.03 p.m.

Lee and Mary Rogers, 306 Oakwood Drive were present to speak to the St John's Estates Development. Rogers is the resident to the southern end and last house before the golf course and wanted to address the short "spur" of a walk way. Few people will walk from Hillcrest as it is a side walk to nowhere and the resident proposed the completion be postponed until the full side walk to CTH C is complete. Currently it is faster to go down C on the east side versus ending up west of downtown. Rogers stated he does not feel he would see sufficient foot traffic to warrant the path at this time although, this is a great idea to include the side walk with the developer versus the city constructing. Rogers and two neighbors were not aware that anything would be done in front of them until recently. The home owners have pillars and numbers in the potential side walk area.

Nicholas Cera, 929 Bahr Rd was present to speak to Delafield Dental landscaping project. Cera expressed his frustration with the incompleteness of the project and having to come back to the Plan Commission repeatedly. Delafield dental landscaping plan is skewed towards other neighbors and no screening is being considered towards his property in the back. Cera has asked previously for a fence or conifers to screen not deciduous trees. Cera requested the Plan Commission recommend appropriate landscaping. The berm does not screen headlights on the side either. Cera has called the owners and property managers to discuss concerns but they have not reached out or responded to questions.

Hearing no one further who wished to speak, Citizen's Comments were closed at 7.12 p.m.

**9. Unfinished Business**

Discussion and possible action on the following items:

- A.** DELC0799997001, 920 Indian Spring Drive. Owner: 920 Indian Spring Drive, LLC. Applicant: Chris Potrykus. Applicant requests Site Plan and Appearance approval to extend the deadline to comply with all pending conditions of a previous approval and to amend the landscape plan and fencing and dumpster enclosure locations at an existing dental clinic site known as Delafield Dental.

Chris Potrykus, 920 Indian Spring Drive was present to speak. The applicant apologized for being late with the process. Applicant has not had contact with the neighbor Mr. Cera regarding his concerns. Potrykus stated he has had issues with the original architect and landscape company. He is now working with Piala's on a landscape plan within the short time frame. The fence has been installed from the original plan which is not on the current plan submitted tonight. Potrykus had to update the garbage area too.

Barrows covered the submitted plan from the packet that had been approved previously. Noted there was concerns with space for snowplow access. The west side is the dumpster area. Four Arborvitae were proposed on the west side to block headlights to the neighbor. The landscape plan presented tonight is missing trees and landscaping on the lower lot. The original landscaping plan had predominately deciduous trees. Landscape around the building is different to what was proposed. Barrows' biggest concern is lack of landscaping around the parking lot and the proposed trees were removed.

Potrykus stated he is happy to find something to screen from the lower lot for the neighbor. The ornamental aspect of the landscape has raised the bar with the renovation. He is happy to do what is needed to get the trees back to where they should be. Potrykus said he was not aware this was the need and did not share this information with Piala's. Barrows asked that the applicant look at doing all the trees in evergreens. Potrykus stated the property does have wetlands.

Attwell asked why the applicants landscaper architect was not present tonight? Potrykus explained the original contractor had not returned phone calls or emails. They had previously stated the process through the Plan Commission is being handled. The applicant discovered the issues when landscaping was to start and the City letter with the timing of the landscape completion. He is now trying to rectify these issues and wrap the project up.

Barrows asked the Plan Commission if they have any issues with the revised dumpster location. Schult asked is it enclosed? Potrykus noted that it is not currently enclosed. Attwell stated that is a problem. Potrykus confirmed he understands the dumpster now needs to be enclosed. He is also hiring a new General Contractor. Barrows said they would anticipate with final inspection the dumpster would be enclosed.

Attwell asked how long does the applicant need to get all his ducks in the row. This would include all documents to present to Plan Commission based on tonight's feedback. Potrykus said he is concerned it may not be done this year and he is not aware of everything that needs to be completed. Barrows stated this should include showing the relocation of the dumpster and building the enclosure within a certain time frame, adding the 30 inches of trees, and showing the fence on the plan. Potrykus said late summer would be a potential time frame. Cahalane noted timing is an issue based on availability of people to get it complete.

Attwell asked that documentation needs to be finalized first. Aicher commented the Plan Commission had gone through the original plans closely and issues were commented on. Issues had arisen with the septic. He wants the best solution for neighbors. Aicher requested that arborvitae is not to be planted. Conifers in back would be a great idea. Potentially a temporary fence could be installed to alleviate the neighbor's concerns for the winter if landscaping is delayed.

Cahalane asked if the end of July Plan Commission would be possible for updated plans. Potrykus was not sure on the dumpster plans but should be able to get landscape plans. Attwell preferred setting the August Plan Commission meeting as a deadline to give the applicant a better time frame. Barrows noted the submittal for July Plan Commission was today. If information is received by Wednesday July 5<sup>th</sup> it would still be possible to get on the July agenda as a pending application. Potrykus stated he will contact Piala's tomorrow.

Barrows reiterated to show the dumpster enclosure, the 30 inches of trees and the fence on future landscape plans. Noted some arborvitaes are deer resistant and Barrows can have SEH landscape architect review too.

Barrows did not have issues with the new landscape plan around the building instead she is concerned with the lack of landscaping to the south and side areas. Piala's need to understand you are looking for cover, need to see the topography, and utilize hardy, deer resistant ever greens.

Jashinsky stated he does not want to see the cinder block of the dumpster enclosure from the road. Attwell stated the structure can be cinder block but timber on the outside. Potrykus agreed they can look at timber.

*Motion by Aicher, seconded by Cahalane, for the applicant to return, with a completed landscape plan addressing concerns stated tonight, by the August Plan Commission meeting or sooner.*

*All in favor. Motion carried.*

## 10. New Business

Discussion and possible action on the following items:

- A.** DELC0798903, 1014 Sunset Drive. Owner and Applicant: Daniel & Nicole Simmerman. Applicant is requesting Site Plan and Appearance approval of a wooden privacy fence.

Daniel Simmerman, 1014 Sunset Drive was present to speak. The applicant would like to install a privacy fence on west side of property as his neighbors raise German Shepherds for Police Departments and train dogs. Simmerman's priority is the safety of his five young children and would like to install a fence before something would happen. He has had a prior survey of the property and requesting the fence to be one to two feet off the property line at 6ft in height. Applicant is looking as an aesthetically pleasing fence, potentially with trellis on the top.

Barrows stated the city does not usually see more than 6ft. high fences requested. Barrows recommends the fence to be 3ft from the property line in order to maintain set back rules. Due to the height and privacy requirement of the fence this is requiring the Plan Commission approval. The fence requested will be 135ft in length and should consist of either a maintenance free product or be painted.

Simmerman asked if the fence could be stained. Hussinger stated it can be stained if you can access your neighbor's side.

Discussion continued if the fence height was appropriate for the neighborhood with Jashinsky, Weiler and Marek agreeing that 6ft was acceptable and Schult expressing concern over the height.

Simmerman stated the neighbors kennel was 8ft in height and the dogs are close to jumping that height.

Attwell asked if the neighbors have a BPO for the business.

Cahalane asked where the other fence was and its height.

Hausman recognized the applicant for taking appropriate steps and willingness to pay for and install the fence.

*Motion by Marek, seconded by Hausmann, to approve the proposed fencing subject to the following conditions:*

1. *3ft off the property line,*
2. *6ft max. height*
3. *Finished with paint or stain*
4. *Finished side on the outside*
5. *Shall remain in good condition*

*Discussion: Aicher asked if the applicant endorsed the City Council to follow up that the business has proper licensing. Simmerman agreed as to whatever is required.*

*Barrows asked to clarify if the motion was asking for a new survey to be completed.*

*Marek stated no additional survey is needed.*

*Motion carried with Schult voting Nay.*

- B.** DELC0793055, 329 Genesee Street. Owner: MGD Properties, LLC. Applicant: Matt Gerber. Applicant is requesting Site Plan and Appearance approval to paint the exterior of an existing building downtown.

Matt Gerber, 329 Genesee St, Delafield was present to speak.

Barrows covered the proposal to repaint with a deeper gray with accents of a dark gray.

Attwell asked for confirmation that these matched the downtown palette.

*Motion by Jashinsky, seconded by Aicher, to approve the site plan and appearance, as presented.*

*All in favor. Motion carried.*

- C.** DELC0792990 & DELC0793997, Oakwood Drive. Owner: Hendricks Commercial Properties LLC. Applicant: George Erwin III. Applicant is requesting approval of a Planned Development Conditional Use

– Specific Implementation Plan for a single-family conservation design subdivision known as St. John’s Estates.

George Erwin III, 17320 Windemere Rd, Brookfield and Josh Pudelko, Trio Engineering, 4100 North Calhoun Rd, Brookfield were present to speak.

Barrows summarized the process so far with the goal of going to Common Council in July in order to start construction on the site. The city allows for site construction, not building construction, to start prior to final plat approval.

- The applicant revised the open space easement. Original calculations included land within the Bark River.
- On the final plat the designated path will not be shown. The intention is the HOA can establish later.
- The trail extension on Oakwood east of the plat.
- Paths are color coded: purple are paved, red are sidewalks and concrete, green is a footpath.
- There will also be the public access easement to Common Council in July.
- Engineering plans have been reviewed by the City Engineer.
- Complete plans are required for the July Public Works meeting.
- Applicant is not installing lighting but the Declarations of Restrictions state each homeowner will install uniform light posts.

Aicher asked the timing of the lights be changed to be dusk to dawn and will there be a standard for the type of lights i.e., number of lumens or bulbs. Architectural landscape lighting is a distraction to the neighborhood. Aicher proposed any architectural or landscape lighting should be turned off at 10pm to dawn. A flag can be illuminated. Erwin stated a photocell timer should manage this.

Barrows said there are no changes on tree mitigation. Developer provided dimensions on the entrance signage

Discussion continued around whether the entrance sign would be lit and if it was consistent with other neighborhoods. As of now the entrance will remain unlit.

Barrows noted the developer’s agreement would be going to Common Council review in July with the amendments made as to who owns the out lots. Clarified for out lot ownership to be undivided fractional ownership.

Aicher led the discussion on planning for a diversity of home styles. Erwin presented previous development plans of Four Winds West, Hartland and Redford Hills, Sussex as similarities for style. Erwin stated that he has half dozen builders ready to sell the lots.

Erwin asked if the city would want advanced payment for the sidewalk if the walk way was to be deferred? Attwell wants to complete the side walk now for the safety issue. Aicher agreed that it does connect subdivisions currently and a cross walk is considered a form of traffic calming. Attwell asked that the developer accommodate the neighbors the side walk impacts.

Pudelko confirmed they will work with the neighbors’ trees and driveway numbers and be sympathetic to what is in the area of the side walk installation.

Barrows addressed a question on how the open spaces would be maintained in the event St John’s school would cease to operate and use those spaces. This has been presented to city attorneys to clarify as it states open areas shall remain in a natural state when not occupied by the school.

*Motion by Aicher, seconded by Jashinsky, to recommend that Common Council conditionally approve the Specific Implementation Plan components as described in this report and otherwise stated in the GDP, 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. *Utility, Public Access, Riverwalk, and Open Space Easements*
7. *Final Plat (prior to the sale of lots)*

*Upon final approval of all of the above stated requirements and assurance that all conditions of the General Development Plan have been complied with, a final Specific Implementation Plan document will be prepared that clearly identifies the requirements of the final development.*

*Along with final review and approval by Public Works and a lighting plan that is amended to include architectural and landscape lighting will be on timers and turns off from 10pm to dawn and street lamps composed of consistent brightness and to be on dusk until dawn.*

*All in favor. Motion carried*

- D. DELC0733994001, DELC0733994, and DELC0733995, 31385 Hill Road. Owner: Divine Redeemer Lutheran Church. Applicant: Matthew Merhing. Applicant is requesting a Conditional Use Amendment and Site Plan and Appearance Review for a daycare facility and future additions to the Divine Redeemer Lutheran Church church/school building.

Matthew Mehring, 2746 S 166<sup>th</sup> St was present to speak.

Barrows summarized the proposal presented last month with a few additions including a new access point opposite Chapel Ridge Road and removal of the western access point. Applicant will propose future additions later. The current addition is the 25,459 sq ft building and 14,000sq ft fenced in playground. The city asked that the sewer and water easements to be added and extended to service a future area. Roof top solar panels are being considered.

Mehring said they are still doing analyses on the solar panels.

Barrows asked the Plan Commission to consider if parking is sufficient. Currently proposing 88 parking stalls. Staffing would be 38-40 positions of approx. 11 fulltime and 25 part time.

Mehring noted the capacity for enrollment is 238 children with staggered drop off times from 6.30-8.30am. Average parent time to drop off is 5-8minutes. Functionality is the requirement so parents are not parking on the school side. Barrows stated Public Works will need to approve the plans. Parking lot lights consist of 5 pole lights, 3 on east side and 2 on highway 83. The applicant will be required to come back for review of wall mounted building lights.

Barrows summarized the proposal as follows:

- Planting 12 trees and 55 shrubs around building and parking areas. The applicant is not removing any trees to accommodate the building. Will send to the landscape architect for final review.
- Signage has not been submitted but they would like a sign for daycare in addition to the existing sign for the church
- Proposing to use the existing dumpster.
- Engineering staff reviewed stormwater management plans. The applicant will need to address any of the comments.
- Barrows covered the recommendations the Plan Commission were to consider.

Hausman asked if the church can hold the over flow of parking to avoid having to use the street. Mehring stated there is plenty of over flow but the goal was to get the area functional for the daycare. Barrows noted they can always address parking in the future. Mehring agreed in order to avoid taking unnecessary playground space.

*Motion by Aicher, seconded by Cahalane, to recommend that staff draft a Conditional Use Amendment, inclusive of the below conditions, for adoption by Common Council upon recommendation of the Public Works Committee.*

*1.) The Conditional Use Amendment is limited to the daycare facility and existing uses. The future school and church additions are not permitted at this time. A Conditional Use Amendment will be required at such time the plans for those additions are finalized.*

*2.) Sanitary Sewer and Water need to be extended to the site in a size appropriate to serve future developable lands near to the site. Appropriate easements shall be granted to the city for future expansions. Said easements require Common Council approval.*

- 3.) *The existing church/ school facility shall have sewer and water extended to at time of the proposed future additions. If the future additions are not proposed and approved by June 1, 2028, the existing facilities shall hook up to sewer and water prior to June 1, 2029.*
- 4.) *Wisconsin Department of Transportation approval shall be granted for access to the site, intersection improvements, and extension of utilities under STH 16.*
- 5.) *Water hydrants shall be installed and spaced appropriately per fire department direction.*
- 6.) *Engineering staff shall review and approve turning radiuses to ensure adequate emergency access is provided.*
- 7.) *Stormwater Management Plans shall be reviewed and approved by City Engineering Staff, an Erosion Control and Stormwater Permit issued, and a Developer's Agreement, with associated financial assurances, reviewed and approved by Common Council. Stormwater drainage and access easements and a Stormwater Maintenance Agreement will need to be reviewed and approved by Common Council.*
- 8.) *A complete Lighting Plan shall be submitted to Plan Commission for Site Plan and Appearance review and approval.*
- 9.) *A Signage Plan shall be submitted to Plan Commission for Permanent Signage review and approval.*
- 10.) *The Landscape Plan shall be reviewed and approved by Staff, and any necessary changes made, prior to commencing any construction activities.*
- 11.) *A Building Permit shall be issued by the Building Inspector prior to any building construction taking place. The Building Plans shall match the elevation renderings provided to Plan Commission.*
- 12.) *A Certified Survey Map combining all three lots shall be reviewed and approved by Plan Commission and Common Council and be recorded with Waukesha County Register of Deeds prior to Building Permit issuance.*
- 13.) *A Conditional Use Agreement and all related easements, which are reviewed and approved by the City Attorney, shall be recorded with Waukesha County Register of Deeds prior to commencing any construction activities on the property.*
- 14.) *Including the proposed 88 parking stalls.*

*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 Ordinance, including Section 52-15 Grading and Drainage Requirements, Section 52-16 Setback and Yard Requirements, Section 52-18 Building Area Regulations; Floor Area, Section 52-19 Lot Area Requirements, Section 52-24 Private Swimming Pools, Section 52-26 Miscellaneous other General Provisions, and possibly other related Sections.

Barrows summarized key changes and clarified the language to Section 52-15 Grading and Drainage Requirements.

Aicher questioned where the 400 to 30 cubic yards measurement came from and if 30 cubic yards was too small amount that overtime would create an impact on grade.

Hussinger related the changes to residential or inground swimming pool additions that would fall under the Building Inspector versus the Plan Commission.

Barrows summarized Section 52-16 for the addition or removal of specific statements to capture setbacks and right of way. Sections 52-18, 52-19 and 52-24 have minor adds to clarify language.

Section 52-26 does not have any proposed updates other than recreation vehicle parking takes the house trailer language.

Aicher asked if front yard is defined. Barrows was not sure if this is defined.

Discussion continued as to what would be defined as front yard and terms for recreational vehicle parking on residential properties. The consensus was if there were to be a violation the proper protocol would be to involve the Building Inspector.

*Motion by Jashinsky, seconded by Schult, 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.*

**12. Report of City Officials**

- A. Plan Commission meeting dates and deadlines
  - 1) Regular meeting July 26, 2023
  - 2) Regular meeting submittal deadline June 28, 2023
- B. Correspondence
- C. Planner
- D. Building Inspector

**13. Adjournment**

Having no further business, the meeting was adjourned at 9.01 p.m.

Minutes approved: July 26, 2023

Minutes prepared by: Crystal Turner, Deputy Clerk