

**PLAN COMMISSION MEETING
TUESDAY, MARCH 17, 2026
4:30 P.M., DENMARK VILLAGE HALL
100 N WALL STREET**

Call to Order

Chairperson Selner called the meeting to order at 4:40 p.m. after the Public Hearing

Roll Call

Present: Dale Schlies, Bob Sekora, Joan Roberts, Jeff Leiterman, Tim Schroeder, Susan Selner

Other staff present: Clerk Treasurer Sherri Konkol, Zoning Administrator Jeffrey Sanders, Public Works Director Erika Thronson

Approval of minutes from January 20, 2026

Schlies/Roberts moved to approve the minutes from February 17, 2026 as presented. Motion carried.

Zoning Administrator Report

Sanders stated everyone should have his report.

Discussion of required amendments to Chapter 265 Subdivision of Land resulting from 2025 Wisconsin Act 68

Sanders stated this is a follow up to the information provided during the Public Hearing to

Amend Section 265-072 Submittal Procedure of Chapter 265 Subdivision of Land Ordinance to include the following:

- A. Upon Village board approval of the Preliminary Plat and within 10 days of the subdivider submitting the plat with all required certificates and affidavits the Village Clerk shall make a certification of approval on the face of the Preliminary Plat for the purposes of the subdivider filing the approval plat with the Brown County Register of Deeds.

Amend Section 265-081.G of Chapter 265: Subdivision of Land Ordinance to read as follows:

No building permits may be issued by the Village until all improvements specified in the development agreement have been agreed to.

Amend Section 265-0289 to read as follows:

After the Final Plat has been approved by the Village Board and a contract and sureties for required improvements ensuring their installation is filed, the Village Clerk shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat to be forwarded to the Brown County Register of Deeds for recording. The Register of Deeds shall not record the plat unless it is offered within 12 months after the last approval and within 36 months after the date of the first approval.

Schlies/Sekora moved to approve the required amendments to Chapter 265 Subdivision of Land resulting from 2025 Wisconsin Act 68

Discussion/action on an application for Minor Land Division to divide Tax Parcel Number ND-481, located at 6043 Pepper Road in the Town of New Denmark, the proposed land division, if approved, will result in the creation of Lot 1, a 2.69 -acre lot hosting the principal structure

Sanders stated the owner submitted an application for minor land division to divide Tax Parcel Number ND-481,

located at 6043 Pepper Road in the Town of New Denmark, VD-481 is 40.399 acres in size and is zoned AG-FP Farmland Preservation. The parcel hosts a principal structure (single family dwelling), Navigable Stream, Environmentally Sensitive Areas, and a Shoreland Zoning Area, the remainder of ND-481 appears to be under agricultural use.

Joanna Guza, 4877 Cherney Road, here representing the applicants (her parents James and Josephine Wavrunek), stated by platting the land on an angle it maximizes Luke's (son of applicant taking over farm) land for family land preservation. Guza stated if it is done as a rectangular lot they will lose an acre, but if it is done the proposed way they will keep an acre. Guza explained the proposed lot is following an existing fence line.

Extraterritorial Review

Sanders went through his report stating Cities and Villages in Wisconsin which have adopted subdivision ordinances have "extraterritorial authority" to review subdivision plats and certified survey maps in abutting towns when the parcel to be divided is located within the extraterritorial area. This area extends three miles from the corporate boundary for all first, second, and third class cities (i.e. villages), and 1.5 miles for a fourth class city. As per WIS Stat. §62.05(1) (c), a city with a population of less than 10,000 constitutes a fourth class city. The Village of Denmark is a fourth class city.

Wis. Stat. §236.45(3) reads as follows:

An ordinance adopted hereunder by a municipality may regulate the division or subdivision of land within the extraterritorial plat approval jurisdiction of the municipality as well as land within the corporate limits of the municipality if it has the right to approve or object to plats within that area under s. 236.10 (1) (b) 2. And (2)

Wis stat. §236.10 (1) (b) 2 reads as follows:

The governing body of the municipality if, by July 1, 1958, or thereafter it adopts a subdivision ordinance or an official map under s. 62.23

The Village of Denmark Chapter 265: Subdivision of Land is such an ordinance.

If more than one subdivision ordinance applies to a given parcel, and if those ordinances conflict with one another, the proposed land division must comply with the *most restrictive requirement* (66 Atty. Gen. 103)

Subdivision Ordinance

Section 265-062 of the Village of Denmark Subdivision of Land Ordinance establishes requirements for Certified Survey maps; Sanders shared the proposed land division is compliant with 265-062 of the land division ordinance.

Section 265-02 of the Village of Denmark Subdivision of Land Ordinance establishes the following standards for lots.

- Lot dimensions (street frontage and minimum area) and setback lines shall conform to the requirements of the zoning ordinance
- Side lot lines shall be right angles to straight lines or radial to curved street lines on which the lots face whenever possible
- Corner lots shall have sufficient width to permit adequate building setbacks from side streets to conform to the zoning ordinance
- Every lot shall front or abut on a public street, not including alleys, freeways, or half streets
- Shape of lots shall generally be rectangular. Lots platted on cul-de-sacs will generally be narrower at the street than at the rear lot line. Flag lots or easements or other lot stacking techniques shall be prohibited, except where necessary to accommodate exceptional topography or to preserve natural resources
- Excessive Depth of lots in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable dept-to-width ratio under normal conditions. Depth of lots or parcels designated

for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.

- Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation
- Residential lots fronting or backing on arterial streets shall be platted with extra depth
- Where possible, lots shall be created to avoid crossing navigable waterways. When this is required, it shall be approved at the discretion of the Village of Denmark

Compliance of lot dimensions (street frontage and minimum area) and setback lines shall conform to the requirements of the zoning ordinance are to be determined by the Town of New Denmark Zoning Administrator.

Sanders recommends denial of the proposed land division, as it states above: Shape of lots shall generally be rectangular. Lots platted on cul-de-sacs will generally be narrower at the street than at the rear lot line. Flag lots or easements or other lot stacking techniques shall be prohibited, except where necessary to accommodate exceptional topography or to preserve natural resources. Merriam-Webster defines Rectangle as a parallelogram all of whose angles are right angles. Lot 1 has no right angles, and the rear lot is peaked.

Discussion

- Could we change the ordinance to be less restrictive
- Could we amend the ordinance to not have right angles on street lines
- Could we grant a variance

Schroeder/Schlies moved to postpone a decision until such time as an amended CSM is presented at the April Plan Commission meeting. Motion carried.

Discussion/action on an application for Site Plan Review – Multi-family Residential for VD-15-4-1 located in the Village of Denmark, the owner is proposing to construct a 60-unit multi-family dwelling and two detached accessory structures (garages)

Sanders stated the applicant submitted an application for site Plan Review – Multi-family Residential for Tax Key VD-135-4-1 located on Hager Road in the Village of Denmark, the owner proposes to construct a 60-unit multi-family dwelling and two detached accessory buildings (garages). The proposed development includes:

- 28 flats
- 18 one bedroom units, four of which are lofts
- 14 two bedroom units, eight of which are lofts
- 32 stall enclosed garage, two stalls of which are ADA accessible
- 16 stall enclosed garage, one stall of which is ADA accessible

The western third of the property is heavily wooded and is not proposed for development

Jared Schmidt of Robert E. Lee & Associates, 1250 Centennial Centre Boulevard, Hobart, WI stated they are proposing a 60 unit – 3 story multi-family dwelling with first floor garages as well as detached garages. Schmidt stated the building also includes units that are flats and other sizes inconsistent with the Zoning ordinance as are the detached garages.

Jeff Marlow of Lexington Homes, 1250 Centennial Centre Boulevard, Hobart, WI stated they have to find a way to build affordable housing and these buildings succeed. Marlow shared their goal would be for rent to be from \$789 to just a smidge over \$1000 for 2 bedroom lofts

Sanders went over his report:

Zoning ordinance

VD-135-4-1 is 8.88 acres in size and is zoned R-4 Multifamily Residential District, as per section 315-52C(4) of the

Village of Denmark Zoning Ordinance, *dwelling multifamily* is a permitted use. Sanders shared section 315-56(C) of the Zoning Ordinance establishes Dimensional standards for R-4 lots. ***Sanders stated the site plan is non-compliant with Section 315-56(C) of the Zoning Ordinance:***

The noncompliance is because:

- The minimum size of one bedroom multi family unit of 750 square feet, (for the purposes of the ordinance, flats are considered one bedroom units)
- Detached garage Maximum Height of 25 ft, but no higher than principal structure (Measurement of height of proposed structures are inconsistent with Section 315-300.C(35) if the Village of Denmark Zoning Ordinance which reads as follows: *Building Height. The vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of a ceiling in the case of a flat roof, to the deck line of a mansard roof, and to the average height between the eaves and the ridge of a gable, hip, or gambrel roof.*
- Actual height exceeds maximum allowed; however, Village is considering an amendment to the zoning ordinance to increase the maximum height of multi-family principal structures to 45 feet

Parking

Article VI of the zoning ordinance establishes off street parking requirements for all zoning districts. Section 315-122 of the zoning ordinance establishes general provisions for parking in nonresidential zoning districts.

Sanders stated the site plan is compliant with Section 315-12 of the zoning ordinance.

Section 315-13 of the zoning ordinance establishes parking standards in nonresidential zoning districts

Sanders stated the site plan is noncompliant with Section 315-1223 of the zoning ordinance.

The noncompliance is because of:

- Marked pedestrian corridor leading from westernmost detached accessory structure does not extend to principal structures

Section 315-126 of the zoning ordinance establishes standards for bicycle parking

Sanders stated the site plan is non-compliant with section 315-126 of the zoning ordinance.

The noncompliance is because of:

- One bike space in each of 70 proposed enclosed garages. Proposed outdoor rack will accommodate five bicycles
- Not included with site plan
- Submitted lighting plan indicates insufficient illuminance (between 0.0 and 0.2) for proposed bicycle parking

ADA Parking Requirements

Section 208 of ADA Accessibility Standards reads as follows:

Accessible parking spaces are required for each parking facility on a site, such as lots and garages. Requirements apply equally to public and employee or restricted parking. On sites with multiple parking facilities, the minimum number of accessible spaces must be calculated separately for each parking facility instead of on the combined total of parking spaces provided on the site. At least one of every 6 accessible spaces, or fraction of 6, in each parking facility must be sized to accommodate vans.

Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances.

Sanders stated the site plan is compliant with ADA Section 208 requirements.

Site Plan Design and Review

Section 315-150 of the zoning ordinance establishes the purpose of site plan design and review as:

To promote compatible development; stabilize property values; foster the attractiveness and functional utility of the community as a place to live and work; preserve and enhance the character and quality of the built environment; maintain the integrity of those areas which have a discernible character or are of a special historic significance; protect public investments; and protect the natural environment by reducing storm water runoff, sedimentation and erosion, and the destruction of environmentally sensitive areas

As per Section 315-151 of the zoning ordinance, no person shall commence any use or erect any structure, other than those specifically exempted in this Chapter, prior to the issuance of a Site Plan Permit under this section.

Section 315-152.B of the ordinance establishes principles for site plans.

Sanders stated the site plan is noncompliant with Section 315-152.B of the zoning ordinance

The noncompliance is because of:

- Height exceeds maximum allowable in R-4 District; detached accessory structures located within minimum rear yard setbacks
- Compliance with stormwater drainage, erosion, and grading to be determined by Department of Public Works
- Compliance to be determined by Denmark Fire Department

Section 315-155 of the zoning ordinance establishes application packet requirements for site plan

Sanders stated the site plan is compliant with Section 315-155 of the zoning ordinance.

Section 315-157 of the zoning ordinance establishes criteria of review for site plans.

Sanders stated the site plan is noncompliant with section 315-157 of the zoning ordinance

The noncompliance is because of:

- Compliance to be determined by Department of Public Works
- Marked pedestrian corridor leading from easternmost detached accessory structure does not extend to principal structure
- Although Old Field Common Juniper is an affective screening evergreen, it does not meet the requirement for solid screening or opaque fencing material
- Color building elevations for proposed detached accessory structures not included with site plan
- Digital samples not included with site plan
- Proposed structures are oriented to the internal road network as with existing structures in previous phase of development

Landscaping

Article VIII of the zoning ordinance establishes standards for landscaping, with Section 315-171 of the zoning ordinance reading as follows:

Individual lots and conditions will afford distinctive and varied opportunities for landscape treatment. A landscape plan shall consider the preservation of existing, desired vegetation. Mature tree species that provide a substantial canopy shall be retained if possible. Installation of additional plant materials shall augment existing vegetation.

As per section 315-172.A of the zoning ordinance *All landscape plans shall be prepared by a qualified person*

Section 315-173.A of the zoning ordinance establishes general requirements for landscaping plans

Sanders stated the site plan is noncompliant with Section 315-173.A of the zoning ordinance

The noncompliance is because of:

- Proposed landscape plan does not abut existing wooded area located in western third of VD-135-4-1
- Description of proposed ground cover does not appear to be included with landscape plan

Section 315-174 of the zoning ordinance establishes plant material types and quantities for landscaping plans

Sanders stated the site plan is noncompliant with Section 315-174 of the zoning ordinance

The noncompliance is because of:

- At a total of 73 plants, creeping Juniper represents 41% of the 177 proposed plantings

Section 315-175.A(1) and (2) of the zoning ordinance establishes specific design criteria for landscaping plans in the R-4 District

Sanders stated the site plan is compliant with Section 315-175.A(1) and (2) of the zoning ordinance

Section 315-175.A(3) of the zoning ordinance establishes required planting in the R-4 District
Sanders stated the site plan is noncompliant with Section 315-175.A(3) of the zoning ordinance

The noncompliance is because of:

- Existing vegetation exceeds this requirement
- Red Maple is a canopy tree and an ornamental tree
- Existing vegetation mitigates this requirement

Sanders recommends approval of the proposed site plan contingent upon the following:

- A. Village Board approval of recommended amendments to zoning ordinance necessary for the project to proceed as drawn.
- B. Amended Site Plan drawing showing the following:
 1. Compliance with required Rear Yard setback for proposed detached Accessory Structures.
 2. Marked pedestrian corridor leading from easternmost detached Accessory Structure extended through to Principal Structure.
 3. The design of bicycle racks and fixtures and means by which they shall be affixed to the ground.
 4. Screening for outside refuse bins compliant with the requirement for solid screening or opaque fencing material.
- C. Plan Commission determination proposed number of parking spaces and bicycle spaces sufficient for 60-unit multifamily development.
- D. Submittal of color building elevations for proposed detached Accessory Structures.
- E. Submittal of digital samples of all materials.
- F. Submittal of amended Landscape Plan showing:
 1. General description of wooded area located in southwest corner of VD-135-4-1 (i.e., types of trees, understory, etc.).
 2. All proposed species listed by type (e.g., canopy tree, evergreen tree, ornamental tree, medium-to-tall shrub, low shrub).
 3. All proposed species identified by native status and salt tolerance.
 4. Description of proposed ground cover.
 5. Revised plant schedule with no single species exceeding 35% of proposed plantings.
6. Relocation of proposed plantings, or incorporation of additional plantings to comply with the following:
 - a. Section 315-173A.(2)(b) of the zoning ordinance which reads as follows: *'Plants shall be spaced to provide optimum growing conditions and resemble a natural setting. Evenly spaced "picket fence" style plantings shall be avoided.'*
 - b. Section 315-175(3)(b) of the zoning ordinance which reads as follows: *'Such buffers shall be established and maintained so as to frame the view of existing structures from the roadway and adjoining parcels.'*
- G. Full compliance with any other areas of noncompliance as indicated in or inadvertently omitted from this report.
- H. Parking areas and driveways.
 1. All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately from the hours of sunset to sunrise when the use is in operation.
 2. All parking areas shall be properly graded for drainage and maintained free of weeds, invasive species, dust, trash, and debris.
 3. Required parking and loading spaces and the driveways providing access to them shall not be used for storage, display, sales, rental, or repair of motor vehicles or other goods.
 4. Required parking and loading spaces and the driveways providing access to them shall not be used for the storage of inoperable vehicles or snow.
 5. Parking areas shall be maintained free of weeds, invasive species, dust, trash, and debris.
 6. Driveways shall not be used for parking purposes.

I. Landscaping shall be maintained for the duration of the approved use(s) and shall be replaced when necessary to ensure compliance with zoning requirements. The Zoning Administrator shall be notified prior to replacing required landscaping.

J. Signage shall not be installed prior to issuance of a Sign Permit by the Zoning Administrator.

K. Exterior walls and roofs of buildings shall be maintained in a clean, orderly, and attractive condition, free of cracks, dents, punctures, breakage, or other forms of visible marring.

Materials that become excessively faded, chalked, cracked, chipped, damaged, or otherwise deteriorated shall be replaced, refinished, repaired, or repainted.

L. Development, including site clearing, grading, and similar such site preparations, shall not commence prior to issuance of a Site Plan Permit.

M. Department of Public Works approval of proposed site plan.

N. Village of Denmark Fire Department approval of proposed site plan.

O. Construction shall not commence prior to the issuance of a Building Permit by the Village of Denmark Building Inspector.

P. Construction shall not commence prior to the issuance of any required state or county approvals.

Q. Proposed development shall conform substantially to the submitted Site Plan and the documents, drawings, and images included therein.

R. Any substantive deviation from the approved Site Plan, including but not necessarily limited to a change in the use of the parcel or its structures or the addition of a new use or structure, shall require Plan Commission approval of an amended Site Plan. Non-substantive changes shall be approved by the Zoning Administrator.

S. Failure to comply with the terms presented herein may result in revocation of the authorized site plan.

Thronson went over her report and stated:

- The storm water needs to drain from the west side to the east side of the site as described in the review
- There needs to be a private water system agreement
- Record drawings need to be provided to the Village when the project is complete

Jeff Marlow is aiming for a May start date.

Schlies/Leiterman moved to approve the application for Site Plan Review – Multi-family Residential for VD-135-4-1 located in the Village of Denmark, the owner is proposing to construct a 60 unit multi-family dwelling and two detached accessory structures (garages) contingent upon staff approval in the future – with contingencies listed in Zoning Administrator’s report. Motion carried.

Discussion/action on scheduling a Public Hearing for a Zoning amendment regarding R-4 Detached Garages

Sanders stated there will be several Zoning amendments included in the Public Hearing.

Schlies/Leiterman moved to approve having a public hearing for zoning amendments regarding R-4 detached garages and any other items included in the public hearing that may need amending. Motion carried.

Adjourn

Roberts/Schlies moved to adjourn at 6:19 p.m. Motion carried.

Minutes submitted by Sherri Konkol, Clerk Treasurer