

**CITY PLAN COMMISSION
MONDAY, AUGUST 16, 2010 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL**

Meeting called to order by Mayor Connors at 6:30pm.

Roll Call: Commissioner Olson, Skates, Flower and Alderman Hartz. Also Present: Mayor Connors, City Attorney Draper, Building/Zoning Administrator Brugger, Administrator Jordan and Administrative Assistant Special. City Planner Slavney was excused.

Hartz/Skates motion to approve minutes of July 19th, 2010 Plan Commission meeting. Motion carried.

Comments from the public as allowed by Wis. Stats. §19.84(2), limited to items on this agenda, except for public hearing items. Comments will be limited to five (5) minutes. Applicants will be allowed when their item is discussed.

None.

Correspondence.

A letter from Donna Wallner, Monica Fransen, Nancy Berchem and Kaye Lowman-Borrow in opposition to the Conditional Use request by Bella Vista Hotel Condo Association.

A Note from Thomas and Diana Powell in favor of the Conditional Use request by Bella Vista Hotel Condo Association.

Both letters were included in the packets and will be on record at the Clerk's office.

Public Hearing on a Conditional Use Application filed by Pier Docktors Inc. Fontana, WI 53125 for an addition to the existing pier for an 8'x20' mooring platform to be used for loading/unloading and mooring of water craft at 1412 Main Street, Lake Geneva, WI 53147, Tax Key Number ZYUP 00094B. Larry Quist of Pier Docktors approached the podium to be available for questions. Hartz asked about the difference between the maximum number of watercrafts per the DNR in reference to the number referred to in the packet of application and also about the sidewalls on the canopy. Mr. Quist stated that he is only responsible for the frameworks and the docks. Hartz/Flower motion to close the public hearing. Motion carries. Hartz/ Flower motion to approve the Conditional Use Application filed by Pier Docktors for an addition to the existing pier for an 8'x20' mooring platform to be used for loading/unloading and mooring of watercraft at 1412 Main Street, Lake Geneva, WI 53147, Tax Key Number ZYUP 00094B subject to coming into compliance with all the conditions of the DNR permit including the compliance of the canopy and the number of allowed watercrafts along with any staff recommendations. Hartz asked about the length of the pier. It was stated that the pier will be 80 feet. Flower/Skates motion to suspend the rules to allow Mr. Quist to comment. Motion carries. Mr. Quist mentions that there was an issue with the mailboat being able to come into the neighboring pier and Mr. Glavin agreed for the pier to be cut back to 80 feet from the original drawing of 100 feet to accommodate the mail boat. Discussion followed. Motion carried unanimously.

Public Hearing on a Conditional Use Application filed by Bella Vista Hotel Condo Association, 335 Wrigley Drive, Lake Geneva, WI 53147 to provide Outdoor Commercial Entertainment at 335 Wrigley Drive, Tax Key Number ZMER 00001-00040. Tom Hyslop, General Manager of Bella Vista Suites and Ted Harig member of the Condo Assoc. approached the podium. Mr. Hyslop gave a description of their proposed project. They want to utilize the veranda which is adjacent to the current lounge on the waterfront piano bar. They are looking to create a casual/upscale setting to have light food and beverages served to the hotel patrons and their guests. They are looking to have nine tables with

umbrellas and four chairs at each table for a total seating of thirty-six people. They would also like low key, low volume music for the guests to listen to outside. He believes this would encourage the current guests, future guests and returning guests. Mr. Harig also commented on the increase of business they have received from the liquor license they were given and wanted to comment that this would be very beneficial.

Tammy Carstensen on behalf of Harbor Shores approached the podium and expressed that the Board of Directors does not have a problem with the request although they would like a cap on the time frame as to when the music will end.

Olson asked if the music would be recorded. It will when the piano player isn't playing. Olson also asked about the hours. Hyslop stated he applied for music from 10am until midnight but could cut it back until 11pm as that is when the piano player stops. Flower/ Olson motion to close the public hearing. Motion carries. Flower/ Olson motion to approve the Conditional Use Application filed by Bella Vista Hotel Condo Association, 335 Wrigley Drive, Lake Geneva, WI 53147 to provide Outdoor Commercial Entertainment at 335 Wrigley Drive, Tax Key Number ZMER 00001-00040 with the conditions that the time of the music be 10:00 am to 11:00pm, the limit on the volume not be discernable off the property, to include staff recommendations and also have a probationary time frame until the end of October for review in November to verify there is not issue with the noise. Discussion followed. Motion carried.

Review and Recommendation on a Certified Survey Map Application submitted by Dreamfield, LLC for land located in the Town of Geneva that is within the Extra-Territorial Plat Review area.

Jim Howe approached the podium and described the project on behalf of the applicant. It is 167 acres of property, divided into two lots. The applicant proposes 4 lots from the two. The size of the lots will be from 35 acres each to 55 acres each. Each lot has the appropriate access that it will need. Hartz asked how long the proposed driveway is. Howe responded that it is about 1000 feet long. Hartz also asked if the fire department has looked at this. Howe responded that If a house was to be built, the county will demand that the street be made to Town Road standards and the driveway will be reviewed at that time as well. The 66' wide documented easement on the Survey between Lots 1 and 4 ending in a cul de sac will not move. The City Engineer requests that this easement be written into a legal description.

Hartz/Skates motion to recommend to the Council the Certified Survey Map Application submitted by Dreamfield LLC for land located in the Town of Geneva that is within the Extra-Territorial Plat Review area and include the corrections requested by the City Engineer in the August 11, 2010 letter. Motion carried unanimously.

Review and Recommendation on a Certified Survey Map Application submitted by John Smith of First Banking Center for land located in the Town of Geneva that is within the Extra-Territorial Plat review area.

Mark Taylor from Land craft Surveying and Engineering approached the podium and explained the project as proposed. The Town and County have approved the CSM pending approval by the City. The applicant has implemented the suggestion Staff comments to include a note to prohibit access off of Hwy H onto the property. He also states that there will be some rezoning occurring at the County level. This will bring the area up to the County standards for the Conservancy District. Due to the size of the wetlands on this site, they are over two acres, they have to be re-mapped and adjust the boundary lines of the Conservancy District to represent where those current areas are. That is all the rezoning to be done. Brugger mentions that the City Engineer suggests removing the Note 1 referring to Building Envelopes if no envelopes are being shown. Taylor says that the lots are buildable with the exception of where the setbacks are and where the wetland features are as well. The homes can be placed where the builders see fit to preserve as much of the tree scape that is there. Flower asks about the shoreland setback off of the wetland portion of the property and Taylor states that setbacks will need to be adhered to when building. That will be inspected upon submission of building plans. Brugger asks

if all the lost had been reviewed with all the setbacks to see if a building could be built. Taylor says they have. Flower asks if there is enough space on Lot 4 to fit a building with all the setbacks. Taylor states that it is. Hartz refers to Engineer's note on some of the lots not meeting the 1 acre minimum requirement. Brugger states that our ordinance does allow for under an acre if the Town approves it. The City Engineer agreed to it at the Staff meeting. Flower/ Hartz motion to recommend to the Council the Certified Survey Map application submitted by John Smith of First Banking Center for land located in the Town of Geneva that is within the Extra-Territorial Plat review area including Staff recommendations and the suggestions made by the City Engineer in the letter dated August 12, 2010. Motion carried unanimously.

Review and Set Public Hearing date for a proposed amendment to the Zoning ordinance to clarify the regulation of free-standing commercial indoor lodging uses including "Cottages", "Vacation Homes", "Tourist Homes", "Resort Homes", and "Fractional Ownership Units". Brugger states that this comes up from time and time and is becoming more of a topic of conversation at the County level. Due to the economic times, more people are renting out their homes to tourists and vacationers on a short term basis and the City has never permitted that. When we find out about it we do what we can to prohibit that and put an end to it. Brugger states that the current description of a commercial indoor lodging facility is too broad and general and hopes that we can write it a little more specific and makes it clear to the property owners that this is the ordinance and why they are in violation of it. In addition to that, there have come up different ownership schemes that essentially do the same thing by turning the single family dwelling into tourist or vacation homes which more closely resemble a hotel use than a single family swelling use. With help from the City Attorney and the City Planner, an amendment to the current Commercial Indoor Lodging land use description has been drafted to better explain and enforce that this is what we consider a commercial activity and you must be in a commercially zoned district to be doing that with a Conditional Use on top of that (having the proper zoning). It was also discussed with Staff that further definition of terms described in the ordinance should be included to help to clarify and enforce this ordinance. Flower asks if licensure requirements could be asked for within the ordinance and also a time limit (1 year, summer or weekend) to be specified as the term of the rental. Brugger agrees but cannot come up with a specific time limit at this time. The State Department of Health does license most tourist destinations and so we will be looking at those definitions as well. Their definitions do not include time limits to Brugger's knowledge. As far as they are concerned if you are there for vacation, whether it is 30 days, 60 days, or 90 days, they want you licensed. So if the State doesn't want to tie themselves down to a time limit, Brugger was thinking maybe the City doesn't want to either. We could then be allowing something that State does not want to allow without licensure and if they have to be licensed do we want to allow it in a residential area? Brugger likes tying it in to the license requirements of the State and if they tie it down in some instances to a time frame then Brugger would be fine with it. Flower asks if a transfer of dollars has to occur to make this commercial. Attorney Draper states that it may not also be a rental; it may be division of ownership that would create the problem as well. Attorney Draper says that there are schemes out there where people are doing month to month leases. We don't want to prohibit someone from signing a lease and circumstances change and they have to move out and then the landlord isn't allowed to find another renter. What's happened is people are renting on a month to month lease and the people will move out after a week and then a new "renter" will move in. This is more vacation rental and people are doing it this way to escape room tax issues. Brugger says we are going to try and close all the loop holes but it will be very complicated. Hartz asked if someone rents out his house for three months, that is not allowed but for a year is? Brugger says that the only time frame drawn that he knows, is that the State Statutes do define rental periods for residential purposes of less than 30 days (maybe 31) as a commercial rental subject to sales tax and room tax. It is defined as transient rental/occupancy. That is what Brugger has been using for his guideline for enforcement as he doesn't have anything else to go by. If it is a commercial activity, you

need to be in a commercial zoning district, then it is commercial indoor lodging (as the State defines it). The Department of Health (who licenses these facilities) they don't include that 30 days because if people are there for transient activity, they still need to be licensed whether it carries on for 30, 60 or 90 days. If you are going to take a vacation, you should be doing it in a licensed facility according to the State. Discussion followed. Hartz/Skates motion to set public hearing date for the proposed amendment to the Zoning ordinance to clarify the regulation of free-standing commercial indoor lodging uses including "Cottages", "Vacation Homes", "Tourist Homes", "Resort Homes", and "Fractional Ownership Units" for September 20, 2010 Plan Commission meeting. Motion carried unanimously.

Set Public Hearing date for amendment to the Official Zoning Map for recently annexed property form the Town of Bloomfield. Hartz/ Flower motion to set public hearing date for the recently annexed property on Wells Street for the September 20, 2010 Plan Commission meeting. Motion carried.

Downtown Design Review.

Bella Vista Hotel Condo Association 335 Wrigley Drive. The winter was hard on the landscaping. They want to remove the current hedges and install 30" tall posts and stringing the ropes from the posts in a nautical theme. There are daylilies, dwarf fountain grass and variegated grass proposed to be underneath the ropes and not to exceed the height of the ropes. If the posts stay at 30" or under, it is considered landscaping and there will be no setback issues. If it is taller, it will be subjected to a Site Plan review as a fence (which would need to adhere to setbacks). Flower/ Olson motion to approve the proposed landscaping improvement for Bella Vista Hotel Condo Association at 335 Wrigley Drive including the compliance on the recommendation from Staff regarding the height of the posts. Motion carries.

Trae Chic 723 Geneva Street. They propose a brown awning with Trae Chic written in white in the center of the awning and the other wording in light tan on the left and right sides of the awning edge. Hartz/Skates motion to approve the awning, color and signage as presented. Motion carries.

Flower/Skates motion to adjourn at 7:42 pm. Motion carried.

/s/ Jennifer Special, Building/Zoning Administrative Assistant

These minutes are not official until approved at the next Planning Commission meeting.