

**CITY PLAN COMMISSION
MONDAY, NOVEMBER 15, 2010 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL**

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

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

Hartz/Olson motion to approve minutes of October 18th, 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.

Marty Smith, 330 Oakwood Lane. He would like to comment on the Lakeshore Overlay District Boundary and wanting to maintain the lake at all risks. He would like to maintain Flat Iron Park as a park as much as possible.

Correspondence.

A letter was received from the Geneva Manor Association Architectural Review Committee updating the Commission on the process of the communication between the committee and the applicant from Michael Raymond Custom Homes. A copy will be on file at the Clerk's office.

A letter was received from Don and Jackie Getzen in opposition to the proposal from Michael Raymond Custom Homes. A copy will be on file at the Clerk's office.

(Both pieces of correspondence were in the Commissioners packets when distributed)

Public Hearing on a Conditional Use Application filed by Michael Raymond Custom Homes, 2000 W. Main Street E., St. Charles, IL 60174 for construction of a new single-family residence in the ER-1 District using the setback requirements of the SR-4 District at 1641 N. Lake Shore Drive, Lake Geneva, WI 53147 Tax Key Number ZLM 00019. No one from the public wanted to speak. The applicant has asked to table this item until the December Plan Commission meeting. Flower/Skates motion to continue the public hearing until the December meeting. Motion carried.

Public Hearing on a Conditional Use Application filed by Bob Rizzo and Therese Lefty, 1126 Grant Street, Lake Geneva WI 53147, to construct a second garage at 1126 Grant Street, Tax Key Number ZWH 00011A1. The applicant was not at the meeting, it may have not been clear that he be here. Brugger stated that he could try to answer any questions that come up. A proposed tent structure in the packet is not allowed per the ordinance. Hartz/Olson motion to continue this public hearing until the December 20th Plan Commission meeting. Skates asks if there is a time constraint. Brugger states that he doesn't believe so; however, if the ground freezes, he will not do the project this year. This will go onto the January meeting for Council approval as there is no Council meeting in late December. Attorney Draper gives his opinion on continuing the project to next meeting or not. Hartz/Olson motion to retract the original motion. Hartz/Skates motion to close the public hearing. Motion carried. Hartz/Poetzinger motion to approve the Conditional Use application filed by Bob Rizzo and Therese Lefty, 1126 Grant Street, Lake Geneva, WI 53147, to construct a second garage at 1126 Grant Street, Tax Key Number ZWH 00011A1 including Staff recommendations. Discussion followed. Motion carried unanimously.

Public Hearing on a Conditional Use Application filed by Rose Mennella, 433 Broad Street, Lake Geneva, WI 53147, for outdoor display and light industrial use incidental to indoor sales to allow for an artisan bakery and cheese production at 433 Broad Street, Tax Key Number ZOP 00114.

Rose Mennella and Eric Rose approached the podium to explain about the additional pieces of their project. They are asking for production areas (light industrial use) for an artisan bakery and cheese production. They want to have classes on making bread and cheese. The outdoor display is for their "Fresh Mart" for outdoor seasonal display for produce and locally produced goods. They will not exceed 1000 square feet for outdoor display. It will be on the North side of the building and the Southside of the building. People will come with their 10'x 10' pop up tents and set up their wares similar to a farmers market. Brugger asks if it is more than food that will be on display. Mennella states that she described it as goods and wares to allow for non food items (i.e. local pottery). There will be no flea market type of sales. This is part of the Phase I plan but could go on as phase two is being built especially if one building goes up at a time. That is why there are two locations being marked for these vendors. It all will be staying on private property and during daylight hours. Hartz asked about the two foot buffers. Mennella states that the ten foot setback is from the parking area as is needed. Hartz also reiterates the times for the bakery of 10:00pm - 4:00pm. Poetzingler asked when they plan to open as he is looking for when construction is suppose to happen. He recalls from the last meeting they wanted to get going. Brugger said that there is actually a permit waiting in the Building Department to be issued. Mennella said it is suppose to be starting this week. Flower/Skates motion to close the public hearing. Motion carried. Skates/Hartz motion to approve the Conditional Use Application filed by Rose Mennella, 433 Broad Street, Lake Geneva, WI 53147, for outdoor display and light industrial use incidental to indoor sales to allow for an artisan bakery and cheese production at 433 Broad Street, Tax Key Number ZOP 00114 including Staff recommendations. Flower expressed her concern for the look of the tents being out year round. Mayor Connors states that he believes that this is in harmony with the Comprehensive Plan. Brugger states that it will probably be done more in the summer time. Discussion followed. Mayor Connors/Skates motion to add to the original motion to review the Conditional Use in one year. Motion carried on the amendment to the original motion. Motion carried on the original motion .

Public Hearing on a Conditional Use Application filed by Tom Hartz, 1051 Lake Geneva Blvd., Lake Geneva, WI 53147, for light industrial use incidental to indoor sales to allow for an artisan bakery at 525 Broad Street, Tax Key Number ZOP 00033A.

Alderman Hartz would like to recuse himself and leave his seat. Ken Etten approached the podium on behalf of the applicant Tom Hartz. He gave a background on the project proposed as an artisan bakery. Young Cho approached the podium and gave more information about the operation and retail function of the bakery. Hours for the bakery run into three shifts on a twenty-four hour schedule (they will work their way up to that time frame based upon demand). Flower asked if there is any indoor seating. Cho responded no, there may be space at a coffee rail. Poetzingler asked what the retail hours are. Cho stated that they are looking from 8am - 6pm and may change that upon demand. Skates asked about the delivery access as it seems pretty tight. Cho stated that there shouldn't be. There is a separate delivery dock set up and there are no issues for the restaurant right now. Mayor Connors asked how this will impact the apartment upstairs. Cho stated that they are looking to maybe changing the apartment into office space. Trucks wouldn't be coming and going all night. The early morning trucks may be around 4-6am. Skates/Flower motion to close the public hearing. Motion carried. Flower/Olson motion to approve a Conditional Use Application filed by Tom Hartz, 1051 Lake Geneva Blvd., Lake Geneva, WI 53147, for light industrial use incidental to indoor sales to allow for an artisan bakery at 525 Broad Street, Tax Key Number ZOP 00033A including staff recommendations. Motion carried.

Alderman Hartz returned to the chambers and his seat at 7:12pm

Review and Recommendation on a Site Plan Review Application submitted by Keller, Inc. W177 N9856 Rivercrest Drive Suite 104, Germantown, WI 53022 on behalf of Dr. Andy Kokodynski for an orthodontic office to be constructed on Wells Street at the former address of N2260 County Highway H. Michael Queoff of Keller, Inc approached the podium on behalf of Dr. Andy Kokodynski and explained the proposed project of construction a new orthodontic office. They plan to extend the sanitary main from the intersection of N. Bloomfield Road and extend it south to the property line for the building site. The building itself is a wood frame building with a basement under part of it. They plan to use natural stone veneer on all four sides. They will use fiber cement board siding, aluminum framed windows, and dimensional asphalt shingled roof. They would like to start construction in the spring and get the site cleaned up as soon as possible to keep that time frame. Flower asks about the grading plan as she has concerns on the erosion control towards the middle school property. Mr. Queoff explains the swales and the water flow. Flower also expresses her concern for the water that will be coming off the parking lot (grading at the street) and also what happens to the water after it gets to the rip rap. Discussion continued. Mayor Connors asks about the required parking spaces in comparison to those that are drawn in (high teens to the 30 proposed) and if they are really needed. Mr. Queoff explained the need. Skates asked if they have thought about providing overflow parking on site to the high school and middle school in the case of an even i.e. football game. Queoff and Kokodynski stated that they would have to discuss liability issues with their attorney. Slavney likes the idea of the bike rack for the customers but would prefer a different location closer to the entrance. Slavney doesn't like it near the driveway. Slavney also stated that he doesn't think that the neighborhood amenity feature of the neighborhood office wasn't fully developed with the bike rack, and thinks that a bubbler and/or a bench would finish the requirement. Hartz asks if a sidewalk could be placed perpendicular to Wells Street to get the kids out of the parking lot for those that will cross the street. Mr. Queoff stated that it would seem logical to run the sidewalk along the front of the building. More discussion followed about the safest place to place a sidewalk to accommodate kids crossing the street. Flower asks about the landscaping near the dumpsters. Brugger explains that the dumpsters will be in an enclosure. Hartz/Skates motion to recommend approval on a Site Plan Review Application submitted by Keller, Inc. W177 N9856 Rivercrest Drive Suite 104, Germantown, WI 53022 on behalf of Dr. Andy Kokodynski for an orthodontic office to be constructed on Wells Street at the former address of N2260 County Highway H including staff recommendations and subject to a sidewalk from Wells Street to the building (north of the drive), (including bike rack relocation), and engineering concerns with drainage. Hartz/Skates motion to amend the motion to include a neighborhood amenity that would be either an agreement with the school district for the parking lot to be used for school events (during non-business hours) or a bench (for use by those riding bicycles). Motion carried on both the amendment and the original motion.

Review and Recommendation on a Pre-Annexation agreement forwarded from the City Council on October 11, 2010 filed by Leo and Madeline Potter for land located in the Town of Bloomfield.

Attorney John Olson approached the podium to explain the proposed annexation that this pre-annexation agreement would cover. This is a parcel at the southwest corner of Townline Road and Highway 120. They would like to annex this parcel in to join the already existing parcels to make one Planned Development parcel. There is an existing billboard on the property and will be a non-conforming sign. They would like to make sure that this sign will be added to the list of seven other off premise advertising signs that the City has. They also want to make some changes in the drainage system that has already been approved by the City engineer. Slavney states that the City's Comprehensive Plan doesn't address the long term continuation of billboards as being consistent with the City's objectives. However, Slavney suggests that a way that the City can ascertain more control over the zoning is to perhaps put a thirty year limit on the billboard and also limit the use of one side of the sign to be used for the

development on the property. Attorney Olson states that the applicants would approve the thirty year sunset provision (terminate the use of the sign thirty years from the annexation date) to be required to move that sign if all other terms were agreed to. Slavney stated that he sees this as a true win-win situation and it would be his suggestion to approve the pre-annexation agreement with that provision. Mayor Connors made it known that outside Council has reviewed the document as Attorney Draper and Olson are from the same firm. Suggestions were made and those suggestions were incorporated into the agreement. Brugger asks about the grading procedures and how it would go through a Site Plan approval for formal approval of the grading plan. Brugger asks if there is any preconceived notion that that procedure would not occur. Attorney Olson said the City engineer already approved it and found that it would be appropriate. Mayor Connors read a section from Section 2 of the pre-annexation agreement stating "This does not limit the rights of the City to impose conditions for further storm water management in conjunction with the development of this property". Hartz asked if the City's capacity for Storm Water can accommodate the water from this property. It appears so. Hartz/Poetzinger motion to recommend approval on a pre-annexation agreement forwarded from the City Council on October 11, 2010 filed by Leo and Madeline Potter for land located in the Town of Bloomfield along with the provision in Section 4 providing a thirty year sunset date for the off premise sign and all staff recommendations. Motion carried.

Recommendation on whether the Chamber of Commerce should be allowed to expand at their present location, at 201 Wrigley Drive (Flat Iron Park). Brugger explains that this was referred back to Plan Commission from the Council for a formal recommendation on whether or not expansion should occur in the park or not. Hartz stated that the Chamber currently has a ten year lease and anything that is decided would not be able to be done until that lease is up. Hartz also expressed his opinion to not see that the expansion occurs and if they need to expand in that time frame, that they look at a different location. He would ultimately like to see the building gone, but understands that there are legalities with that. Hartz/Skates motion to suspend the rules to allow George Hennerly speak. Hennerly expresses his confusion with the decision of the Council and the thoughts here at the Plan Commission. Attorney Draper gives his opinion, the Council decided to reconsider and then sent it back to the Plan Commission to see if they want building to be done in the park or not. There is a way to allow for the expansion to happen, however, there needs to be a decision on if there should be something in the park (ie according to the Park Plan, according to the Comprehensive Plan). There appears to be a lot of confusion. The Plan Commission needs to make a decision and recommend something to the Council. This is a statutory requirement on behalf of the Plan Commission. Hartz/ Skates motion to recommend to the City Council that the Chamber of Commerce not expand its building at its current location at 201 Wrigley Drive (Flat Iron Park). Hartz also understands that the Chamber can use it's building until the terms of the lease are up and may or may not be renewed based upon terms from either party. More discussion followed on the expansion of the current location detracting from the Park itself and not being a short term fix. Poetzinger expressed his concern for the use of their bathrooms with the amount of tourists and how he would be in favor of this expansion for this project. Mayor Connors explains the dated bathrooms along with the difficulty of the parking lot accessibility (at the Chamber building) and how the one foot raise of the newly reconstructed bridge (on Wrigley Dr.) may become a problem. Brugger asked how much of the Chamber's work is public information and how much is advertising for businesses (business promotion). Hennerly explains the benefits of their location and how it works for both the tourists and also for the local businesses. A lot does happen up front in the business but there is also quite a bit that happens in the rear of the building (ie web site maintenance, publications, postings etc.). Flower asks about the property and what will happen if the Chamber leaves. Attorney Draper states that the building is leased to the Chamber and if they want to move the building they can. Even if the bathrooms are the "City's", if the Chamber takes the building, the restrooms will go with the building. There is no requirement for the Chamber to tear down the building if they leave. If they leave,

they would have to deed the building to someone (ie the City) for it to be properly used. Flower asks what the Park Commission has decided they would like in the Park at that location. Do they want bathroom facilities there? Skates stated that nothing has been discussed as to the future of the Park. Motion carried 5-1 with "no" vote by Poetzingler.

Accept Petition for Annexation forwarded from the City Council on November 8th 2010 and set public hearing date for Annexation and temporary zoning. Connors/Flower motion to set public hearing date of December 20th for accepting the petition for annexation and setting temporary zoning from William and Patricia Palicka on the southeast corner of South Street and Wilmot Blvd, N2292 Wilmot Blvd. Motion carried.

Discussion on a ten acre Senior Housing Development on the southeast corner of the Southland Farms project. Brian Pollard, Fairwyn Development, approached the podium to explain a Concept idea for a Senior Living Community at the Southland Farms. Michael Mc Carthy, chairman and CEO of Parkside Management Services Corporation, approached the podium to explain the project. 100 unit senior housing project. It will consist of 45 independent living facilities (units), 35 assisted living units and 20 memory care units. This will be licensed as a residential care complex by the State of Wisconsin.

Terry Smith from BSB Design. This is in the Southwest corner of the Southland Farms. Even though it borders Townline Rd, access into the site will occur off the main street (Southland Farms Drive) - there will be a curb cut south of the existing barn. The Barn will be made into an amenities club. He explains the construction layout of the project.

Joe Safin, BSB Design. He explains the design of the building that are proposed.

Brugger asks about if (in reference to the three story elevation) the garage level will be fully exposed. The front landscape will ramp down to access the garage below grade. The three story building will be three stories with a garage and it may appear three and a half to four stories on the side nearest the pond. Brugger asks if the retaining wall in the back can be terraced all the way to the end of the building to make it appear three stories all the way across. Safin said that was a good suggestion and they will take it back to the engineers and find out how big the pond needs to be. Slavney asks about the perimeter having access for firefighting capabilities and if they know the current requirements. Safin stated that he is not aware but will meet with the Fire Department to make sure that it is done correctly. Brugger asks if the clubhouse will have improvements made during this time or is it just being shown on the plan for effect. Pollard stated that it will be worked on hand in hand. Brugger also asks about the street system and how much of it would be put in (public street) during this phase. Pollard stated that utilities will be brought in and a road would be coming in and dead-ending just past the development. That would still give them access, a single access to the site. Brugger stated that he didn't think that one access would be allowed that he would probably need two due to it being a multi-family structure. Discussion followed about the access and Pollard stated that he will meet these needs with the City. Mayor Connors asks if the narrow pavement on the northeast side is a trail. It is as there are many trails throughout the development (stated by Terry Smith). Mayor Connors also asks about the total height of the building. Safin stated maybe around 45 feet but it will ultimately depend on the average to the roof line. Brugger states that this is why it is encouraged to keep the garage entirely below grade. The ordinance states that there is a 35 foot maximum but they can ask for more (through a process). Flower asks about the number of staff members and the number of parking spaces. The most staff (during the day) would be about 25-27 people but that includes the kitchen staff who come and go at different times. Hartz states that he believes that this complies with the GDP approval that was made. They would like to come for other approvals this spring and then commence construction this summer. Jordan asks if they will be paying property taxes. Mr. Mc Carthy states that they are a "for profit" agency. Slavney asks if there are pedestrian facilities on the south portion of the property. Pollard stated that not at this time but part of

Bloomfield Rd is in the Township. The west part of Edwards Blvd is the nearest pedestrian pathway. There may be a desire to interact the development with the existing commercial areas. Flower asks about environmental testing and whether it was done. Pollard stated that it was done with the original plan. Hartz expressed a positive outlook for the property.

Discussion and recommendation on a proposed ordinance change regarding Commercial Indoor Lodging. Brugger explained that not much changed from the last time this information was presented. There was a description in the Single Family Detached Dwelling Unit (definition) that this Commercial Indoor Lodging would not be allowed in the Single Family Dwelling district. This is also similar of the County's ordinance. Attorney Draper also explains some of the issues that may come from fractional ownership and timeshare restrictions. Brugger just wants clarification to make it clearer to enforce. Hartz asks if this addresses the issues we have with absentee property owners. Draper and Brugger stated that it does not; however, that item will be addressed in the near future. Connors/ Hartz motion to set a public hearing date at the December 20th 2010 Plan Commission date for an ordinance change regarding Commercial Indoor Lodging. Motion carried.

Discussion and recommendation on a proposed ordinance change regarding the Lakeshore Overlay District Boundary ordinance. Brugger had these maps made up to reflect the change of the overlay zoning. He believes that the ordinance should take into account existing structures and reflect the fact that they are there and will always be there. The ordinance as it currently exists may restrict beyond what is necessary to protect the lakeshore. The green shaded area is all the territory that is covered by the lakeshore overlay zoning district now stating that it should be left in an undisturbed state and Brugger states that this should show you that there are many structures within that area that obviously aren't in an undisturbed state. Brugger then says that he proposes that from the front of those buildings, back, should be left out of the lakeshore district since it is not lakeshore. It is side yard or street yard in many cases. As discussed at the Staff meeting, it was discussed how to address this in another way by putting in some provisions that allow the City to do this but more on a case by case basis rather than by a blanket change to the district boundary. Brugger would like to know from tonight's discussion does the Planning Commission want to consider to reflect the areas between buildings need not be preserved in an undisturbed state if there is anything between buildings that is undisturbed or if it is okay to pursue allowing some flexibility to the property owners that may have some side yard setback that is currently covered by the lakeshore overlay that would allow them to use those areas as long as what is being talked about is somehow making it a Conditional Use to do that so that the Commission can look at it on a case by case basis. Slavney stated that he was contemplating that it would be a requirement for a higher degree of environmental performance closer to the lake. For example, we would get higher water quality improvements along with what typically would be pretty modest amount of development in the side yards between the homes. Slavney thinks that the venue of the Conditional Use permits would allow the City to consider if we (the City) are getting the environmental performance with the development proposal. Mayor Connors stated the he is a bit reluctant to make too broad of a sweeping change when it seems like there are only certain properties that this would pertain too. Slavney will be bringing back ideas in the future to put some sort of practice (best practices) into play. Mayor Connors stated that at the staff meeting they talked about averaging amongst the neighbors. The overall goal is to protect the lakefront. Hartz asked if there is a provision in our ordinance that allows us to use a Conditional Use or is it real strict. Brugger stated that there is a provision for passive recreation of twenty feet wide from the principle structure to the lakefront and in that twenty foot we have permitted patios, gazebos, screen rooms and things like that but beyond that twenty foot width, there is really no conditional uses that allow you to do what most people want to do with their property. Hartz asked if you would be imposing a hardship on people if we just held to the current ordinance. Brugger explained how it wouldn't. Discussion followed. There was general consensus to continue forward with this item.

Review Outdoor Commercial Entertainment Conditional Use granted to Bella Vista 335 Wrigley Drive, Lake Geneva per motion made at August 16, 2010 Plan Commission meeting. Brugger stated that he has received no feedback what so ever regarding the noise.

Downtown Design Review.

120 Broad Street. The final architectural design had a couple minor modifications. The EFIS band at the top is more ornamental and is more "putty" in color. There is more brick work than wood and is more cream colored. The doors will be left in the existing elevation and will not be able to get them to all line up the same (due to the grade). Dictated by the structure, there is a poured concrete (foundation) wall that will not be able to be taken out as it is structural in nature. Hartz/Olson motion to approve the new elevation façade as presented for 120 Broad Street. Motion carried.

Skates/Flower motion to adjourn at 9:19 pm. Motion carried.

/s/ Jennifer Special, Building/Zoning Administrative Assistant

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