

**CITY OF LAKE GENEVA
PLAN COMMISSION MEETING**

MONDAY, NOVEMBER 18, 2013 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL

Minutes

1. Meeting called to order by Mayor Connors.

Mayor Connors called the meeting to order at 6:30pm

2. Roll Call.

Present: Mayor Jim Connors, Alderman Gary Hougen, Commissioner John Gibbs, Commissioner Kristen Olson, Commissioner Doug Skates, Building and Zoning Administrator Ken Robers, City Clerk Tim Neubeck, City Administrator Dennis Jordan, and Planner Slavney

Absent: Commissioner Bryan Poetzing and Commissioner Cindy Flower

3. Approve Minutes of October 21, 2013 Plan Commission meeting as distributed.

Motion #1: Mayor Connors moved to approve the October 21, 2013 Plan Commission minutes with the following alteration – change page 2 top paragraph strike Swatek as he is not affiliated. Alderman Hougen seconded, and the motion carried unanimously.

4. 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.

None

5. Acknowledgment of Correspondence.

None

6. Downtown Design Review.

None

7. Public Hearing and recommendation on a Conditional Use Application filed by Kwik Trip, Inc., 1626 Oak Street, La Crosse, WI 51601, for In-Vehicle Sales and Services (vehicular fuel station and car wash) incidental to on-site principle land use (convenience store) at the following locations. Tax Key No's. ZA1776 00001(630 and 700 Williams St.), ZA1776 00002, ZA1776 00003, ZA1776 00004 and ZRA 00037A (612 Williams St.).

Attorney Draper explained this is brought back to the Plan Commission because a specific reason has to be made in order to deny. Thus, it was referred back to the Plan Commission to act. Even though a public hearing is not necessary, the City felt the public should have an opportunity to voice their opinions.

Troy Mleziva, 1626 Oak St., La Crosse, WI (Kwik Trip) presented pictures of the potential site. He explained the current site contains old industrial sites, and the three parcels encompass the site. It will be a LEED certified building meaning it is designed to meet City and national green codes including high efficiency building materials as well as a hybrid refueling station. The site will have green space as well as complying with storm water codes. It will employ approximately 30 employees, and the site will be an investment of 3 million. Kwik Trip began as a grocery chain and evolved to provide additional services to communities.

Alderman Hougen pointed out the numerous staff changes. He asked if Mr. Mleziva is alright with the changes.

Mr. Mleziva said yes except for the curb issue, and he said he will check with his company.

Jim Strauss, 246 Ridge Road, expressed his displeasure with Kwik Trip coming to Lake Geneva because it is a non-local entity. He felt the site will result in less beautification in the area and may damage local gas stations.

Ken Kerns, 350 North Edwards Boulevard, said he is the owner of the local Marathon. He read a letter from Mr. Dan Fischer, the owner of the local Marathon gas station. The letter expressed Mr. Fischer's feelings this new gas station will increase traffic hazards to the downtown area and damage existing gas station business. Mr. Kerns said that because the Kwik Trip is primarily a convenience store, the Kwik Trip should put the gas and car wash behind the station in order to alleviate traffic delays and safety concerns. Furthermore, less visibility of the pumps will maintain the splendor of the area.

Tom Kaczmarek, 605 Williams Street, owner of the Phillips station issued a rebuttal to the applicant's application saying Kwik Trip would indeed have a negative impact on the surrounding area.

Mary Jo Fessenmaier, 955 George Street, pointed out the Plan Commission already voted no on this application and gave an example how a similar situation arose in the past, and the City passed on it. She took offense that the Kwik Trip said it is a grocery store, and it is not an adequate substitute. She asked the Commission to vote no again.

Jacqueline Brower, 9220 Liberty Hill Ct, Cincinnati Ohio, operator of the Clark station cited the Comprehensive Plan how an applicant convinces the City that it will not have undesirable impacts on the community. She said gas stations pose health hazards which should not be near residential neighborhoods. Ms. Brower questioned why the City would approve this application when it would harm the environment and community. She noted the existing traffic congestion in the area and how a Kwik Trip would only exacerbate the traffic problems.

Laura Berg, 500 South Edwards Boulevard, stated she is in favor of Kwik Trip because it is a family owned business and based in Wisconsin and added how the company gives back to the community to charities and sports teams. She added Kwik Trip donates a large volume to food pantries which helps needy families. She brought John Halverson's article in the Lake Geneva News showing how it is not up to the City to pick and choose which businesses opera

Rick Mistretta, 350 North Edwards Boulevard, part owner of the Lake Geneva Mobil pointed out another gas station will not bring more business but take away from existing businesses. Furthermore, the existing gas stations offer almost the same convenience store choices as Kwik Trip. Mr. Mistretta said Kwik Trip may put other stations out of business which would result in a loss of jobs and more vacant buildings. He contended the Kwik Trip does not bring more benefits and that problems will arise should it open.

Shannon Zabroski, 822 Williams Street, said that while Kwik Trip may be family owned, the current families who own the local stations may lose their businesses. As a neighbor of the proposed site, Ms. Zabroski relayed her first-hand experience of traffic concerns which would only worsen should a Kwik Trip open.

Tom Hartz, 1051 Lake Geneva Boulevard, is an owner of two businesses at 521 and 525 Broad Street. He was a former member of the Plan Commission and explained why he voted the way he did. Mr. Hartz said the competition with existing businesses is not germane to the application. He stated the Kwik Trip project would help revitalize the local neighborhood on Broad Street which is specifically called for in the Comprehensive Plan. In addition, the site is zoned mixed use which this application clearly represents. He asked for the Plan Commission to make a sound, thoughtful decision without emotion based only on the facts pertaining to the issues.

Tom Langraf, 14105 Field Point Drive, New Berlin, WI, is the owner of the site being sold. He stated a 40,000 square foot building exists at the site as well as numerous vacant buildings at the site, and the buildings are close to fifty years old, with no green space, and inadequate parking and egress. Furthermore, he is having trouble finding new businesses to occupy the buildings, but the Kwik Trip will be much less of an eyesore as well as a great addition to the City. It will increase the tax base, increase local spending, increase local property value, and provide grocery options to nearby residents who would otherwise have to go across town. He stated the Kwik Trip will be a good gateway into the community.

John Consolino, 521 Interchange North, stated the current site is an eyesore as it stands, but the applicant would have a much adverse effect on the surrounding area. He expanded on how he felt the Kwik Trip is noncompliant for a conditional use permit.

Mayor Connors asked about the size of the proposed diesel aisles.

Mr. Mleziva replied that as it is a downtown location, it will have diesel dispensers; however, a semi would not access it as it is not large enough.

Mayor Connors asked how a tanker truck would deliver fuel then, in that case.

Mr. Mleziva pointed out a sheet on the application and explained how a tanker would refuel the station. Alderman Hougen asked as to what time of day tankers would arrive.

Mr. Mleziva replied it is during off hours, during non-busy times.

Mr. Slavney double checked that Mr. Malazava's only concern was the bollards rather than curbs.

Mr. Mleziva confirmed this.

Alderman Hougen moved to conclude the public hearing, Commissioner Skates seconded, and the motion carried unanimously.

Motion #2: Alderman Hougen moved the Plan Commission recommend the City Council approve a Conditional Use Application filed by Kwik Trip, Inc., 1626 Oak Street, La Crosse, WI 51601, for In-Vehicle Sales and Services (vehicular fuel station and car wash) incidental to on-site principle land use (convenience store) at the following locations. Tax Key No's. ZA1776 00001(630 and 700 Williams St.), ZA1776 00002, ZA1776 00003, ZA1776 00004 and ZRA 00037A (612 Williams St.) and items in the staff report and letter from GAI Engineering and Commissioner Skates seconded.

Alderman Hougen read the following findings into the minutes:

"Pursuant to Section 98-905 in our ordinances, I find as follows:

1. I did not approve the zoning change applied for by the applicant at the previous Plan Commission meeting (changing from Planned Development or PD to General Business, GB), finding that the change to GB was not consistent with the Comprehensive Plan. This is because of specific language in the Plan favoring PD zoning and language in the GB ordinance which appeared to exclude it from consideration for the category of Planned Mixed Use in the Future Land Use map of the Comprehensive Plan. However, I was not supported in my disapproval by vote of the Plan Commission and City Council, which this week effected the change to GB by approval of the second reading. I have also been assured by the city attorney that the change in zoning is in compliance with Act 372, which in 2010 clarifies that zoning changes must be consistent with the Comprehensive Plan. Therefore I conclude that the application is consistent with the Comprehensive Plan, both in general and specific to this site.
2. There will be adverse economic impact to the competing gas station/convenience stores along Williams Street—site of the proposed conditional use. However, the Plan Commission is not tasked with statutory authority to regulate the number of gas stations, as the Finance, License and Regulatory Commission is with the granting of a limited number of liquor licenses. Furthermore, some 14 amendments to the conditional use ameliorate adverse impacts at the site related to traffic flow, lighting, outdoor display, water reclamation, noise, esthetics, landscaping, and engineering concerns. I therefore conclude that adverse impacts are remedied in the final application.
3. The proposed conditional use is consistent with existing land use along this part of Williams Street, which is a former industrial area and presently the location of several gas stations.
4. The proposed conditional use is adequately served by city infrastructure, and underutilized sewer, light and water. It will not impose undue burdens on public services.

5. The potential public benefits outweigh potential adverse impacts. Several persons testified that a convenience store would be a welcome addition to the community at this location, improving walkability and access to household supplies for residents on the west side of Lake Geneva (e.g. Maple Park area). Testimony was heard that the applicant pays its employees well, and is a responsible corporate citizen.”

Motion #3: Mayor Connors moved to approve a high curb in lieu of a bollard, Alderman Hougen seconded, and the motion carried unanimously.

Attorney Draper explained State law does not require a conditional use to be consistent with the Comprehensive Plan.

Mayor Connors read the following findings into the minutes:

1. “The proposed conditional use, in general and independent of its location, is in harmony with the purposes, goals, objectives, policies and standards of the City of Lake Geneva Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City.

Specifically as related to this conditional use application, convenience stores, car washes, and outside sales / gas stations are all permitted uses.

2. The proposed conditional use in this specific location is in harmony with the purposes, goals, objectives, policies and standards of the City of Lake Geneva Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City.

As related to this application, during the 2008 public visioning workshops incorporated into the Comprehensive Plan, citizens listed among their priorities to conduct infill development and redevelopment of blighted areas, and specifically indentified the redevelopment of Broad Street and old rail corridors as an objective. This property is in an old rail corridor and is located in the upper Broad/Williams Street area.

Chapter Five is the Land Use chapter of the Comprehensive Plan and includes the following in its policies that support the approval of the application:

- Actively promote infill development and redevelopment where opportunities exist as a means to improve neighborhood conditions, increase local economic and shopping opportunities, and make use of existing infrastructure investments.
- Prioritize development in areas with existing utilities or sewer service area designation.
- Focus neighborhood-oriented commercial uses in areas that will conveniently serve residential areas.

Chapter Nine is the Economic Development section of the Comprehensive Plan, and the goals, objectives and policies include:

- Encourage neighborhood-serving commercial opportunities in the existing developed areas of the City, particularly aging commercial corridors and neighborhood retail centers.

- Encourage the redevelopment or rehabilitation of underutilized and deteriorated properties and districts.
- Promote commercial development that will meet the shopping, service, and entertainment needs of residents and visitors.
- Actively support the continued revitalization of Downtown Lake Geneva and surrounding neighborhood and commercial districts.
- Attract and retain businesses that enhance the City’s character and appearance, and strengthen and diversify the non-residential tax base and employment opportunities.

The proposed conditional use would eliminate a blighted manufacturing building and a blighted auto repair shop located in an aging commercial corridor.

3. The proposed conditional use, in its proposed location and as depicted on the required site plan, does not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development.

Specifically as related to this conditional use application, the proposed redevelopment is consistent with the character of the neighborhood and surrounding commercial uses.

Stormwater Management practices will be vastly improved on the site and will benefit the public and adjoining properties.

The proposed redevelopment would be LEED Certified. Chapter Three of the Comprehensive Plan addresses Natural Resources and states that the City should encourage the Construction of “Green” Buildings and Promote Energy Efficiency.

Removal of the vacant travel building will improve the vision for traffic on Broad & Williams Street, and reduce the access points on the site.

The plan includes a dedicated off-street loading/unloading area for delivery vehicles that would not obstruct traffic or pedestrians.

The proposed conditional use provides adequate off-street parking.

Lighting on the site would improve pedestrian safety.

The proposed redevelopment would be constructed with quality materials, be well landscaped, and use a conforming monument sign as specified in Chapter Four – Cultural Resources of the Comprehensive Plan. It will also eliminate blight, and improve the overall appearance of the area.

4. The proposed conditional use maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

Specifically as related to this application, the convenience store is permitted by right in the current General Business zoning.

The subject property is identified on the Comprehensive Plan's Future Land Use Map 5b as Planned Mixed Use. A convenience store would also be allowed under Planned Business which is included within Planned Mixed Use.

Land use for fuel sales and the Car Wash is considered In-Vehicle Sales or Service. In-Vehicle Sales or Service is permitted by conditional use.

The overall proposed conditional use meets the setback requirements and the land use intensity for General Business.

5. The proposed conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property.

Specifically as related to this proposed conditional use, the site is served by all utilities, and has open access for all agencies that may need to serve the property.

6. The potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use.

The recommendation for approval of this conditional use application is based on the findings as stated here in Subsections 1 through 5 along with the additional conditions specified by the Plan Commission.

Specifically, the potential public benefits outweigh all potential adverse impacts and some of the public benefits include:

- The proposed conditional use will be a convenience to the neighborhood.
- Elimination of the former travel agency will improve vision and safety.
- It will reduce the ingress and egress locations on the site.
- Blight will be eliminated.
- The project would strengthen the non-residential tax base.
- New employment opportunities will be created.
- It would revitalize the surrounding neighborhood and commercial district.”

Motion #4: Alderman Hougen moved to include an amendment including Mayor Connors' and Alderman Hougen's findings as fact, Commissioner Skates seconded, and the motion carried unanimously.

Mayor Connors reminded the Commission of the vote on the table, findings, and amendments. A roll call vote was taken, and the original motion to recommend a conditional use permit and all such findings and amendments was passed unanimously.

8. Review and Recommendation on an Application for Land Division Review for a Certified Survey Map submitted on behalf of Philip W. Hagenah c/o John L. Maier, Jr., Sweet & Maier, S.C., 114 N. Church Street, Elkhorn, WI 53121 for land located in the extra-territorial plat review area at W3199 Snake Road, Lake Geneva, WI 53147.

John Maier, 114 North Church Street, said this is here before the Commission because it is part of the extraterritorial jurisdiction of the city. The property in question is a condominium complex, would redraw the unit boundaries, and Walworth County necessitates Mr. Hagenah to request. No new units will be added – just an expansion.

Motion #5: Commissioner Skates moved the Plan Commission recommend the City Council approve an application for land division review for a certified survey map submitted on behalf of Philip W. Hagenah c/o John L. Maier, Jr., Sweet & Maier, S.C., 114 N. Church Street, Elkhorn, WI 53121 for land located in the extra-territorial plat review area at W3199 Snake Road, Lake Geneva, WI 53147, Alderman Hougen seconded, and the motion carried unanimously.

9. Review and Recommendation on an Application for Land Division Review for a Certified Survey Map submitted on behalf of David Flitcroft & Randall Smith c/o Richard W. Torhorst, P.O. Box 1300, Lake Geneva, WI 53147 for land located in the extra-territorial plat review area known as Certified Survey Map 1425 and lands located in the NE ¼ of the NE ¼ of Section 23, Town 1 North, Range 17 East, Town of Linn, Walworth County, WI.

Richard W. Torhorst, P.O. Box 1300, said that when he met with City staff, they requested the existing right of way on WI Route 120 be a setback.

Planner Slavney said he is comfortable that the right of way setback will not create a nonconforming structure. He added this road in question may require widening in the future, and best practice dictates a setback as to not create hardships in the future. Going north to south, there is a dedication for the first fifty feet, then a reservation, and another reservation on the parent property.

Mr. Torhorst explained he understood that with a reservation, land owners build at their own risk where if the jurisdiction did decide to expand the highway, it would have to offer no compensation to said landowner.

Planner Slavney said he will amend his recommendation to the fifty foot dedication followed by a reservation.

Motion #6: Mayor Connors moved the Plan Commission recommend the City Council approve an application for land division review for a Certified Survey Map submitted on behalf of David Flitcroft & Randall Smith c/o Richard W. Torhorst, P.O. Box 1300, Lake Geneva, WI 53147 for land located in the extra-territorial plat review area known as Certified Survey Map 1425 and lands located in the NE ¼ of the NE ¼ of Section 23, Town 1 North, Range 17 East, Town of Linn, Walworth County, WI and a portion of lot 2 include a fifty foot dedication, and a seventeen foot reservation on Lot 1, Commissioner Gibbs seconded, and the motion carried unanimously.

10. Public Hearing and recommendation on a Conditional Use Application filed by Sonia M. Nicia, 943 Henry Street, Lake Geneva, WI 53147, to operate a Family Child Care Business for up to 15 children in a Single-family Residential (SR-4) zoning district at 943 Henry Street, Lake Geneva, WI 53147, Tax Key No. ZRA 00006.

Zoning Administration Robers said the current establishment can operate with up to eight children, and this is necessary for it to expand.

Motion #7: Mayor Connors moved to close the public hearing, Commissioner Olson seconded, and the motion carried unanimously.

Mayor Connors suggested the City approve a limited conditional use pending proper certifications are obtained.

Planner Slavney concurred with the conditional use in the event certifications are not obtained, and the conditional use does not stay with the property should the applicant leave.

Motion #8: Alderman Hougen moved the Plan Commission recommend the City Council approve a limited to the applicant conditional use application filed by Sonia M. Nicia, 943 Henry Street, Lake Geneva, WI 53147, to operate a Family Child Care Business for up to 15 children in a Single-family Residential (SR-4) zoning district at 943 Henry Street, Lake Geneva, WI 53147, Tax Key No. ZRA 00006 and requires valid State credentials, Commissioner Skates seconded, and the motion passed unanimously.

11. Review and Recommendation on an Application for Site Plan Review for landscape alteration filed by Geneva Business Centre, LLC c/o Roger Wolff, 751 Geneva Parkway Blvd., Lake Geneva, WI 53147 for land located at 751 Geneva Parkway Blvd, Lake Geneva, WI 53147, Tax Key No. ZGBC 00001.

Roger Wolff, 751 Geneva Parkway Boulevard, said landscaping was part of the original site approval, and he would like to lower the berm in front of the office buildings by approximately four feet.

Zoning Administrator Robers said the City Engineer reviewed it and stated a US Geological Survey sampling well on the property cannot be interfered with.

Alderman Hougen asked why a berm was created in the first place.

Mr. Wolff stated it was a mistake.

Motion #9: Commissioner Skates moved the Plan Commission recommend the City Council approve an Application for Site Plan Review for landscape alteration filed by Geneva Business Centre, LLC c/o Roger Wolff, 751 Geneva Parkway Blvd., Lake Geneva, WI 53147 for land located at 751 Geneva Parkway Blvd, Lake Geneva, WI 53147, Tax Key No. ZGBC 00001 and protect USGS sampling well, seconded by Commissioner Olson, and the motion carries unanimously.

12. Public Hearing and recommendation on a Conditional Use Application filed by Anthony Scalzitti on behalf of Maria Karvunidis, 512 Wells Street, Lake Geneva, WI 53147, to operate a Commercial Indoor Lodging facility in a Planned Business (PB) zoning district located at 512 Wells Street, Tax Key No. ZS 00002.

Anthony Scalzitti said it is currently a bed and breakfast and he would like to purchase the property pending the conditional use permit. He does not intend to make any structural changes; his long-term goal is to purchase more properties and become a full-time resident.

Alderman Hougen asked how many renters he anticipates.

Mr. Scalzitti replied he is looking at roughly three a month but perhaps more during the summer and holidays.

Planner Slavney said the only conditions are storing recreational vehicles occur only on the driveway and parking be restricted to the site.

Commissioner Gibbs verified the conditional use is for both houses on the property.

Zoning Administrator Robers said that if a conditional use is not used in a year, it is lost.

Motion #10: Commissioner Olson moved to close the public hearings, Commissioner Gibbs seconded, and the motion passed unanimously.

Motion 11: Mayor Connors moved the Plan Commission recommend the City Council approve a Conditional Use Application filed by Anthony Scalzitti on behalf of Maria Karvunidis, 512 Wells Street, Lake Geneva, WI 53147, to operate a Commercial Indoor Lodging facility in a Planned Business (PB) zoning district located at 512 Wells Street, Tax Key No. ZS 00002 pending vehicles only park on pavement, and parking occurs on the property; it was seconded by Commissioner Gibbs, and the motion passed unanimously

13. Adjournment.

Motion #12: Commissioner Skates moved to adjourn, Commissioner Gibbs seconded, and the motion passed.

The meeting adjourned at 9:04pm.

Tim Neubeck, City Clerk.

**THESE MINUTES ARE NOT OFFICIAL UNTIL APPROVED
BY THE PLAN COMMISSION**