

**CITY OF LAKE GENEVA
PLAN COMMISSION MEETING**

MONDAY, FEBRUARY 17, 2014 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL

Agenda

1. Meeting called to order by Mayor Connors.
2. Roll Call.
3. Approve Minutes of December 16, 2013 Plan Commission meeting as distributed.
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.
5. Acknowledgment of Correspondence.
6. Downtown Design Review.
 - a. Application by Dawn Marie Mancuso to modify the exterior awning with a sign for her new business, Clear Waters Salon Spa, located at 734 Main Street, Tax Key No. ZOP 00314.
 - b. Application by Jeffrey & Kathleen Schoo to install an exterior sign for their business, Lake Geneva Spice Company, located at 255 Broad Street, Tax Key No. ZOP 00263.
 - c. Application by Ida Tarczynski to install an exterior sign for her business, Ida's, located at 222 Center Street, Tax Key No. ZOP 00258.
7. Review and Recommendation on an Application for Land Division Review for a Certified Survey Map submitted on behalf of Tri-State Farms, LLC by Edward A. McCarthy, manager, N1436 State Road 120, Lake Geneva, WI 53147 for land located in the extra-territorial plat review area at N1436 State Road 120, Lake Geneva, WI 53147.
8. Public Hearing and recommendation on a Conditional Use Application filed by Alex Paredes & Yolanda Frontany, 4843 W. Dakin Street, Chicago, IL, 60641 to operate a Commercial Indoor Lodging facility in a Planned Development (PD) zoning district located at 328 Center Street, Tax Key No. ZOP 00149.
9. Public Hearing and recommendation on a Conditional Use Application filed by Immanuel Lutheran Church, 700 Bloomfield Road, Lake Geneva, WI 53147, for the installation of an electronic message center on a freestanding monument sign located at Immanuel Lutheran Church, 700 Bloomfield Road, Tax Key No. ZA4330 00001.
10. Public Hearing and recommendation on a Conditional Use Application filed by Kocourek Property Holdings LLC, 880 S. Lake Shore Drive, Lake Geneva, WI 53147, for a Group Development in the Central Business zoning district at 269 Broad Street, Tax Key No. ZOP 00262
11. Review and recommendation to establish an Annual Comprehensive Amendment Process limiting requests to a single cycle every year.
12. Review and recommendation to establish new Zoning Code Amendments regarding Nonconforming Situations.
13. Adjournment.

QUORUM OF CITY COUNCIL MEMBERS MAY BE PRESENT

**CITY OF LAKE GENEVA
PLAN COMMISSION MEETING**

MONDAY, DECEMBER 16, 2013 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL

Minutes

1. **Meeting called to order by Mayor Connors at 6:30pm.**
2. **Roll Call.**
Present: Hougen, Gibbs, Robers, Connors, Skates, Poetzinger
Also Present: Clerk Neubeck
3. **Approve Minutes of November 18, 2013 Plan Commission meeting as distributed.**
Motion #1: Alderman Hougen moved to approve Minutes of November 18, 2013 Plan Commission meeting as distributed, Commissioner Skates seconded, and the motion passed 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. Application by Brett Karson and Associates for Thomas George C/O Brick and Mortar Home, 832 Geneva Street to modify the exterior of the I Love Funky's building located at 222 E. Center Street, Tax Key No. ZA276000002.**
Brett Karson explained he is the architect for the project and the building will be repurposed for retail furniture sales. He said three new windows will be put on the second floor to add more light and decorative appearance for the building. He added Mr. George owns several buildings in the area. He said there will be a continuing of the stairway in the building to the roof for access to the machinery as well as adding a sprinkler system into the building. He said the colors of the building will be a taupe green color with a white trim. Awnings will be charcoal gray. The interior of the building will be reorganized with railings added. He then passed around examples of the exterior material as well as color scheme.

Commissioner Skates asked how much higher the parapets will be off the current building.

Mr. Karson explained it will be an additional 18 inches off the current height of the building.

Commissioner Skates asked how much the balcony sticks out.

Mr. Karson explained it is a Juliet balcony and decorative; thus, not meant to be stood on. It is to let light into the seconded floor.

Mayor Connors asked if the speaker on the North side of the building will be used.

Mr. Karson replied the speakers will be removed.

Motion #2: Alderman Hougen moved to approve the Application by Brett Karson and Associates for Thomas George C/O Brick and Mortar Home, 832 Geneva Street to modify the exterior of the I Love Funky's building located at 222 E. Center Street, Tax Key No. ZA276000002 per staff recommendations including color schemes, and Commissioner Skates seconded.

Alderman Hougen said the proposed modifications are keeping up with current buildings downtown and the proposed color scheme is contemporary.

The motion carries unanimously

7. **Public Hearing and recommendation on a Conditional Use Application filed by Scott & Milisa O'Sullivan, 513 Monroe Ave, Fox Lake, IL 60020 on behalf of Roman Gabriel LLC to install a four foot high fence in the street yard of the property along Sage Street and Walworth Street, to meet the State of Wisconsin Requirements for Day Care Facilities, located at 601 Walworth Street, Tax Key No. ZGC 00089.**

Mr. O'Sullivan explained he and his wife are seeking this per Wisconsin Department for Children and Family guidelines

Motion #3: Commissioner Skates moved to close the public hearing, Commissioner Gibbs seconded, and the motion passed unanimously.

Motion #4: Alderman Hougen moved to recommend the City Council approve a Conditional Use Application filed by Scott & Milisa O'Sullivan, 513 Monroe Ave, Fox Lake, IL 60020 on behalf of Roman Gabriel LLC to install a four foot high fence in the street yard of the property along Sage Street and Walworth Street, to meet the State of Wisconsin Requirements for Day Care Facilities, located at 601 Walworth Street, Tax Key No. ZGC 00089, and Commissioner Gibbs seconded.

Alderman Hougen explained it is currently zoned SR-4 and in line with the Comprehensive Plan. He said he does not feel it will cause a hardship on the City infrastructure as well as will not cause any problems with nearby properties.

Mayor Connors agreed as day cares have been on that property for some time and will not impose a hardship on surrounding neighbors.

The motion passed unanimously.

8. **Public Hearing and recommendation on a Conditional Use Application filed by Kelly C. Frazier of McCormack + Etten / Architects, LLP, 400 Broad Street, Lake Geneva, WI 53147 on behalf of Frank Sottrel / Antoinette Sottrel Trust, 5N501 Curling Pond Road, Wayne, IL 60184, for a second story addition and first floor remodeling to an existing single family residence in the ER-1 Zoning District using the setback and height requirements of the SR-4 Zoning District, located at 927 Bayview Drive, Tax Key No. ZGB 00002.** Kelly C. Frazier explained the project.

Mayor Connors asked what the new materials will be.

Ms. Frazier explained the current materials are brick and mortar but will be most likely wood shingles on the second floor. The first floor will remain painted brick.

Alderman Hougen asked if it will be LEED certified.

Ms. Frazier replied it is not in the specifications but care will be taken to ensure building materials are environmentally friendly.

Alderman Hougen said the home is in a unique area and care should be taken to emphasize the fit with nature in light of its proximity to the Lake.

Bob Ryan, 930 Bayview Drive, said he is contemplating doing similar work to his home as he is adjacent to the property in question and was curious as to the process in doing such work.

Motion #5: Alderman Hougen moved to close the public hearing, Commissioner Poetzinger seconded, and the motion passed unanimously.

Motion #6: Mayor Connors moved to recommend the City Council approve a Conditional Use Application filed by Kelly C. Frazier of McCormack + Etten / Architects, LLP, 400 Broad Street, Lake Geneva, WI 53147 on behalf of Frank Sottrel / Antoinette Sottrel Trust, 5N501 Curling Pond Road, Wayne, IL 60184, for a second story addition and first floor remodeling to an existing single family residence in the ER-1 Zoning District using the setback and

height requirements of the SR-4 Zoning District, located at 927 Bayview Drive, Tax Key No. ZGB 00002 including any staff recommendation, and Commissioner Gibbs seconded.

Mayor Connors said the project is consistent with adjacent properties and feels it would be a good addition to the neighborhood and not cause any hardships to the surrounding area.

Mayor Connors said he had a point of clarification that pertaining to the staff recommendation specifically the fact finding as follow:

“1. In general, the proposed conditional use is in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, Zoning Ordinance, and any other plan program, or ordinance adopted, or under consideration pursuant to official notice by the City.

2. Specific to this site, the proposed conditional use is in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City.

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 lights-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.

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.

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 improvements, facilities, utilities or services provided by public agencies serving the subject property.

6. The potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts.

If, after the public hearing, the Commission wishes to recommend denial, then the appropriate fact finding would be:

I. In general, the proposed conditional use is not in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City.

2. Specific to this site, the proposed conditional use is not in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City.

3. The proposed conditional use in its proposed location, and as depicted on the required site plan does 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.

4. The proposed conditional use does not maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

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 improvements, facilities, utilities or services provided by public agencies serving the subject property.

6. The potential public benefits of the proposed conditional use do not outweigh all potential adverse impacts of the proposed conditional use after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts.”

Ms. Frazier said she agreed and said work can be done in a way to not harm the area.

The motion passed unanimously.

9. Review of a Conditional Use Permit issued on February 25, 2013, to allow outdoor music and live entertainment (Outdoor Commercial Entertainment) to Daniel Caravette, for the property at 642 Main Street, Tax Key No. ZOP 00305 to comply with the requirements of Conditional Use Resolution 13-R09.

Administrator Jordan said no complaints were received and the Police Chief approves of the continuing use.

Motion #7: Mayor Connors moved to allow the Conditional use to continue, and Commissioner Skates seconded.

Alderman Hougen said he found the sound levels to be quite an improvement over previous years as a result of this permit being granted.

The motion passed unanimously.

10. Adjournment.

Motion #8: Commissioner Skates moved to adjourn, Alderman Hougen seconded, and the motion passed unanimously.

The meeting adjourned at 7:10pm.

Tim Neubeck, City Clerk.

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

APPLICATION FOR CONDITIONAL USE

City of Lake Geneva

SITE ADDRESS/PARCEL NO. AND FULL LEGAL DESCRIPTION REQUIRED (ATTACH SEPARATE SHEET IF NECESSARY):

734 Main St

part of ZOP 00314

Lake Geneva WI 53147

NAME AND ADDRESS OF CURRENT OWNER:

John M. Bailey

734 Main St

TELEPHONE NUMBER OF CURRENT OWNER:

262-308-4653

NAME AND ADDRESS OF APPLICANT:

Dawn Marie Mancuso

1575 Orchard Ln LG 53147

TELEPHONE NUMBER OF APPLICANT:

262-215-0616

PROPOSED CONDITIONAL USE:

Salon Spa

ZONING DISTRICT IN WHICH LAND IS LOCATED:

Business

NAMES AND ADDRESSES OF ARCHITECT, PROFESSIONAL ENGINEER AND CONTRACTOR OF PROJECT:

James Buger

and

Mike Thompson

429 Theatre Rd

736 W. Main St

Williams Bay WI 53191

Lake Geneva WI 53147

SHORT STATEMENT DESCRIBING ACTIVITIES TO BE CARRIED ON AT SITE:

Hair, Nails and Skin Care as well as

Massage Therapy

CONDITIONAL Use FEE PAYABLE UPON FILING APPLICATION: \$400.00 [\$100 FOR APPLICATIONS UNDER SEC. 98-407(3)]

1/24/2014

DATE

Dawn Marie Mancuso

SIGNATURE OF APPLICANT

AGREEMENT FOR SERVICES

REIMBURSABLE BY THE PETITIONER / APPLICANT. The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the City's review of a proposal coming before the Plan Commission and/or Common Council. The submittal of a development proposal application or petition by a Petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal including any finance charges that may accrue. The City may apply the charges for these services to the Petitioner. The City may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until the Petitioner pays such fees. Review fees which are applied to a Petitioner and which are not paid, may be assigned by the City as a special assessment to the subject property. Petitioner hereby expressly waives any notice and hearing requirements provided in Wis. Stats. § 66.0701 or any additions or amendments to this section. Petitioner further authorizes the City Treasurer or City Clerk to levy and collect review fees and additional fees upon the affidavit of the City Administrator or the Zoning Administrator stating that such fees are reasonable and that payment is overdue. The Petitioner shall be required to provide the City with an executed copy of the following form as a prerequisite to the processing of the development application:

Dawn Marie Mancuso, as applicant/petitioner for:

Name: Clear Waters Salon Spa

Address: 734 Main St

Lake Geneva WI 53147

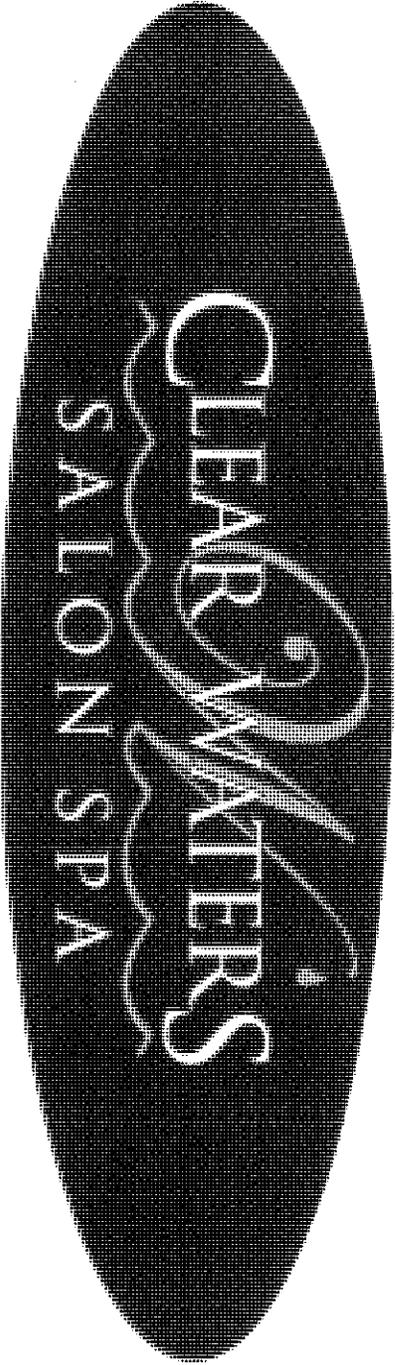
Phone: 262-215-0616

Agrees that in addition to those normal costs payable by an applicant/petitioner (e.g., filing or permit fees, publication expenses, recording fees, etc.), that in the event the action applied or petitioned for requires the City of Lake Geneva, in the judgment of its staff, to obtain additional professional service(s), (e.g., engineering, surveying, planning, legal) than would be routinely available "in house" to enable the City to properly address, take appropriate action on, or determine the same, applicant/petitioner shall reimburse the City for the costs thereof.

Dated this 1/24 day of _____, 2011.

Dawn Marie Mancuso
Printed name of Applicant/Petitioner

Dawn Marie Mancuso
Signature of Applicant/Petitioner



CLEAR WATER 6.5" & 4.5" tall

SALON SPA 3.5" tall

APPLICATION FOR CONDITIONAL USE

City of Lake Geneva

SITE ADDRESS/PARCEL NO. AND FULL LEGAL DESCRIPTION REQUIRED (ATTACH SEPARATE SHEET IF NECESSARY):

LAKE GENEVA SPICE COMPANY255 BROAD ST. LAKE GENEVA, WI 53147

NAME AND ADDRESS OF CURRENT OWNER:

JEFFREY & KATHLEEN SCHOON2880 SCHOFIELD RD. LAKE GENEVA, WI 53147

TELEPHONE NUMBER OF CURRENT OWNER:

262-366-1784 / 262-914-6541

NAME AND ADDRESS OF APPLICANT:

JEFFREY SCHOON2880 SCHOFIELD RD.

TELEPHONE NUMBER OF APPLICANT:

262-248-3025

PROPOSED CONDITIONAL USE:

SIGN ON BUILDING FACE

ZONING DISTRICT IN WHICH LAND IS LOCATED:

LAKE GENEVA (DOWNTOWN)

NAMES AND ADDRESSES OF ARCHITECT, PROFESSIONAL ENGINEER AND CONTRACTOR OF PROJECT:

SHORT STATEMENT DESCRIBING ACTIVITIES TO BE CARRIED ON AT SITE:

1/2" MDO SIGN BOARD 20'X92' SIGN

CONDITIONAL USE FEE PAYABLE UPON FILING APPLICATION: \$400.00 [\$100 FOR APPLICATIONS UNDER SEC. 98-407(3)]

2-3-14

DATE

Kathleen Schoo

SIGNATURE OF APPLICANT

AGREEMENT FOR SERVICES

REIMBURSABLE BY THE PETITIONER / APPLICANT. The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the City's review of a proposal coming before the Plan Commission and/or Common Council. The submittal of a development proposal application or petition by a Petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal including any finance charges that may accrue. The City may apply the charges for these services to the Petitioner. The City may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until the Petitioner pays such fees. Review fees which are applied to a Petitioner and which are not paid, may be assigned by the City as a special assessment to the subject property. Petitioner hereby expressly waives any notice and hearing requirements provided in Wis. Stats. § 66.0701 or any additions or amendments to this section. Petitioner further authorizes the City Treasurer or City Clerk to levy and collect review fees and additional fees upon the affidavit of the City Administrator or the Zoning Administrator stating that such fees are reasonable and that payment is overdue. The Petitioner shall be required to provide the City with an executed copy of the following form as a prerequisite to the processing of the development application:

_____, as applicant/petitioner for:
Name: KATHLEEN SCHOO
Address: 255 BROAD ST.
Phone: 262-248-3025

Agrees that in addition to those normal costs payable by an applicant/petitioner (e.g., filing or permit fees, publication expenses, recording fees, etc.), that in the event the action applied or petitioned for requires the City of Lake Geneva, in the judgment of its staff, to obtain additional professional service(s), (e.g., engineering, surveying, planning, legal) than would be routinely available "in house" to enable the City to properly address, take appropriate action on, or determine the same, applicant/petitioner shall reimburse the City for the costs thereof.

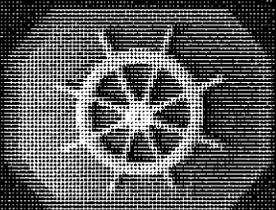
Dated this 2nd ^{KS} day of FEBRUARY, 2014.

KATHLEEN SCHOO
Printed name of Applicant/Petitioner

Kathleen Schoo
Signature of Applicant/Petitioner



LAKE GENEVA SPICE COMPANY
Quality Spices
Herbs and Teas



Whole Bean Coffee
Premium Cigars

**20"x92" (to be set inside existing frame of 24x96")
1/2" MDO with vinyl lettering and thermal print graphic**

**Colors, light Navy background, Periwinkle Boarder,
Antique White and Imitation Gold Lettering.**

APPLICATION FOR CONDITIONAL USE

City of Lake Geneva

SITE ADDRESS/PARCEL NO. AND FULL LEGAL DESCRIPTION REQUIRED (ATTACH SEPARATE SHEET IF NECESSARY):

252 Center St

NAME AND ADDRESS OF CURRENT OWNER:

Pat Kavanaugh

TELEPHONE NUMBER OF CURRENT OWNER:

NAME AND ADDRESS OF APPLICANT:

Ida Tarczynski
6323 2nd Ave

TELEPHONE NUMBER OF APPLICANT:

262-203-5122 - 815-307-2009

PROPOSED CONDITIONAL USE:

Salon Hair Care

ZONING DISTRICT IN WHICH LAND IS LOCATED:

NAMES AND ADDRESSES OF ARCHITECT, PROFESSIONAL ENGINEER AND CONTRACTOR OF PROJECT:

N/A

SHORT STATEMENT DESCRIBING ACTIVITIES TO BE CARRIED ON AT SITE:

Hair Salon

CONDITIONAL Use FEE PAYABLE UPON FILING APPLICATION: \$400.00 [\$100 FOR APPLICATIONS UNDER SEC. 98-407(3)]

2/5/14

DATE

Ida Tarczynski

SIGNATURE OF APPLICANT

AGREEMENT FOR SERVICES

REIMBURSABLE BY THE PETITIONER / APPLICANT. The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the City's review of a proposal coming before the Plan Commission and/or Common Council. The submittal of a development proposal application or petition by a Petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal including any finance charges that may accrue. The City may apply the charges for these services to the Petitioner. The City may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until the Petitioner pays such fees. Review fees which are applied to a Petitioner and which are not paid, may be assigned by the City as a special assessment to the subject property. Petitioner hereby expressly waives any notice and hearing requirements provided in Wis. Stats. § 66.0701 or any additions or amendments to this section. Petitioner further authorizes the City Treasurer or City Clerk to levy and collect review fees and additional fees upon the affidavit of the City Administrator or the Zoning Administrator stating that such fees are reasonable and that payment is overdue. The Petitioner shall be required to provide the City with an executed copy of the following form as a prerequisite to the processing of the development application:

_____, as applicant/petitioner for:

Name:

Ida Tarczynski

Address:

6323 2nd Ave

Phone:

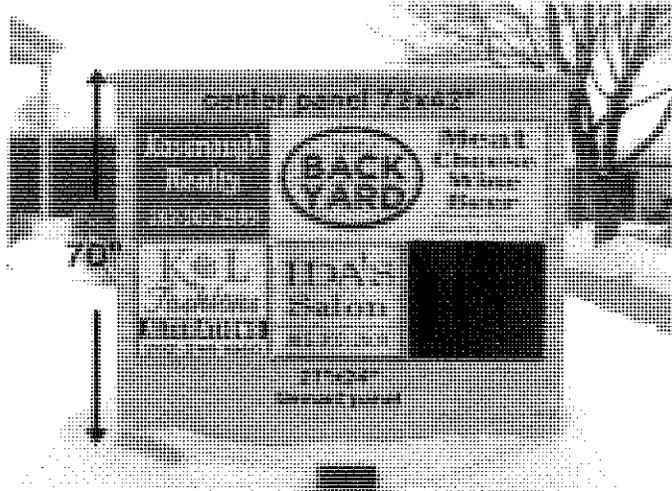
262-203-5122

Agrees that in addition to those normal costs payable by an applicant/petitioner (e.g., filing or permit fees, publication expenses, recording fees, etc.), that in the event the action applied or petitioned for requires the City of Lake Geneva, in the judgment of its staff, to obtain additional professional service(s), (e.g., engineering, surveying, planning, legal) than would be routinely available "in house" to enable the City to properly address, take appropriate action on, or determine the same, applicant/petitioner shall reimburse the City for the costs thereof.

Dated this 5 day of Feb, 2014.

Ida Tarczynski
Printed name of Applicant/Petitioner

Ida Tarczynski
Signature of Applicant/Petitioner



24"x 21"x .5" PVC Panel with Brushed Aluminum background, (Gray low sheen) to be in Black. Border and lettering

City of Lake Geneva

APPLICATION FOR LAND DIVISION REVIEW



CERTIFIED SURVEY MAP or



SUBDIVISION PLAT

NAME AND ADDRESS OF CURRENT OWNER:

Tri State Farms, LLC Edward A McCarthy, Manager
N1436 State Rd 120
Lake Geneva, WI 53147

TELEPHONE NUMBER OF CURRENT OWNER:

(847) 989-2961

NAME AND ADDRESS OF APPLICANT:

SAME AS ABOVE

TELEPHONE NUMBER OF APPLICANT:

()

NAME AND ADDRESS OF SURVEYOR:

MARK L. MIRITZ, LAND-MARK SURVEYING

N9330 KAUTESON DR

WHITEWATER, WI 53190

TELEPHONE NUMBER OF SURVEYOR:

(262) 949-1239

SHORT STATEMENT DESCRIBING PURPOSE OF APPLICATION:

THIS IS A LOTLINE ADJUSTMENT BETWEEN THE SAME OWNER,
IN ORDER TO MAKE THE LOT COMPLIANT WITH WALWORTH COUNTY
ZONING TO BUILD A NEW SHED.

AGREEMENT FOR SERVICES

REIMBURSABLE BY THE PETITIONER / APPLICANT. The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the City's review of a proposal coming before the Plan Commission and/or Common Council. The submittal of a development proposal application or petition by a Petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal including any finance charges that may accrue. The City may apply the charges for these services to the Petitioner. The City may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until the Petitioner pays such fees. Review fees which are applied to a Petitioner and which are not paid, may be assigned by the City as a special assessment to the subject property. Petitioner hereby expressly waives any notice and hearing requirements provided in Wis. Stats. § 66.0701 or any additions or amendments to this section. Petitioner further authorizes the City Treasurer or City Clerk to levy and collect review fees and additional fees upon the affidavit of the City Administrator or the Zoning Administrator stating that such fees are reasonable and that payment is overdue. The Petitioner shall be required to provide the City with an executed copy of the following form as a prerequisite to the processing of the development application:

_____, as applicant/petitioner for:
Name: Tri-State Farms, LLC Edward A McCarthy ^{Managing partner}
Address: N1436 State Rd 120
Lake Geneva, WI 53147
Phone: 847-989-2961

Agrees that in addition to those normal costs payable by an applicant/petitioner (e.g., filing or permit fees, publication expenses, recording fees, etc.), that in the event the action applied or petitioned for requires the City of Lake Geneva, in the judgment of its staff, to obtain additional professional service(s), (e.g., engineering, surveying, planning, legal) than would be routinely available "in house" to enable the City to properly address, take appropriate action on, or determine the same, applicant/petitioner shall reimburse the City for the costs thereof.

Dated this 22 day of January, 2014

Tri State Farms, LLC Edward A McCarthy ^{Manager}
Printed name of Applicant/Petitioner

Edward A McCarthy
Signature of Applicant/Petitioner

SUBMITTAL CHECKLIST

- _____ LOCATION MAP SHOWING LOCATION OF PARCELS TO BE DIVIDED OR PARTIALLY DIVIDED WITH TOWN OR TOWNS, AND PARCELS WITHIN 1,000-FT OF BOUNDARY OF SUBJECT PROPERTY.

- _____ SKETCH MAP TO APPROXIMATE SCALE SHOWING ENTIRE PARCELS TO BE DIVIDED OR PARTIALLY DIVIDED, AND SHOWING THE APPROXIMATE CONFIGURATION OF PROPOSED LOTS AND ROADS WITHIN THOSE PARCELS.

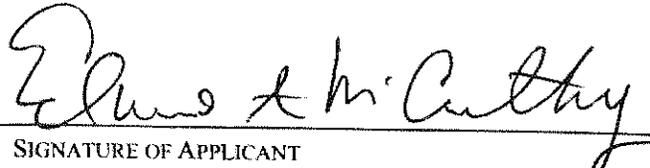
- _____ CITY OF LAKE GENEVA SIGNATURE BLOCK ON FACE OF CSM OR PLAT, PER STATE STATUTES.

- _____ PROVIDE 5 FULL SETS AND 20 11" X 17" COPIES OF CSM OR PLAT PRIOR TO PLACEMENT ON PLAN COMMISSION AGENDA.

I AM AWARE THAT THE CITY OF LAKE GENEVA IS ACTIVELY ENGAGED IN THE REVIEW, APPROVAL OR DENIAL OF LAND DIVISIONS WITHIN ITS EXTRATERRITORIAL LAND DIVISION REVIEW AREA.

I UNDERSTAND THAT THE CITY OF LAKE GENEVA LAND DIVISION ORDINANCE REQUIRES THE CITY TO DENY LAND DIVISIONS WHICH CREATE NEW, BUILDABLE PARCELS OR LOTS WITHIN THE EXTRATERRITORIAL AREA WITH OVERALL DENSITY THAT EXCEEDS MORE THAN ONE DWELLING UNIT PER THIRTY-FIVE ACRES UNLESS THE CITY DETERMINES THAT THE LAND DIVISION CONSTITUTES INFILL DEVELOPMENT.

1 22 14
DATE

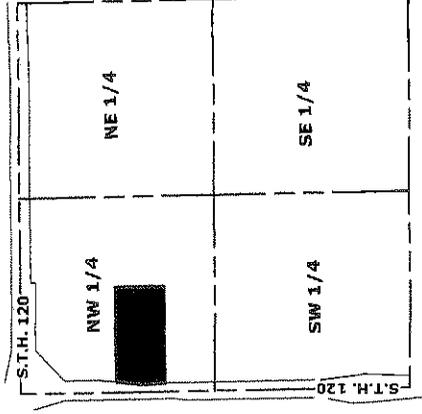

SIGNATURE OF APPLICANT

CERTIFIED SURVEY MAP NO. _____

VOL. _____ PAGES _____

A REDIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 2840, RECORDED APRIL 23, 1997 IN VOLUME 14 OF CERTIFIED SURVEYS ON PAGE 314 AS DOCUMENT NO. 353418 AND A PORTION OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, ALL LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWN 1 NORTH, RANGE 17 EAST, LINN TOWNSHIP, WALWORTH COUNTY, WISCONSIN.

LOCATION SKETCH



SURVEYOR'S CERTIFICATE:

I, MARK L. MIRITZ, REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT AT THE DIRECTION OF TRI-STATE FARMS, LLC, OWNER, I HAVE SURVEYED THE PROPERTY HEREON DESCRIBED AND THAT THE CERTIFIED SURVEY MAP HEREON SHOWN IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION OF IT AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF SECTION 236.34 OF THE WISCONSIN STATE STATUTES, AND THE SUBDIVISION CONTROL ORDINANCE, WALWORTH COUNTY, WISCONSIN, A REDIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 2840, RECORDED APRIL 23, 1997 IN VOLUME 14 OF CERTIFIED SURVEYS ON PAGE 314 AS DOCUMENT NO. 353418 AND A PORTION OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, ALL LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWN 1 NORTH, RANGE 17 EAST, LINN TOWNSHIP, WALWORTH COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST 1/4 CORNER OF SAID SECTION 13; THENCE S 01°11'25" E 987.00 FEET ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 13; THENCE N 88°48'35" E 57.38 FEET TO THE EASTERLY RIGHT-OF-WAY OF STATE TRUNK HIGHWAY "120" AND THE POINT OF BEGINNING; THENCE N 04°00'58" W 144.38 FEET ALONG SAID RIGHT-OF-WAY; THENCE N 05°12'59" E 186.97 FEET ALONG SAID RIGHT-OF-WAY; THENCE N 88°48'35" E 646.48 FEET; THENCE S 01°12'31" E 330.00 FEET; THENCE S 88°48'35" W 660.33 FEET TO THE POINT OF BEGINNING, AND CONTAINING 217,798 SQUARE FEET OR 5.000 ACRE(S) OF LAND, MORE OR LESS.



Mark L. Miritz
MARK L. MIRITZ
WI REGISTERED LAND SURVEYOR S-2582
DECEMBER 12, 2013
REVISED JANUARY 17, 2014

OWNER'S CERTIFICATE:

AS OWNER, TRI-STATE FARMS, LLC, I HEREBY CERTIFY THAT I HAVE CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED, AND MAPPED AS REPRESENTED HEREON.

TRI-STATE FARMS
EDWARD T. MCCARTHY
REPRESENTATIVE

STATE OF WISCONSIN) SS
COUNTY OF WALWORTH)

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____ 201_____
THE ABOVE NAMED EDWARD T. MCCARTHY, TO ME KNOWN TO BE THE PERSON
WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

_____, COUNTY, WISCONSIN.

NOTARY PUBLIC
MY COMMISSION EXPIRES _____

"THIS LOT LINE ADJUSTMENT IS FOR THE PURPOSE OF A SALE OR EXCHANGE OF LAND BETWEEN ADJOINING LAND OWNERS THAT DOES NOT CREATE ADDITIONAL LOTS AND THE ORIGINAL PARCELS ARE NOT REDUCED BELOW THE MINIMUM SIZE REQUIRED BY THE WALWORTH COUNTY CODE OF ORDINANCES (ZONING/SHORELAND ZONING)."

CITY OF LAKE GENEVA APPROVAL:

RESOLVED, THAT THE CERTIFIED SURVEY MAP HEREON, BEING LOCATED IN THE EXTRATERRITORIAL PLAT JURISDICTION AREA FOR THE CITY OF LAKE GENEVA, WISCONSIN, TRI-STATE FARMS, LLC, OWNER, IS HEREBY APPROVED BY THE COMMON COUNCIL OF THE CITY OF LAKE GENEVA, WISCONSIN.

DATED THIS _____ DAY OF _____, 2014.

CITY CLERK _____ MAYOR _____

Notice

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the City Plan Commission on Monday, February 17, 2014 at 6:30 P.M. at the City Hall, Council Chambers, 626 Geneva Street, Lake Geneva, Wisconsin, on a Conditional Use Application filed by Alex Paredes & Yolanda Frontany, 4843 W. Dakin Street, Chicago, IL 60641, to operate a Commercial Indoor Lodging facility in a Planned Development (PD) Zoning District at the following location:

TAX KEY No. ZOP 00149 – 328 Center Street

All interested in the above matter are invited to attend. The City Plan Commission will be in session on Monday, February 17, 2014 at 6:30 P.M. at the City Hall, Council Chambers, 626 Geneva Street, Lake Geneva, Wisconsin, to consider any objections that may have been filed and to hear all persons desiring to be heard.

Dated this 27th day of January 2014.

Mayor James R. Connors
City Plan Commission
City of Lake Geneva, WI

A QUORUM OF ALDERMEN MAY BE IN ATTENDANCE

Please Publish as small Legal on February 5th and February 12th.

2/2014

(31 TOTAL)

Tax Key# ZOP 00149

C&T RENTAL
326 CENTER STREET
LAKE GENEVA, WI 53147

FIRST BANK SE US BANK ATTN
2800 E LAKE STREET
MINNEAPOLIS, MN 55406

BANK ONE, ELKHORN
C/O IND CONSULTING GROUP
PO BOX 8265
WICHITA FALLS, TX 76307-6500

BEANS R US LLC
PO BOX 1119
LAKE GENEVA, WI 53147

PROFESSIONAL BLVD CO
C/O RAILTON REALTY
910 MADISON STREET
LAKE GENEVA, WI 53147

ST FRANCIS BANK
C/O NATIONAL TAX SEARCH
303 E WACKER DR STE 1040
CHICAGO, IL 60601-1600

CONGREGATIONAL CHURCH
715 WISCONSIN STREET
LAKE GENEVA, WI 53147

FIRST CONGREGATIONAL
UNITED CHURCH OF CHRIST
709 WISCONSIN STREET
LAKE GENEVA, WI 53147

DEBORAH J NELSON
1310 DODGE STREET
LAKE GENEVA, WI 53147

NANCY A STRESKE
PO BOX 271
LAKE GENEVA, WI 53147

RICKY JUSINO
EIZABETH JUSINO
1732 N NORDICA AVENUE
CHICAGO, IL 60707

SCHAEFER TRUST
403 CENTER STREET
LAKE GENEVA, WI 53147

YI SHENG FANG
YING YING FANG
616 WISCONSIN STREET
LAKE GENEVA, WI 53147

ALEXANDER H R GIESE LIFE EST
KAREN BARONE
225 MAXWELL STREET
LAKE GENEVA, WI 53147

SSG INVESTMENTS LLC
C/O CASTING SOLUTIONS
PO BOX 11
CEDARBUR, WI 53012

FIRST BANK SOUTHEAST
C/O US BANK
CORP REAL ESTATE-TAX DEPT 280
MINNEAPOLIS, MN 55406

ALEX F PAREDES
YOLANDA FRONTANY
4843 W DAKIN STREET
CHICAGO, IL 60641

PAUL GROSSO
1005 EDWARDS RD
PROSPECT HTS, IL 60070

BERWYN B &
BETTY J BRADEN ETAL
716 WISCONSIN STREET
LAKE GENEVA, WI 53147

JOHN W & ROBIN M NEWMAN
722 WISCONSIN STREET
LAKE GENEVA, WI 53147

PAUL PAGE
ALLISON MOEBUS-PAGE
3464 COUNTRY VIEW DRIVE
DELAVAN, WI 53115

323 BROAD PROPERTY LLC
C/O KEITH VENTURI
114 KAINER AVENUE
BARRINGTON, IL 60010

FIRST CHURCH OF CHRIST
SCIENTIST
333 BROAD STREET
LAKE GENEVA, WI 53147

MIKKELSEN PROPERTIES LLC
STEEN MIK
N1595 E LAKESIDE LANE
LAKE GENEVA, WI 53147

LAKE GENEVA PRINTING &
PUBLISHING
315 BROAD STREET
LAKE GENEVA, WI 53147

WILIAM S & CAROL DICK
PO BOX 1437
MCHENRY, IL 60051

JOHN R STRENGER TRUST
721 GENEVA STREET
LAKE GENEVA, WI 53147

STEVEN R & JEN C EVANS
208 N MAIN
PO BOX 327
WALWORTH, WI 53184

GENEVA PROFESSIONAL GROUP
312 CENTER STREET
LAKE GENEVA, WI 53147

PAI TSUNG &
MEI BAO WANG
306 CENTER STREET
LAKE GENEVA, WI 53147

NANCY A STRESKE
PO BOX 271
LAKE GENEVA, WI 53147

Dupl.

APPLICATION FOR CONDITIONAL USE

City of Lake Geneva

SITE ADDRESS/PARCEL NO. AND FULL LEGAL DESCRIPTION REQUIRED (ATTACH SEPARATE SHEET IF NECESSARY):

328 Center St

Lake Geneva WI 53147

RECEIVED
Date: 1-24-14

NAME AND ADDRESS OF CURRENT OWNER:

Alex Paredes + Yolanda

4843 W Dakin St Chi, IL 60641

TELEPHONE NUMBER OF CURRENT OWNER:

(773) 858-9771

NAME AND ADDRESS OF APPLICANT:

Alex Paredes + Yolanda Frantany

4843 W Dakin St Chi, IL 60641

TELEPHONE NUMBER OF APPLICANT:

(773) 858-9771

PROPOSED CONDITIONAL USE:

allow for residential daily, weekend, and weekly rental

ZONING DISTRICT IN WHICH LAND IS LOCATED:

PD - Planned Development

NAMES AND ADDRESSES OF ARCHITECT, PROFESSIONAL ENGINEER AND CONTRACTOR OF PROJECT:

None at this time. However will have when approved.

SHORT STATEMENT DESCRIBING ACTIVITIES TO BE CARRIED ON AT SITE:

Please see attached Addendum (A)

Also attached Addendum (B)

CONDITIONAL USE FEE PAYABLE UPON FILING APPLICATION: \$400.00 [\$100 FOR APPLICATIONS UNDER SEC. 98-407(3)]

1/20/2014

DATE

Alex Paredes

SIGNATURE OF APPLICANT

pd by ✓
912420524
BZP
1/27/14

AGREEMENT FOR SERVICES

REIMBURSABLE BY THE PETITIONER / APPLICANT. The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the City's review of a proposal coming before the Plan Commission and/or Common Council. The submittal of a development proposal application or petition by a Petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal including any finance charges that may accrue. The City may apply the charges for these services to the Petitioner. The City may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until the Petitioner pays such fees. Review fees which are applied to a Petitioner and which are not paid, may be assigned by the City as a special assessment to the subject property. Petitioner hereby expressly waives any notice and hearing requirements provided in Wis. Stats. § 66.0701 or any additions or amendments to this section. Petitioner further authorizes the City Treasurer or City Clerk to levy and collect review fees and additional fees upon the affidavit of the City Administrator or the Zoning Administrator stating that such fees are reasonable and that payment is overdue. The Petitioner shall be required to provide the City with an executed copy of the following form as a prerequisite to the processing of the development application:

Alex Paredes + Yolanda Frontony, as applicant/petitioner for:

Name: Alex Paredes + Yolanda Frontony

Address: 4843 W Dakin St

Chicago IL 60641

Phone: 773-858-9771

Agrees that in addition to those normal costs payable by an applicant/petitioner (e.g., filing or permit fees, publication expenses, recording fees, etc.), that in the event the action applied or petitioned for requires the City of Lake Geneva, in the judgment of its staff, to obtain additional professional service(s), (e.g., engineering, surveying, planning, legal) than would be routinely available "in house" to enable the City to properly address, take appropriate action on, or determine the same, applicant/petitioner shall reimburse the City for the costs thereof.

Dated this 20 day of January, 2014.

Alex Paredes
Printed name of Applicant/Petitioner

[Signature]
Signature of Applicant/Petitioner

8

**CITY OF LAKE GENEVA PROCEDURAL CHECKLIST FOR:
CONDITIONAL USE REVIEW AND APPROVAL (Requirements per Section 98-905)**

This form should be used by the Applicant as a guide to submitting a complete application for a conditional use and by the City to process said application. Parts II and III should be used by the Applicant to submit a complete application; Parts I - IV should be used by the City as a guide when processing said application.

I. RECORDATION OF ADMINISTRATIVE PROCEDURES

- ___ Pre-submittal staff meeting scheduled:
 - Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____
- ___ Follow-up pre-submittal staff meetings scheduled for:
 - ___ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____
 - ___ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____
 - ___ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____
 - ___ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____
- ___ Application form filed with Zoning Administrator: Date: _____ by: _____
- ___ Application fee of \$ ___ received by Zoning Administrator: Date: _____ by: _____
- ___ Reimbursement of professional consultant costs agreement executed: Date: _____ by: _____

II. APPLICATION SUBMITTAL PACKET REQUIREMENTS

Prior to submitting the 25 final complete applications as certified by the Zoning Administrator, the Applicant shall submit 5 initial draft application packets for staff review, followed by one revised draft final application packet based upon staff review and comments.

- ___ Initial Packet (5 Copies to Zoning Administrator) Date: _____ by: _____
- ↓
- ___ Draft Final Packet (1 Copy to Zoning Administrator) Date: _____ by: _____
- ↓

- ___ (a) A map of the proposed conditional use:
 - ___ Showing all lands for which the conditional use is proposed;
 - ___ Showing all other lands within 300 feet of the boundaries of the subject property;
 - ___ Referenced to a list of the names and addresses of the owners of said lands as they appear on the current records of the Register of Deeds of Walworth County (as provided by the City of Lake Geneva);
 - ___ Clearly indicating the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control;
 - ___ Map and all its parts are clearly reproducible with a photocopier;
 - ___ Map size of 11" by 17" and map scale not less than one inch equals 800 ft;
 - ___ All lot dimensions of the subject property provided;
 - ___ Graphic scale and north arrow provided.
- ___ (b) A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the City as a whole:
- ___ (c) A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations (see Site Plan Review checklist);
- ___ (d) A site plan (conforming to the requirements of Section 98-908(3)) of the subject property as

proposed for development OR if the proposed conditional use is a group development (per Section 98-208) a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan per Section 98-908.

(e) **Written justification for the proposed conditional use:**

_____ Indicating reasons why the Applicant believes the proposed conditional use is appropriate with the recommendations of the City of Lake Geneva Comprehensive Master Plan, particularly as evidenced by compliance with the standards set out in Section 98-905(4)(b)1.-6. (See below)

III. JUSTIFICATION OF THE PROPOSED CONDITIONAL USE

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

The area is a mixed use of commercial & residential properties. The conditional use is consistent with the use in the area.

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

The area is a mixed use of commercial & residential properties. The conditional use is consistent with the use in the area.

3. Does the proposed conditional use, in its proposed location and as depicted on the required site plan (see Section 98-905(3)(d)), result in any 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 the Zoning Ordinance, the Comprehensive Plan, or any other plan, program, map ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development?

No

4. How does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

The area where the property is located is a mixed use for both commercial & residential. Fits in well with this area and the city.

5. Is the proposed conditional use 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?

Yes

6. Do the potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use (as identified in Subsections 98-905(4)(b)1.-5.), after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts?

Yes

**CITY OF LAKE GENEVA PROCEDURAL CHECKLIST FOR:
SITE PLAN REVIEW AND APPROVAL (Requirements per Section 98-908)**

This form should be used by the Applicant as a guide to submitting a complete application for a site plan review and by the City to process said application. Part II should be used by the Applicant to submit a complete application; Parts I - III should be used by the City as a guide when processing said application.

I. RECORDATION OF ADMINISTRATIVE PROCEDURES

- ___ Pre-submittal staff meeting scheduled:
 Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____
- ___ Follow-up pre-submittal staff meetings scheduled for:
 ___ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____
 ___ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____
 ___ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____
 ___ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____
- ___ Application form filed with Zoning Administrator: Date: _____ by: _____
- ___ Application fee of \$ ___ received by Zoning Administrator: Date: _____ by: _____
- ___ Reimbursement of professional consultant costs agreement executed: Date: _____ by: _____

II. APPLICATION SUBMITTAL PACKET REQUIREMENTS

Prior to submitting the 25 final complete applications as certified by the Zoning Administrator, the Applicant shall submit 5 initial draft application packets for staff review, followed by one revised draft final application packet based upon staff review and comments.

- ___ *Initial Packet (5 Copies to Zoning Administrator)* Date: _____ by: _____
- ↓ *Draft Final Packet (1 Copy to Zoning Administrator)* Date: _____ by: _____
- ↓

- ___ (a) A written description of the intended use describing in reasonable detail the:
 - ___ Existing zoning district(s) (and proposed zoning district(s) if different);
 - ___ Land use plan map designation(s);
 - ___ Current land uses present on the subject property;
 - ___ Proposed land uses for the subject property (per Section 98-206);
 - ___ Projected number of residents, employees, and daily customers;
 - ___ Proposed amount of dwelling units, floor area, impervious surface area, and landscape surface area, and resulting site density, floor area ratio, impervious surface area ratio, and landscape surface area ratio;
 - ___ Operational considerations relating to hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings, and traffic generation;

- ___ Operational considerations relating to potential nuisance creation pertaining to noncompliance with the performance standards addressed in Article VII (Sections 98-701-98-721) including: street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials;
- ___ If no nuisances will be created (as indicated by complete and continuous compliance with the provisions of Article VII), then include the statement "The proposed development shall comply with all requirements of Article VII.";
- ___ Exterior building and fencing materials (Sections 98-718 and 98-720);
- ___ Possible future expansion and related implications for points above;
- ___ Any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.

___ ___ (b) **A Small Location Map** at 11" x 17" showing the subject property, all properties within 300 feet, and illustrating its relationship to the nearest street intersection. (A photocopy of the pertinent section of the City's Official Zoning Map with the subject property clearly indicated shall suffice to meet this requirement.)

___ ___ (c) **A Property Site Plan** drawing which includes:

- ___ A title block which indicates the name, address and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, planner) for project;
- ___ The date of the original plan and the latest date of revision to the plan;
- ___ A north arrow and a graphic scale (not smaller than one inch equals 100 feet);
- ___ A reduction of the drawing at 11" x 17";
- ___ A legal description of the subject property;
- ___ All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;
- ___ All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose;
- ___ All required building setback lines;
- ___ All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls;
- ___ The location and dimension (cross-section and entry throat) of all access points onto public streets;
- ___ The location and dimension of all on-site parking (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided versus required by the Ordinance;
- ___ The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas;
- ___ The location of all outdoor storage areas and the design of all screening devices;
- ___ The location, type, height, size and lighting of all signage on the subject property;
- ___ The location, height, design/type, illumination power and orientation of all exterior lighting on the subject property -- including the clear demonstration of compliance with Section 98-707;
- ___ The location and type of any permanently protected green space areas;
- ___ The location of existing and proposed drainage facilities;
- ___ In the legend, data for the subject property on:
 - ___ Lot Area;
 - ___ Floor Area;
 - ___ Floor Area Ratio (b/a);
 - ___ Impervious Surface Area;
 - ___ Impervious Surface Ratio (d/a);
 - ___ Building Height.

___ ___ (d) **A Detailed Landscaping Plan** of the subject property:

- ___ Scale same as main plan (> or equal to 1" equals 100')
- ___ Map reduction at 11" x 17"

- ___ Showing the location of all required bufferyard and landscaping areas
- ___ Showing existing and proposed Landscape Point fencing
- ___ Showing berm options for meeting said requirements
- ___ Demonstrating complete compliance with the requirements of Article VI
- ___ Providing individual plant locations and species, fencing types and heights, and berm heights;

___ (e) **A Grading and Erosion Control Plan:**

- ___ Same scale as the main plan (> or equal to 1" equals 100')
- ___ Map reduction at 11" x 17")
- ___ Showing existing and proposed grades including retention walls and related devices, and erosion control measures.

___ (f) **Elevation Drawings of proposed buildings or remodeling of existing buildings:**

- ___ Showing finished exterior treatment;
- ___ With adequate labels provided to clearly depict exterior materials, texture, color and overall appearance;
- ___ Perspective renderings of the proposed project and/or photos of similar structures may be submitted, but not in lieu of adequate drawings showing the actual intended appearance of the buildings.

NOTE: Initiation of Land Use or Development Activity: Absolutely no land use or development activity, including site clearing, grubbing, or grading shall occur on the subject property prior to the approval of the required site plan. Any such activity prior to such approval shall be a violation of law and shall be subject to all applicable enforcement mechanisms and penalties.

NOTE: Modification of an Approved Site Plan: Any and all variation between development and/or land use activity on the subject property and the approved site plan is a violation of law. An approved site plan shall be revised and approved via the procedures of Subsections 98-908(2) and (4) so as to clearly and completely depict any and all proposed modifications to the previously approved site plan, prior to the initiation of said modifications.

III.FINAL APPLICATION PACKET INFORMATION

___ Receipt of 5 full scale copies in blue/line or black/line of complete Final Application Packet by Zoning Administrator: Date: _____ by: _____

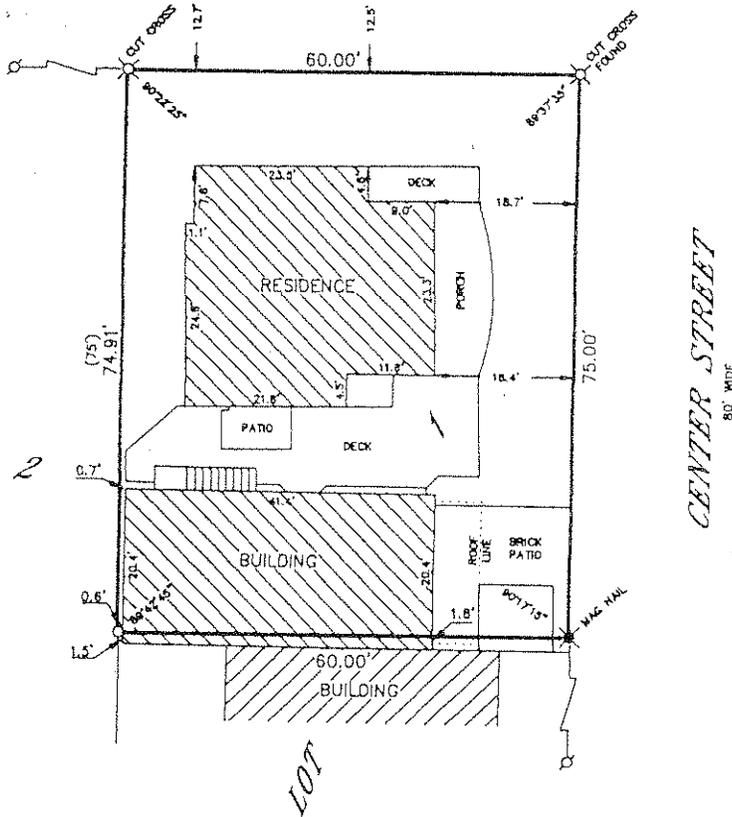
___ Receipt of 25 reduced (8.5" by 11" text and 11" x 17" graphics) copies of complete Final Application Packet by Zoning Administrator: Date: _____ by: _____

**WALWORTH COUNTY
SURVEYING & MAPPING**

P. O. BOX 1115
LAKE GENEVA, WISCONSIN
262-248-0505

WISCONSIN STREET

80' WIDE



PLAT OF SURVEY OF

THE NORTH 75 FEET OF LOT 1, BLOCK 16 OF
THE ORIGINAL PLAT OF THE VILLAGE OF GENEVA,
NOW CITY OF LAKE GENEVA, WALWORTH COUNTY,
WISCONSIN.

ORDERED BY: SHOREWEST REALTORS, INC.
623 WEST MAIN STREET
LAKE GENEVA, WISCONSIN
53147

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED
PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION
THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY,
ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES
AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY
FENCES, APPARENT EASEMENTS, ROADWAYS AND VISIBLE ENDOACH-
MENTS, IF ANY, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

THIS SURVEY IS MADE FOR THE USE OF THE PRESENT OWNERS OF
THE PROPERTY AND ALSO THOSE WHO PURCHASE, MORTGAGE OR
GUARANTEE THE TITLE THERETO WITHIN ONE (1) YEAR FROM DATE
HEREOF.

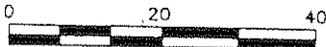
Robert M. Baerenwald
ROBERT M. BAERENWALD
WISCONSIN REGISTERED LAND SURVEYOR, S-1508

Feb. 18, 2005
DATE: FEB 18 2005
JOB NO. 7527

NOTE: THIS IS NOT A CERTIFIED COPY UNLESS SEALED.



SCALE IN FEET

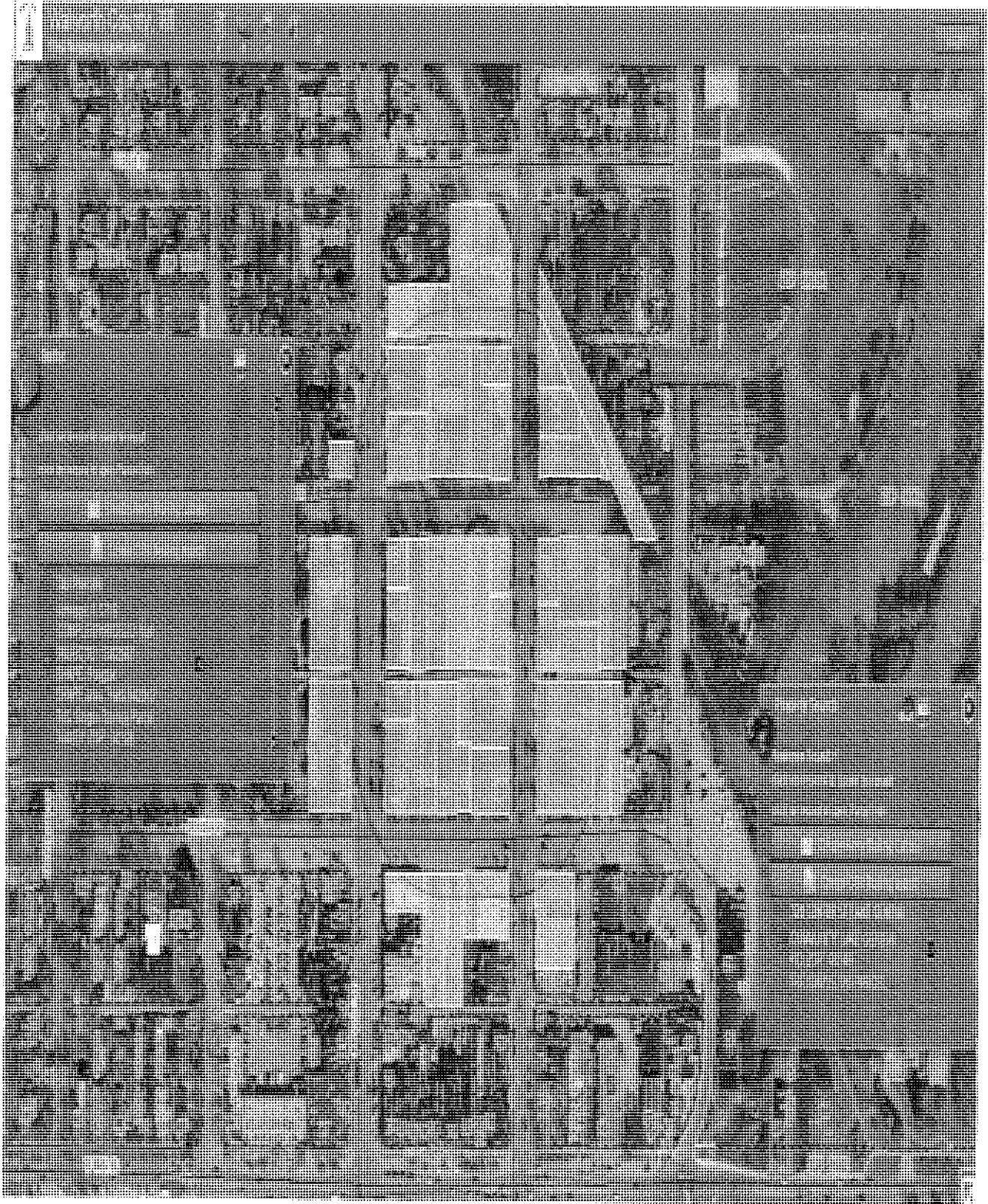


LEGEND

- IRON PIPE FOUND
- ⊗-IRON ROD FOUND
- ⊕-CONCRETE MONUMENT FOUND
- IRON PIPE PLACED
- ()-RECORDED AS







C&T RENTAL
326 CENTER ST
LAKE GENEVA, WI 53147

FIRST BANK SOUTHEAST US BANK ATTN .
2800 E LAKE ST
MINNEAPOLIS, MN 55406

BANK ONE, ELKHORN
C/O INDUSTRY CONSULTING GROUP
PO BOX 8265
WICHITA FALLS, TX 76307-6500

BEANS R US LLC
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LAKE GENEVA, WI 53147

ST FRANCIS BANK
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303 E WACKER DR STE 1040
CHICAGO, IL 60601-1600

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PO BOX 11
CEDARBURG, WI 53012

FIRST BANK SOUTHEAST
C/O US BANK
CORPORATE REAL ESTATE-TAX DEPT,280
MINNEAPOLIS, MN 55406

FIRST BANK SOUTHEAST
C/O US BANK
CORPORATE REAL ESTATE-TAX DEPT,280
MINNEAPOLIS, MN 55406

FIRST BANK SOUTHEAST
C/O US BANK
CORP REAL ESTATE-TAX DEPT
2800 E LAKE ST
MINNEAPOLIS, MN 55406

ALEX F PAREDES
YOLANDA FRONTANY
4843 W DAKIN ST
CHICAGO, IL 60641

C&T RENTAL
326 CENTER ST
LAKE GENEVA, WI 53147

PAUL GROSSO
1005 EDWARDS RD
PROSPECT HEIGHTS, IL 60070

BERWYN B BRADEN
BETTY J BRADEN, ETAL
716 WISCONSIN ST
LAKE GENEVA, WI 53147

JOHN W NEWMAN
ROBIN M NEWMAN
722 WISCONSIN ST
LAKE GENEVA, WI 53147

PAUL PAGE
ALLISON MOEBUS-PAGE
3464 COUNTRY VIEW DR
DELAVAN, WI 53115

323 BROAD PROPERTY LLC
% KEITH VENTURI
114 KAINER AVE
BARRINGTON, IL 60010

FIRST CHURCH OF CHRIST SCIENTIST
333 BROAD ST
LAKE GENEVA, WI 53147

MIKKELSEN PROPERTIES LLC STEEN MIK
N1595 E LAKESIDE LN
LAKE GENEVA, WI 53147

LAKE GENEVA PRINTING & PUBLISHING IN
315 BROAD ST
LAKE GENEVA, WI 53147

WILLIAM S DICK
CAROL DICK
PO BOX 1437
MCHENRY, IL 60051

JOHN R STRENGER TRUST
721 GENEVA ST
LAKE GENEVA, WI 53147

STEVEN R EVANS
JEN C EVANS
208 N MAIN
PO BOX 327
WALWORTH, WI 53184

GENEVA PROFESSIONAL GROUP
312 CENTER ST
LAKE GENEVA, WI 53147

PAI TSUNG WANG
MEI BAO WANG
306 CENTER ST
LAKE GENEVA, WI 53147

KOCOUREK PROPERTY HOLDINGS LLC
880 S LAKE SHORE DR
LAKE GENEVA, WI 53147

CITY OF LAKE GENEVA
626 GENEVA ST
LAKE GENEVA, WI 53147

CITY OF LAKE GENEVA
626 GENEVA ST
LAKE GENEVA, WI 53147

KOCOUREK PROPERTY HOLDINGS LLC
880 S LAKESHORE DR
LAKE GENEVA, WI 53147

253 CENTER LLC
664 N MILWAUKEE AVE
SUITE 200
PROSPECT HEIGHTS, IL 60070

NANCY A STRESKE
PO BOX 271
LAKE GENEVA, WI 53147

ADDENDUM (A)

We would like to convert property 328 Center St to a daily, weekly, and weekend residential rental. We came to this decision, because for the past three years we are finding it difficult to find a tenant such as retail, doctor, attorney office that this space would be ideal for. We are in a planned development area; however were still not on Main Street where it seems that most offices and retail business prefer to be. This place sits empty now which never looks good for any area. This venture will only bring in more revenue dollars and tourism to this beautiful city. This residence can accommodate up to eight persons per stay, and will blend in beautifully with the existing neighborhood. Attached you will find Addendum (B). This document is a copy of a signed lease securing private parking spaces needed per zoning for this venture.

Thank you

Alex Paredes

Addendum (B)

REAL ESTATE LEASE

This Lease Agreement (this "Lease") is made effective as of November 1, 2013, by and between C&T Rental Partnership ("Landlord"), and Alex Paredes ("Tenant"). The parties agree as follows:

PREMISES. Landlord, in consideration of the lease payments provided in this Lease, leases to Tenant Four (4) Parking Spaces (the "Premises") located at 622 Wisconsin St., Lake Geneva, Wisconsin 53147.

TERM. The lease term will begin on November 01, 2013 and will terminate on November 30, 2015. (Automatic renewal)

LEASE PAYMENTS. Tenant shall pay to Landlord monthly installments of \$140.00 per month, payable in advance on the first day of each month. Lease payments shall be made to Landlord at 326 Center St., Lake Geneva, Wisconsin 53147.

POSSESSION. Tenant shall be entitled to possession on the first day of the term of this Lease, and shall yield possession to Landlord on the last day of the term of this Lease, unless otherwise agreed by both parties in writing. At the expiration of the term, Tenant shall remove its goods and effects and peaceably yield up the Premises to Landlord in as good condition as when delivered to Tenant, ordinary wear and tear excepted.

USE OF PREMISES/ABSENCES. Tenant shall occupy and use the Premises as a vehicle parking area for guests of Alex Paredes.

PROPERTY INSURANCE. Landlord and Tenant shall each be responsible to maintain appropriate insurance for their respective interests in the Premises and property located on the Premises.

MAINTENANCE. Landlord shall have the responsibility to maintain the Premises in good repair at all times and perform all repairs necessary to satisfy any implied warranty of habitability.

UTILITIES AND SERVICES. Landlord shall be responsible for all utilities and services in connection with the Premises.

TAXES. Landlord shall pay all real estate taxes which may be levied against the Premises.

TERMINATION UPON SALE OF PREMISES. Notwithstanding any other provision of this Lease, Landlord may terminate this lease upon sixty (60) days' written notice to Tenant that the Premises have been sold.

HABITABILITY. Tenant has inspected the Premises and fixtures (or has had the Premises inspected on behalf of Tenant), and acknowledges that the Premises are in a reasonable and acceptable condition of habitability for their intended use, and the agreed lease payments are fair and reasonable. If the condition changes so that, in Tenant's opinion, the habitability and rental value of the Premises are adversely affected, Tenant shall promptly provide reasonable notice to Landlord.

DEFAULTS. Tenant shall be in default of this Lease if Tenant fails to fulfill any lease obligation or term by which Tenant is bound. Subject to any governing provision of law to the contrary, if Tenant fails to cure any financial obligation within 5 days (or any other obligation within 10 days) after written notice of such default is provided by Landlord to Tenant, Landlord may elect to cure such default and the cost of such action shall be added to Tenant's financial obligations under this Lease. All sums of money or charges required to be paid by Tenant under this Lease shall be additional rent, whether or not such sums or charges are designated as "additional rent". The rights provided by this paragraph are cumulative in nature and are in addition to any other rights afforded by law.

CUMULATIVE RIGHTS. The rights of the parties under this Lease are cumulative, and shall not be construed as exclusive unless otherwise required by law.

NON-SUFFICIENT FUNDS. Tenant shall be charged the maximum amount allowable under applicable law for each check that is returned to Landlord for lack of sufficient funds.

DANGEROUS MATERIALS. Tenant shall not keep or have on the Premises any article or thing of a dangerous, flammable, or explosive character that might substantially increase the danger of fire on the Premises, or that might be considered hazardous by a responsible insurance company, unless the prior written consent of Landlord is obtained and proof of adequate insurance protection is provided by Tenant to Landlord.

MECHANICS LIENS. Neither Tenant nor anyone claiming through the Tenant shall have the right to file mechanics liens or any other kind of lien on the Premises and the filing of this Lease constitute notice that such liens are invalid. Further, Tenant agrees to (1) give actual advance notice to any contractors, subcontractors or suppliers of goods, labor, or services that such liens will not be valid, and (2) take whatever additional steps that are necessary in order to keep the premises free of all liens resulting from construction done by or for the Tenant.

SUBORDINATION OF LEASE. This Lease is subordinate to any mortgage that now exists, or may be given later by Landlord, with respect to the Premises.

ASSIGNABILITY/SUBLETTING. Tenant may not assign or sublease any interest in the Premises, nor assign, mortgage or pledge this Lease, without the prior written consent of Landlord, which shall not be unreasonably withheld.

NOTICE. Notices under this Lease shall not be deemed valid unless given or served in writing and forwarded by mail, postage prepaid, addressed to the party at the appropriate address set forth below. Such addresses may be changed from time to time by either party by providing notice as set forth below. Notices mailed in accordance with these provisions shall be deemed received on the third day after posting.

LANDLORD:

C&T Rental Partnership
326 Center St.
Lake Geneva, WI 53147

TENANT:

Alex Paredes
4843 W Dakin St.
Chicago, IL 60641

GOVERNING LAW. This Lease shall be construed in accordance with the laws of the State of Wisconsin.

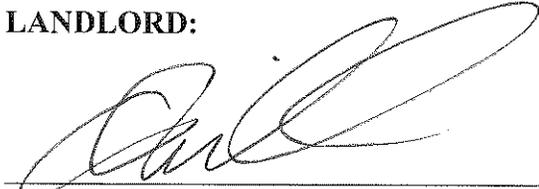
ENTIRE AGREEMENT/AMENDMENT. This Lease contains the entire agreement of the parties and there are no other promises, conditions, understandings or other agreements, whether oral or written, relating to the subject matter of this Lease. This Lease may be modified or amended in writing, if the writing is signed by the party obligated under the amendment.

SEVERABILITY. If any portion of this Lease shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Lease is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

WAIVER. The failure of either party to enforce any provisions of this Lease shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Lease.

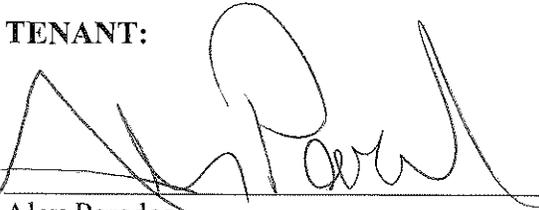
BINDING EFFECT. The provisions of this Lease shall be binding upon and inure to the benefit of both parties and their respective legal representatives, successors and assigns.

LANDLORD:



Arthur C. Tillman – C&T Rental Partnership

TENANT:



Alex Paredes

Notice

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the City Plan Commission on Monday, February 17, 2014 at 6:30 P.M. at the City Hall, Council Chambers, 626 Geneva Street, Lake Geneva, Wisconsin, on a Conditional Use Application filed by Immanuel Lutheran Church, 700 Bloomfield Road, Lake Geneva, WI 53147, for an electronic message center on a freestanding sign located at:

TAX KEY NUMBER: ZA4330 00001 – 700 Bloomfield Road

All interested in the above matter are invited to attend. The City Plan Commission will be in session on Monday, February 17, 2014 at 6:30 P.M. at the City Hall, Council Chambers, 626 Geneva Street, Lake Geneva, Wisconsin, to consider any objections that may have been filed and to hear all persons desiring to be heard.

Dated this 27th day of January 2014.

Mayor James R. Connors
City Plan Commission
City of Lake Geneva, WI

A QUORUM OF ALDERMEN MAY BE IN ATTENDANCE

Please Publish as small Legal on February 5th and February 12th.

2/2014

(77076)

Tax Key# ZAH330 00001

WISCONSIN P&L CO
PO BOX 77007
MADISON, WI 53707-0700

KENNETH R MILLAR TRUST
MARY ANN MILLAR TRUST, ETAL
W2286 BLOOMFIELD RD
LAKE GENEVA, WI 53147

VIRGINIA M LAZZARONI TRUST
C/O CHRISTINE JORDAN
410 EUGENE DRIVE
LAKE GENEVA, WI 53147

MARC A FRYDRYCHOWICZ
MELISSA A FRYDRYCHOWICZ
7009 TALL GRASS CT
SPRING GROVE, IL 60081

MAPLE GLEN LLC
W1951 N BLOOMFIELD RD
LAKE GENEVA, WI 53147

JOINT SCHOOL DISTRICT #1
CITY OF LAKE GENEVA ETAL
208 E SOUTH STREET
LAKE GENEVA, WI 53147

IMMANUEL EVANGELICAL
LUTHERAN CHURCH
1229 PARK ROW
LAKE GENEVA, WI 53147

APPLICATION FOR CONDITIONAL USE
City of Lake Geneva

SITE ADDRESS/PARCEL NO. AND FULL LEGAL DESCRIPTION REQUIRED (ATTACH SEPARATE SHEET IF NECESSARY):

700 Bloomfield Rd

NAME AND ADDRESS OF CURRENT OWNER:

Immanuel Lutheran Church

700 Bloomfield Rd, Lake Geneva WI 53147

TELEPHONE NUMBER OF CURRENT OWNER:

262-248-4211

NAME AND ADDRESS OF APPLICANT:

Sign Effectz Inc.

1827 W Glendale Av., Milwaukee WI 53209

TELEPHONE NUMBER OF APPLICANT:

414-312-6985

PROPOSED CONDITIONAL USE:

Install a Electronic Message Center in monument sign structure. Sign fits within allowable Code sizes including the EMC

ZONING DISTRICT IN WHICH LAND IS LOCATED:

Rural Holding

NAMES AND ADDRESSES OF ARCHITECT, PROFESSIONAL ENGINEER AND CONTRACTOR OF PROJECT:

None

SHORT STATEMENT DESCRIBING ACTIVITIES TO BE CARRIED ON AT SITE:

Install a Electronic Message Center in monument sign structure. Sign fits within allowable Code sizes including the EMC

CONDITIONAL USE FEE PAYABLE UPON FILING APPLICATION: \$400.00 [\$100 FOR APPLICATIONS UNDER SEC. 98-407(3)]

1-22-2014
DATE

Peter H. Jurgens Agent
SIGNATURE OF APPLICANT
Peter H. Jurgens

*Per BSV #3845
1/27/14
BZP*

AGREEMENT FOR SERVICES

REIMBURSABLE BY THE PETITIONER / APPLICANT. The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the City's review of a proposal coming before the Plan Commission and/or Common Council. The submittal of a development proposal application or petition by a Petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal including any finance charges that may accrue. The City may apply the charges for these services to the Petitioner. The City may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until the Petitioner pays such fees. Review fees which are applied to a Petitioner and which are not paid, may be assigned by the City as a special assessment to the subject property. Petitioner hereby expressly waives any notice and hearing requirements provided in Wis. Stats. § 66.0701 or any additions or amendments to this section. Petitioner further authorizes the City Treasurer or City Clerk to levy and collect review fees and additional fees upon the affidavit of the City Administrator or the Zoning Administrator stating that such fees are reasonable and that payment is overdue. The Petitioner shall be required to provide the City with an executed copy of the following form as a prerequisite to the processing of the development application:

Pat H. Jurgens, as applicant/petitioner for:
Name: Immanuel Lutheran Church
Address: 700 N Bloomfield Rd
Lake Geneva WI 53147
Phone: 262 - 248 - 4211

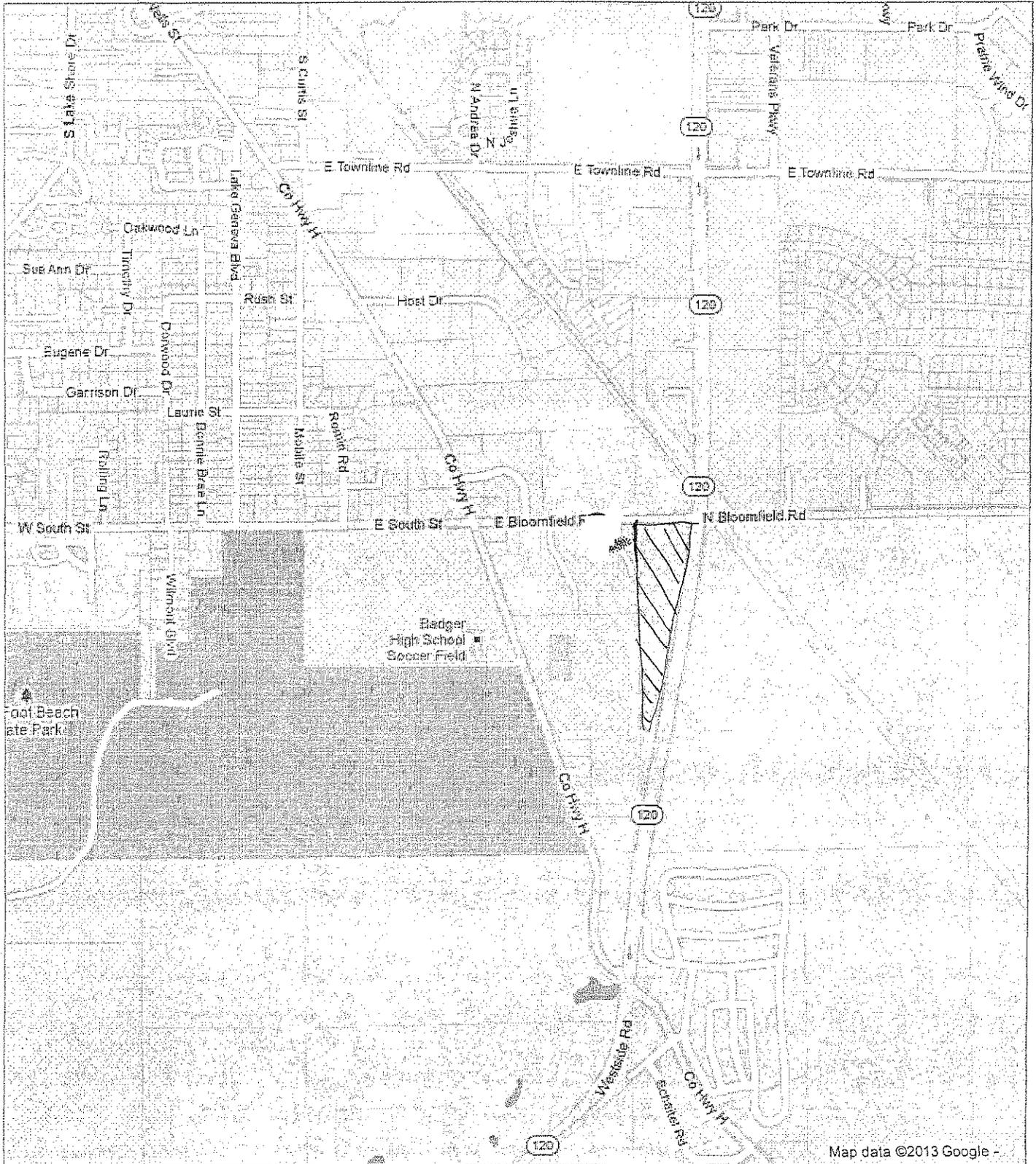
Agrees that in addition to those normal costs payable by an applicant/petitioner (e.g., filing or permit fees, publication expenses, recording fees, etc.), that in the event the action applied or petitioned for requires the City of Lake Geneva, in the judgment of its staff, to obtain additional professional service(s), (e.g., engineering, surveying, planning, legal) than would be routinely available "in house" to enable the City to properly address, take appropriate action on, or determine the same, applicant/petitioner shall reimburse the City for the costs thereof.

Dated this 22 day of January, 2014.

Pat H. Jurgens
Printed name of Applicant/Petitioner

[Signature]
Signature of Applicant/Petitioner

To see all the details that are visible on the screen, use the "Print" link next to the map.



**CITY OF LAKE GENEVA PROCEDURAL CHECKLIST FOR:
SITE PLAN REVIEW AND APPROVAL (Requirements per Section 98-908)**

This form should be used by the Applicant as a guide to submitting a complete application for a site plan review and by the City to process said application. Part II should be used by the Applicant to submit a complete application; Parts I - III should be used by the City as a guide when processing said application.

I. RECORDATION OF ADMINISTRATIVE PROCEDURES

___ Pre-submittal staff meeting scheduled:

Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

Follow-up pre-submittal staff meetings scheduled for:

___ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

___ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

___ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

___ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

___ Application form filed with Zoning Administrator: Date: _____ by: _____

___ Application fee of \$ _____ received by Zoning Administrator: Date: _____ by: _____

___ Reimbursement of professional consultant costs agreement executed: Date: _____ by: _____

II. APPLICATION SUBMITTAL PACKET REQUIREMENTS

Prior to submitting the 25 final complete applications as certified by the Zoning Administrator, the Applicant shall submit 5 initial draft application packets for staff review, followed by one revised draft final application packet based upon staff review and comments.

Initial Packet (5 Copies to Zoning Administrator)

Date: _____ by: _____

↓ Draft Final Packet (1 Copy to Zoning Administrator)

Date: _____ by: _____

See attached (a) A written description of the intended use describing in reasonable detail the:

- ___ Existing zoning district(s) (and proposed zoning district(s) if different);
- ___ Land use plan map designation(s);
- ___ Current land uses present on the subject property;
- ___ Proposed land uses for the subject property (per Section 98-206);
- ___ Projected number of residents, employees, and daily customers;
- ___ Proposed amount of dwelling units, floor area, impervious surface area, and landscape surface area, and resulting site density, floor area ratio, impervious surface area ratio, and landscape surface area ratio;
- ___ Operational considerations relating to hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings, and traffic generation;

X (c) A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations;
See attached

 X (d) A site plan (conforming to the requirements of Section 98-908(3)) of the subject property as proposed for development OR if the proposed conditional use is a group development (per Section 98-208) a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan per Section 98-908.

 X (e) Written justification for the proposed conditional use:
See attached Indicating reasons why the Applicant believes the proposed conditional use is appropriate with the recommendations of the City of Lake Geneva Comprehensive Master Plan, particularly as evidenced by compliance with the standards set out in Section 98-905(4)(b)1.-6. (See below)

III. JUSTIFICATION OF THE PROPOSED CONDITIONAL USE

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

See attached

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

See attached

3. Does the proposed conditional use, in its proposed location and as depicted on the required site plan (see Section 98-905(3)(d)), result in any 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 the Zoning Ordinance, the Comprehensive Plan, or any other plan, program, map ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development?

See attached

4. How does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

See attached

5. Is the proposed conditional use 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?

See attached

6. Do the potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use (as identified in Subsections 98-905(4)(b)1.-5.), after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts?

See attached

IV. FINAL APPLICATION PACKET INFORMATION

____ Receipt of 5 full scale copies in blueline or blackline of complete Final Application Packet by Zoning Administrator: Date: _____ by: _____

____ Receipt of 25 reduced (8.5" by 11" text and 11" x 17" graphics) copies of complete Final Application Packet by Zoning Administrator: Date: _____ by: _____

____ Certification of complete Final Application Packet and required copies to the Zoning Administrator by City Clerk: Date: _____ by: _____

____ Class 2 Legal Notice sent to official newspaper by City Clerk: Date: _____ by: _____

____ Class 2 Legal Notice published on _____ and _____ by: _____

____ Conditional Use recorded with the County Register of Deeds Office: Date: _____ by: _____

II. APPLICATION SUBMITTAL PACKET REQUIREMENTS

- a. The intended use of the property is as a church. The existing zoning is rural holding where institutional uses are permitted with a conditional use. The property is currently shown as Agricultural, open lands, and vacant on the land use map. The property is currently being farmed and is vacant land. The proposed land use for the subject property is government and institutional. Currently, the church is operated at another location has approximately 5 full time employees and 4 part time employees, and currently there are three worship services on Sundays. Sunday's total attendance people for all three services are 500 people. Floor area of the building, including lower level, is 29,630 square feet. There is 67,964 square feet of impervious surface area. 506,300 square feet of surface area for landscaping. The impervious area ratio is 13.4%. Floor area ratio is 4.5%. The site density is not applicable. The landscaped surface area ratio is 86.6%. The church is used all week long with peak usage occurring on Sundays between 8:00 a.m. and 12:30 p.m. The proposed development shall comply with all requirements of Article III. Exterior walls have white 6" lap siding with limestone accents. There is no fencing. The building is designed for future expansion however such expansion is not anticipated in the near future. There will be a bell tower in the future, and will be submitted prior to its placement. The lower level provides for a walk out patio and seating area. The area will be used for classes or small gatherings.

II. APPLICATION SUBMITTAL PACKET REQUIREMENTS

- c. The conditional use is for the construction and operation of a church. The church offers worship services, primarily on Sunday mornings. It has provided space for outside activities such as "Boy Scouts" and "Day in Time," as well as, other community programs. It also offers activities and programs for adults and after school activities for youth.
- e. The proposed conditional use is appropriate because it is an institutional use placed where other institutional uses already exist. It is consistent with zoning of the surrounding property. It being located where services are available and where the property can be accessible from a number of different roads and highways. It will have sufficient parking so that it will not put a strain on surrounding streets.

III. JUSTIFICATION OF THE PROPOSED CONDITIONAL USE

1. This is an institutional use being located, where other institutional uses exist. The applicant will be working with the school district to share such facilities as parking, and as recommended, is not located in a planned residential or planned neighborhood area. The institutional use is being located where water and sewer services already exist and is easily accessible from existing roads. It will have little or no impact on surrounding uses in that peak time use of surrounding institutional uses. Adjacent properties are already zoned for institutional use which is the appropriate zoning for the subject property.
2. See #1 above.
3. The proposed conditional use in its location does not result in any substantial or undue adverse impact because it is an institutional use being located adjacent to another institutional use. Peak time use of the subject property is different than the peak time use of adjacent properties.
4. The land use is consistent with land uses in the area in that it is an institutional use, consistent with the adjacent property. Peak time use of the subject property is different than peak time use of the adjacent property.
5. The use is located where improvements, facilities, utilities or services already exist. The use will not put an undue burden on existing services and facilities because peak time use of the subject property is different than peak time use of the adjacent property.
6. The potential benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed use based upon all the above justifications.

**CITY OF LAKE GENEVA PROCEDURAL CHECKLIST FOR:
CONDITIONAL USE REVIEW AND APPROVAL (Requirements per Section 98-905)**

This form should be used by the Applicant as a guide to submitting a complete application for a conditional use and by the City to process said application. Parts II and III should be used by the Applicant to submit a complete application; Parts I - IV should be used by the City as a guide when processing said application.

I. RECORDATION OF ADMINISTRATIVE PROCEDURES

___ Pre-submittal staff meeting scheduled:

Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

Follow-up pre-submittal staff meetings scheduled for:

___ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

___ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

___ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

___ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

___ Application form filed with Zoning Administrator: Date: _____ by: _____

___ Application fee of \$ _____ received by Zoning Administrator: Date: _____ by: _____

___ Reimbursement of professional consultant costs agreement executed: Date: _____ by: _____

II. APPLICATION SUBMITTAL PACKET REQUIREMENTS

Prior to submitting the 25 final complete applications as certified by the Zoning Administrator, the Applicant shall submit 5 initial draft application packets for staff review, followed by one revised draft final application packet based upon staff review and comments.

Initial Packet (5 Copies to Zoning Administrator)

Date: _____ by: _____

↓ Draft Final Packet (1 Copy to Zoning Administrator)

Date: _____ by: _____

↓

___ (a) A map of the proposed conditional use:

- Showing all lands for which the conditional use is proposed;
- Showing all other lands within 300 feet of the boundaries of the subject property;
- Referenced to a list of the names and addresses of the owners of said lands as they appear on the current records of the Register of Deeds of Walworth County (as provided by the City of Lake Geneva);
- Clearly indicating the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control;
- Map and all its parts are clearly reproducible with a photocopier;
- Map size of 11" by 17" and map scale not less than one inch equals 800 ft;
- All lot dimensions of the subject property provided;
- Graphic scale and north arrow provided.

___ (b) A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the City as a whole:

___ Operational considerations relating to potential nuisance creation pertaining to noncompliance with the performance standards addressed in Article VII (Sections 98-701-98-721) including: street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials;

___ If no nuisances will be created (as indicated by complete and continuous compliance with the provisions of Article VII), then include the statement "The proposed development shall comply with all requirements of Article VII.";

___ Exterior building and fencing materials (Sections 98-718 and 98-720);

___ Possible future expansion and related implications for points above;

___ Any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.

___ (b) A Small Location Map at 11" x 17" showing the subject property, all properties within 300 feet, and illustrating its relationship to the nearest street intersection. (A photocopy of the pertinent section of the City's Official Zoning Map with the subject property clearly indicated shall suffice to meet this requirement)

___ (c) A Property Site Plan drawing which includes:

A title block which indicates the name, address and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, planner) for project;

The date of the original plan and the latest date of revision to the plan;

A north arrow and a graphic scale (not smaller than one inch equals 100 feet);

A reduction of the drawing at 11" x 17";

A legal description of the subject property;

All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;

All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose;

All required building setback lines;

All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls;

The location and dimension (cross-section and entry throat) of all access points onto public streets;

The location and dimension of all on-site parking (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided versus required by the Ordinance;

The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas;

___ The location of all outdoor storage areas and the design of all screening devices;

The location, type, height, size and lighting of all signage on the subject property;

___ The location, height, design/type, illumination power and orientation of all exterior lighting on the subject property -- including the clear demonstration of compliance with Section 98-707;

___ The location and type of any permanently protected green space areas;

The location of existing and proposed drainage facilities;

In the legend, data for the subject property on:

Lot Area;

- Floor Area;
- Floor Area Ratio (b/a);
- Impervious Surface Area;
- Impervious Surface Ratio (d/a);
- Building Height.

_____ (d) A Detailed Landscaping Plan of the subject property:

- Scale same as main plan (> or equal to 1" equals 100')
- Map reduction at 11" x 17"
- Showing the location of all required bufferyard and landscaping areas
- Showing existing and proposed Landscape Point fencing
- Showing berm options for meeting said requirements
- Demonstrating complete compliance with the requirements of Article VI
- Providing individual plant locations and species, fencing types and heights, and berm heights;

_____ (e) A Grading and Erosion Control Plan:

- Same scale as the main plan (> or equal to 1" equals 100')
- Map reduction at 11" x 17"
- Showing existing and proposed grades including retention walls and related devices, and erosion control measures.

_____ (f) Elevation Drawings of proposed buildings or remodeling of existing buildings:

- Showing finished exterior treatment;
- With adequate labels provided to clearly depict exterior materials, texture, color and overall appearance;
- Perspective renderings of the proposed project and/or photos of similar structures may be submitted, but not in lieu of adequate drawings showing the actual intended appearance of the buildings.

NOTE: Initiation of Land Use or Development Activity: Absolutely no land use or development activity, including site clearing, grubbing, or grading shall occur on the subject property prior to the approval of the required site plan. Any such activity prior to such approval shall be a violation of law and shall be subject to all applicable enforcement mechanisms and penalties.

NOTE: Modification of an Approved Site Plan: Any and all variation between development and/or land use activity on the subject property and the approved site plan is a violation of law. An approved site plan shall be revised and approved via the procedures of Subsections 98-908(2) and (4) so as to clearly and completely depict any and all proposed modifications to the previously approved site plan, prior to the initiation of said modifications.

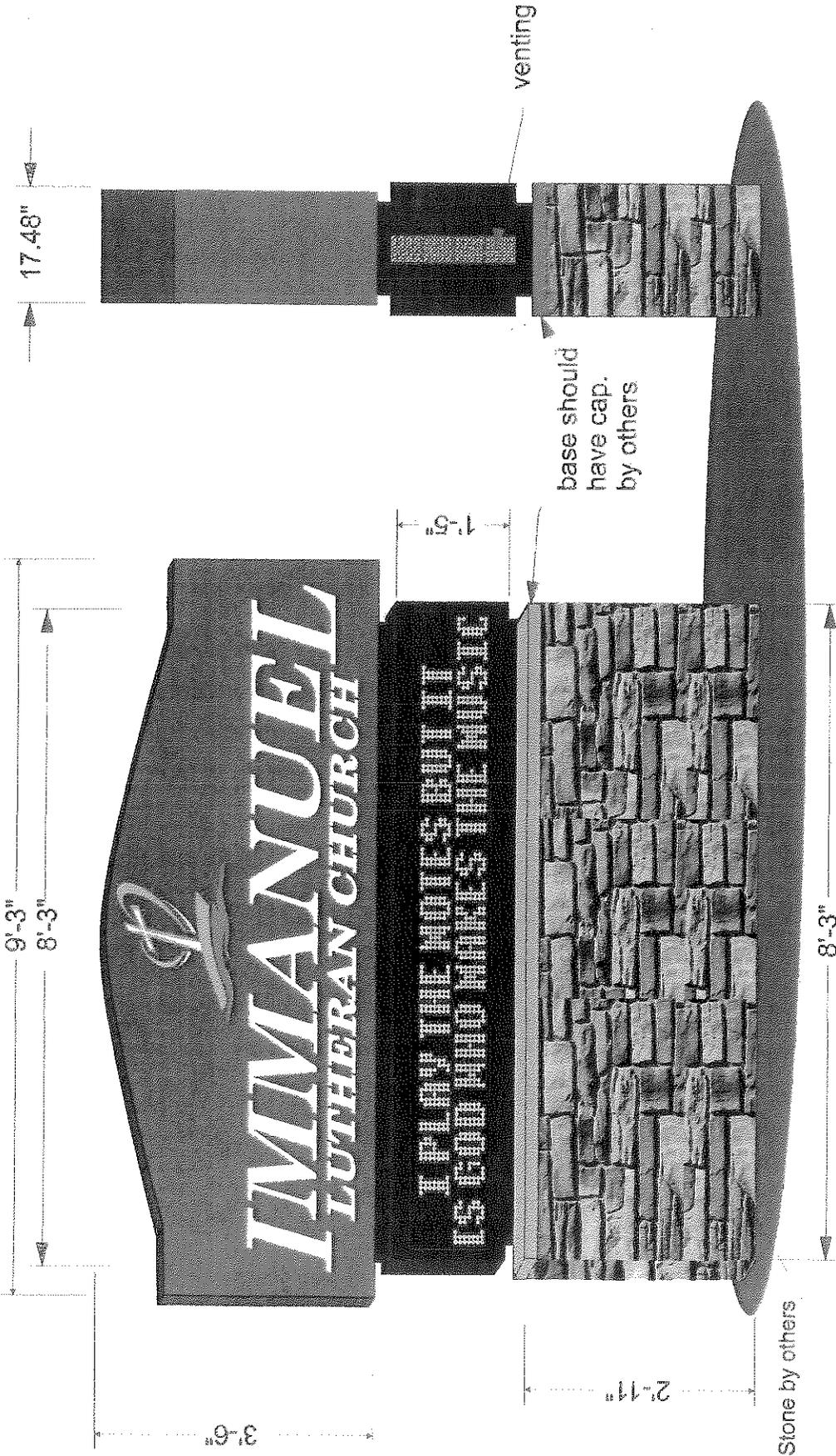
III. FINAL APPLICATION PACKET INFORMATION

_____ Receipt of 5 full scale copies in blue/line or black/line of complete Final Application Packet by Zoning Administrator: Date: _____ by: _____

_____ Receipt of 25 reduced (8.5" by 11" text and 11" x 17" graphics) copies of complete Final Application Packet by Zoning Administrator: Date: _____ by: _____

DESIGN/PROOF

Option A



- Top Cabinet: Fabricated aluminum sign body with routed aluminum faces, internally illuminated with florescent lighting. 2" aluminum reveal.
- Supply one Watchfire 19mm Electronic Message Center. Sign is controlled with wireless communication.
- Base to be done by others

Notice

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the City Plan Commission on Monday, February 17, 2014 at 6:30 P.M. at the City Hall, Council Chambers, 626 Geneva Street, Lake Geneva, Wisconsin, on a Conditional Use Application filed by Kocourek Property Holdings LLC, 880 S. Lake Shore Drive, Lake Geneva, WI 53147, for a Group Development in the Central Business zoning district at the following location:

TAX KEY No. ZOP 00262 - 269 BROAD STREET

All interested in the above matter are invited to attend. The City Plan Commission will be in session on Monday, February 17, 2014 at 6:30 P.M. at the City Hall, Council Chambers, 626 Geneva Street, Lake Geneva, Wisconsin, to consider any objections that may have been filed and to hear all persons desiring to be heard.

Dated this 27rd day of January 2014.

Mayor James R. Connors
City Plan Commission
City of Lake Geneva, WI

A QUORUM OF ALDERMEN MAY BE IN ATTENDANCE

Please Publish as small Legal on February 5th and February 12th.

52 TOTAL

Tax Key # ZOP 00262

KOCOUREK PROPERTY HOLDINGS LLC
880 S LAKE SHORE DRIVE
LAKE GENEVA, WI 53147

GWENEVA LLC
253 BROAD STREET
LAKE GENEVA, WI 53147

VENTURE INVESTMENT PARTNERS
751 GENEVA PKWY
LAKE GENEVA, WI 53147

GENEVA INVESTMENTS
C/O I LOVE FUNKY'S INC
222 CENTER STREET
LAKE GENEVA, WI 53147

FIRST BANK SOUTHEAST
C/O US BANK
CORP. REAL ESTATE-TAX
DEPT 280
MINNEAPOLIS, MN 55406

C&T RENTAL
326 CENTER STREET
LAKE GENEVA, WI 53147

PAUL GROSSO
1005 EDWARDS ROAD
PROSPECT HTS, IL 60070

BERWYN B BRADEN
BETTY J BRADEN ETAL
716 WISCONSIN STREET
LAKE GENEVA, WI 53147

JOHN W NEWMAN
ROBIN M NEWMAN
722 WISCONSIN STREET
LAKE GENEVA, WI 53147

PAUL PAGE
ALLISON MOEBUWS-PAGE
3464 COUNTRY VIEW DRIVE
DELAVAN, WI 53115

323 BROAD PROPERTY LLC
C/O KEITH VENTURI
114 KAINER AVENUE
BARRINGTON, IL 60010

MIKKELSEN PROPERTIES LLC
STEEN MIK.
N1595 E LAKESIDE LANE
LAKE GENEVA, WI 53147

LAKE GENEVA PRINTING &
PUBLISHING
315 BROAD STREET
LAKE GENEVA, WI 53147

WILLIAM S DICK
CAROL DICK
PO BOX 1437
MCHENRY, IL 60051

JOHN R STRENGER TRUST
721 GENEVA STREET
LAKE GENEVA, WI 53147

STEVEN R EVANS
JEN C EVANS
208 N MAIN
PO BOX 327
WALWORTH, WI 53184

GENEVA PROFESSIONAL GROUP
312 CENTER STREET
LAKE GENEVA, WI 53147

PAI TSUNG WANG
MEI BAO WANG
306 CENTER STREET
LAKE GENEVA, WI 53147

GENEVA AREA FOUNDATION
HORTICULTUR
330 BROAD STREET
LAKE GENEVA, WI 53147

TNT LLC
821 GENEVA STREET
LAKE GENEVA, WI 53147

CHURCH OF THE HOLY
COMMUNION
320 BROAD STREET
LAKE GENEVA, WI 53147

TWO THUMBS UP REAL ESTATE
HOLDING
39230 93RD STREET
GENOA CITY, WI 53128

JACHIMEK FAMILY LP
3155 E MCDOWELL
PHOENIX, AZ 85008

LINDA L CLEMENTE TRUST
398 CEDAR RIDGE
BARRINGTON, IL 60010

CITY OF LAKE GENEVA
626 GENEVA STREET
LAKE GENEVA, WI 53147

LAKE GENEVA RETAIL DST
PO BOX 3666
OAK BROOK, IL 60522

PAR PROPERTIES LLC
214 BROAD STREET
LAKE GENEVA, WI 53147

NOA LTD
C/O M O'HALLERAN
140 EVERGREEN LN
WINNETKA, IL 60093

803 MAIN STREET LLC
C/O RAPUNZEL OBERHOLTZER
83305 CLEAR LAKE ROAD
FLORENCE, OR 97439

RICHARD L HERMANN
JEAN ANN HERMANN
W4920 OAKWOOD DRIVE
EAST TROY, WI 53120

DANIEL F KAVANAUGH TRUST
IRENE KAVANAUGH TRUST
941 WOODRIDGE CT
LAKE GENEVA, WI 53147

MKK-BROAD ST LLC
PO BOX 460
LAKE GENEVA, WI 53147

SUE M BEAN
14080 WESTCHESTER
COLORADO SPRINGS, CO 80921

JAMES M ROBERTS
JOANNE J ROBERTS
C/O DEB LAMPERT
755 1/2 W MAIN STREET
LAKE GENEVA, WI 53147

GREGORY J BUSH TRUST
CHARLES LOTH
100-1 WEST STREET
LAKE GENEVA, WI 53147

DAVID J FAVARO
N2838 HIDDEN VALLEY LANE
LAKE GENEVA, WI 53147

MARTIN S GUERRERO
YOLANDA V ZAVALA
1728 W STATE RD 11
BURLINGTON, WI 53105

KENNETH H CONELL
RUTH E CONELL
222 TIMBER LN
LAKE GENEVA, WI 53147

719 MAIN STREET LLC
222 TIMBER LANE
LAKE GENEVA, WI 53147

LINDA J LONGWELL
717 W MAIN STREET
LAKE GENEVA, WI 53147

711 MAIN LLC
711 MAIN STREET
LAKE GENEVA, WI 53147

253 CENTER LLC
664 N MILWAUKEE AVENUE
SUITE 200
PROSPECT HTS, IL 60070

FRANK J SCOTT TRUST
JUDY A SCOTT TRUST
1122 WISCONSIN STREET
LAKE GENEVA, WI 53147

GENEVA CENER LLC
2554 CHARLES STREET
ROCKFORD, IL 61108

JULIE SPRINGER LLC
125 S KANE STREET
BURLINGTON, WI 53105

724 MAIN STREET LLC
N2289 ALTA VISTA DRIVE
PO BOX 27
LAKE GENEVA, WI 53147

LINDA K BOILINI
JOHN M BAILEY
300 LOOKOUT DRIVE
LAKE GENEVA, WI 53147

TK & K LLC
7284 HOLLOW DRIVE
LAKE GENEVA, WI 53147

WILLIAM CONDOS
247 TIMBER LANE
LAKE GENEVA, WI 53147

KOHN & ALLEN INC
330 BARTON
EVANSTON, IL 60202

DARIA SALIMES TRUST
725 S CURTIS STREET
#323
LAKE GENEVA, WI 53147

SUVRETTA LTD PARTNERSHIP
10341 W CALIFORNIA AVENUE
BEACH PARK, IL 60099

APPLICATION FOR CONDITIONAL USE

City of Lake Geneva

SITE ADDRESS/PARCEL NO. AND FULL LEGAL DESCRIPTION REQUIRED (ATTACH SEPARATE SHEET IF NECESSARY):

269 BROAD ST. LAKEGENEVA.

TAX ID# ZOP 00262

NAME AND ADDRESS OF CURRENT OWNER:

KOCUREK PROPERTY HOLDINGS, LLC % MICHAEL KOCUREK
880 S. LAKE SHORE DR. LAKEGENEVA, WI. 53147

TELEPHONE NUMBER OF CURRENT OWNER:

847.215.3455

NAME AND ADDRESS OF APPLICANT:

JASON R. BERNARD.

201 BROAD ST. LAKEGENEVA, WI. 53147.

TELEPHONE NUMBER OF APPLICANT:

262.248.1400

PROPOSED CONDITIONAL USE:

PROPOSED REMODEL OF EXTERIOR / INTERIOR OF
BUILDING. SPLITTING SPACE INTO UP TO 4 RETAIL
SPACES. (GROUP DEVELOPMENT.)

ZONING DISTRICT IN WHICH LAND IS LOCATED:

CB

NAMES AND ADDRESSES OF ARCHITECT, PROFESSIONAL ENGINEER AND CONTRACTOR OF PROJECT:

ARCHITECT: JASON R. BERNARD, INC.

SHORT STATEMENT DESCRIBING ACTIVITIES TO BE CARRIED ON AT SITE:

RETAIL SALES.

CONDITIONAL USE FEE PAYABLE UPON FILING APPLICATION: \$400.00 [\$100 FOR APPLICATIONS UNDER SEC. 98-407(3)]

1-22-2014

DATE

J.R. Bernard

SIGNATURE OF APPLICANT

*pd by
1/27/14
\$400.00
RZP*

proposed for development OR if the proposed conditional use is a group development (per Section 98-208) a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan per Section 98-908.

(e) Written justification for the proposed conditional use:

_____ Indicating reasons why the Applicant believes the proposed conditional use is appropriate with the recommendations of the City of Lake Geneva Comprehensive Master Plan, particularly as evidenced by compliance with the standards set out in Section 98-905(4)(b)1.-6. (See below)

III. JUSTIFICATION OF THE PROPOSED CONDITIONAL USE

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

RETAIL / MERCANTILE USE IS IN HARMONY WITH
THE DOWNTOWN DESIGN OVERLAY DISTRICT.

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

THE PROPOSED REMODEL USES MATERIALS AND OVERALL DESIGN
CHARACTER THAT IS IN HARMONY WITH THE DOWNTOWN'S
HISTORIC QUALITY.

3. Does the proposed conditional use, in its proposed location and as depicted on the required site plan (see Section 98-905(3)(d)), result in any 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 the Zoning Ordinance, the Comprehensive Plan, or any other plan, program, map ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development?

THE CURRENT BUILDING ENCRACHES THE BROAD ST R.O.W. THE
PROPOSED REMODEL WILL NOT CREATE A GREATER DEGREE
OF ENCRACHMENT.

4. How does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

MAINTAINS THE RETAIL / MERCANTILE USE IN THE DOWNTOWN
OVERLAY DISTRICT. ENHANCES THE HISTORIC QUALITY
OF THE NEIGHBORHOOD.

5. Is the proposed conditional use 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?

NO EXTERNAL EXPANSION. WILL NOT CREATE A BURDEN TO
SERVICE / PUBLIC AGENCIES.

6. Do the potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use (as identified in Subsections 98-905(4)(b)1.-5.), after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts?

YES.

Written Description

The existing zoning district is the Central Business District and the Land use map designation shall remain the same. The current land use on the subject property is a single tenant use. The proposed land use for the property will be for a multi-tenant use with up to 4 smaller tenants which will provide for a more desirable central business retail use. The existing building encompasses the entire property so there shall be no changes to the existing site statistics. The operational considerations regarding the hours of operation will be determined by the future tenants and no nuisances will be created and the proposed development shall comply with all the requirements of Article VII. The proposed exterior building materials shall include a stone material from the sidewalk level to approximately 18" above the sidewalk. The main exterior material shall be a horizontal wood siding or similar material with an approximate visual exposure of 6". The siding shall terminate at vertical and horizontal wood or similar trim with a different paint color. Horizontal trim above the windows and doors and at the main roof cornice line shall be built-up with trim pieces of varying profiles for a more historical appearance. The building entries shall be highlighted with flat panels and trim with ornamental architectural brackets. New windows and doors shall be an aluminum storefront system with insulating glass. The aluminum storefront shall have an anodized bronze color finish. Awnings in an accent color at the building entries shall provide pedestrian protection.

PREPARED FOR
JIM McCULLOUGH
1551 EVERGREEN LN.
LAKE GENEVA WI. 53147

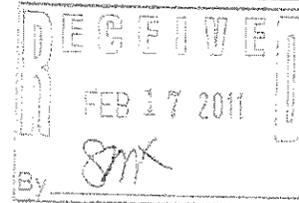
PLAT OF SURVEY

-OF-

THE NORTH 50 FEET OF LOTS 5 AND 6 IN BLOCK 27 OF
THE ORIGINAL PLAT OF THE CITY OF LAKE GENEVA,
LOCATED IN SECTION 36, TOWN 2 NORTH, RANGE 17 EAST,
CITY OF LAKE GENEVA, WALWORTH COUNTY, WISCONSIN.

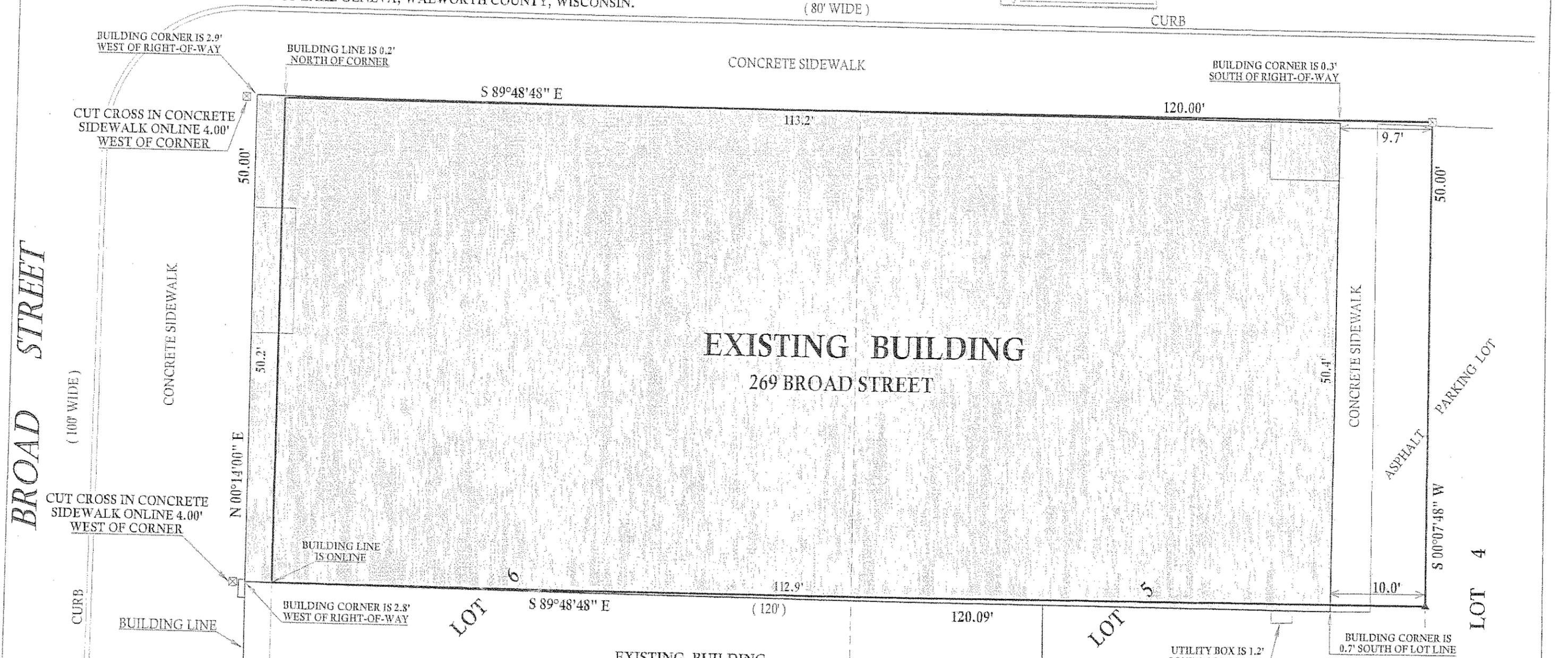
GENEVA STREET

(80' WIDE)



KROTT SURVEYING INC.

N3705 WILLOW BEND LANE
LAKE GENEVA WI. 53147
PHONE # (262)248-3697
FAX # (262)249-0639



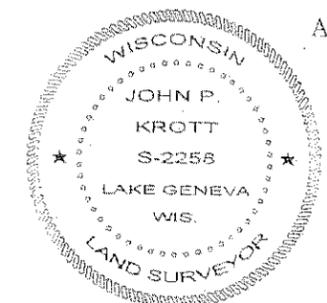
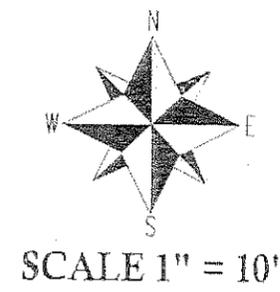
BROAD STREET
(100' WIDE)

TAX ID # ZOP00262
JOB # 11-003

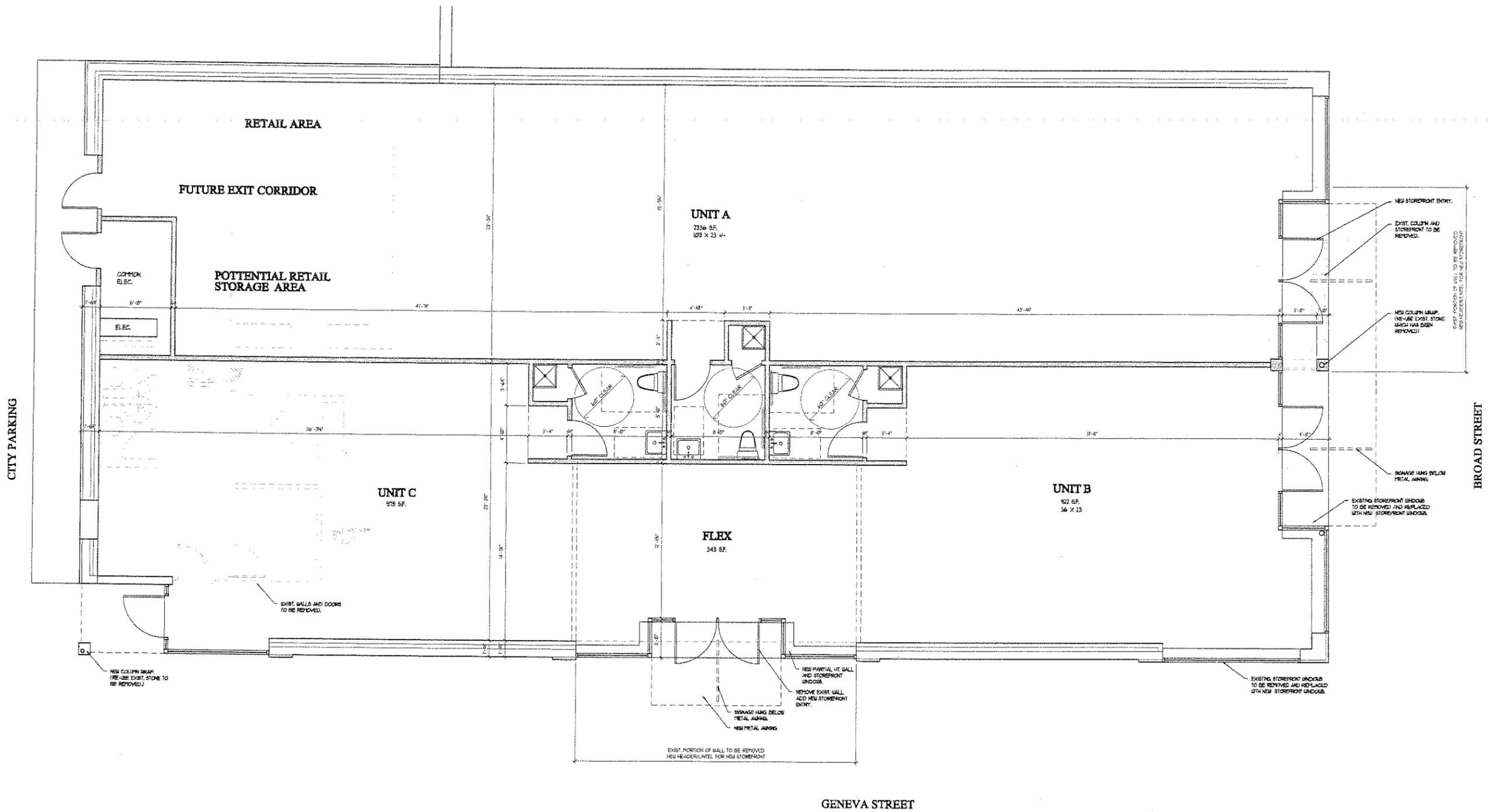
- LEGEND**
- × FOUND CUT CROSS
 - ⊠ SET CUT CROSS
 - ▲ SET P.K. NAIL
 - (xx) RECORDED AS

NOTE: BEARINGS ARE REFERENCED TO PREVIOUS SURVEY RECORDS
I have surveyed the above-described property and the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location and dimensions of all structures thereon, fences apparent easements and roadways and visible encroachments, if any.

This survey is made for the exclusive use of the present owners of the property, and also those who purchase, mortgage, or insure the title thereto within one (1) year from date hereof, and as to them I warrant the accuracy of said survey map.



JOHN KROTT S - 2258
Wisconsin Registered Land Surveyor
(original if signed in red)
DATED THIS 12th DAY OF JANUARY 2011



SCHEME "I"
FLOOR PLAN
SCALE 1/4" = 1'-0"

201 BROAD STREET
LAKE GENEVA, WI 53147
PHONE: 262.248.1400
CELL: 262.215.1109
© 2005 JASON R. BERNARD, INC.

JASON R.
BERNARD
ARCHITECT

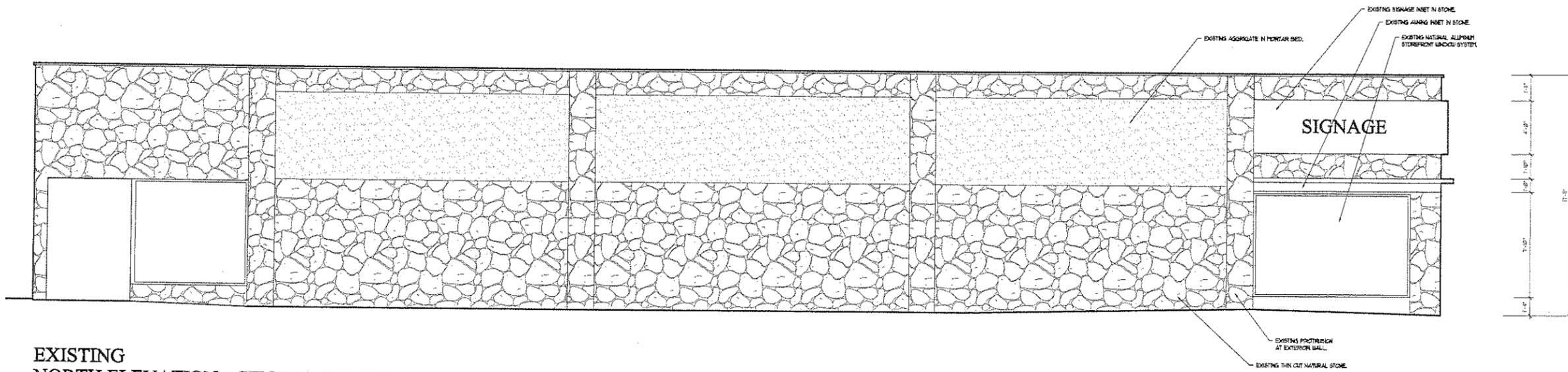
REMODEL & TENANT IMPROVEMENT FOR:
269 BROAD STREET
LAKE GENEVA, WI 53147

- DESIGN SET
- PERMIT SET
- CONSTRUCTION

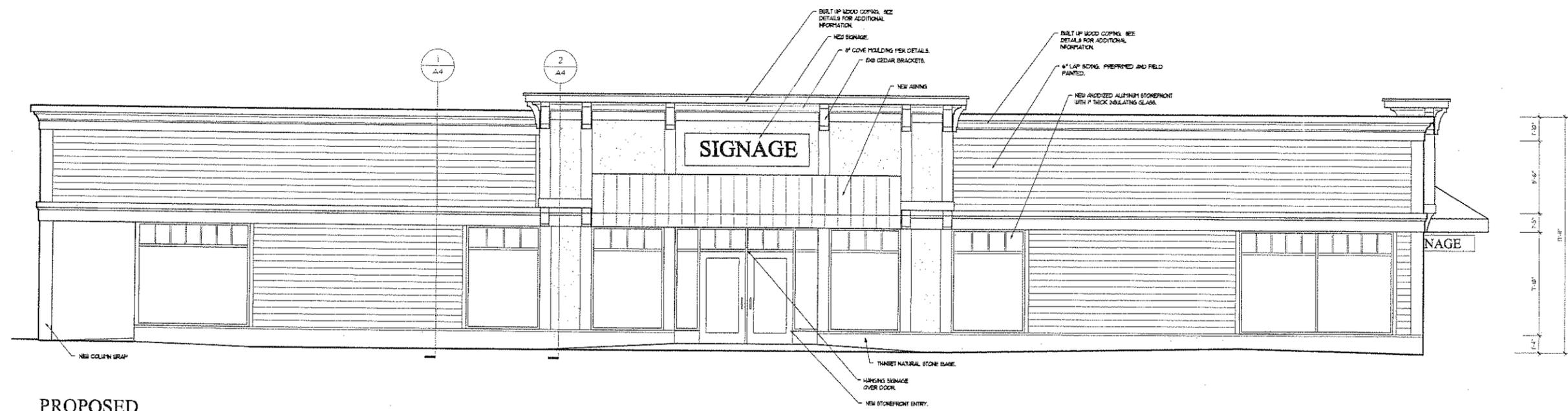
REVISIONS:

DATE: 11-30-11

A1
OF SHEETS



**EXISTING
NORTH ELEVATION - GENEVA STREET**
SCALE 1/4" = 1'-0"



**PROPOSED
NORTH ELEVATION - GENEVA STREET**
SCALE 1/4" = 1'-0"

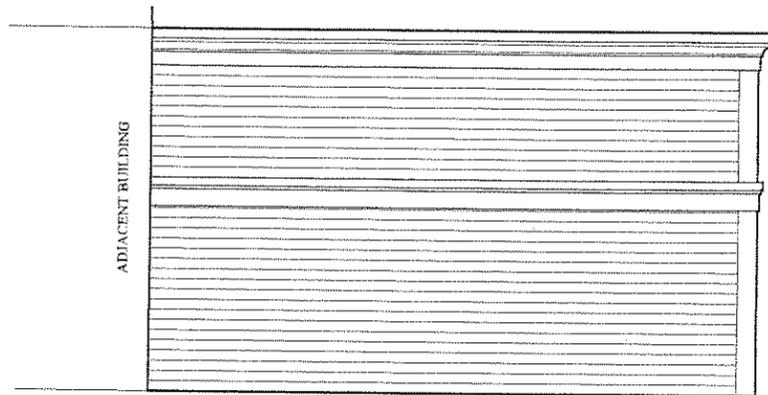
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LAKE GENEVA, WI. 53147
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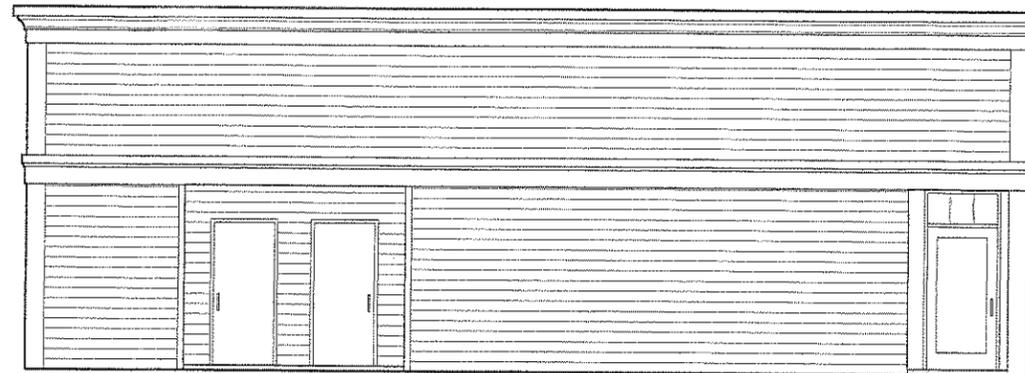
REMODEL & TENANT IMPROVEMENT FOR:
269 BROAD STREET
LAKE GENEVA, WI. 53147

DESIGN SET
PERMIT SET
CONSTRUCTION
REVISIONS:
DATE: 11-30-11

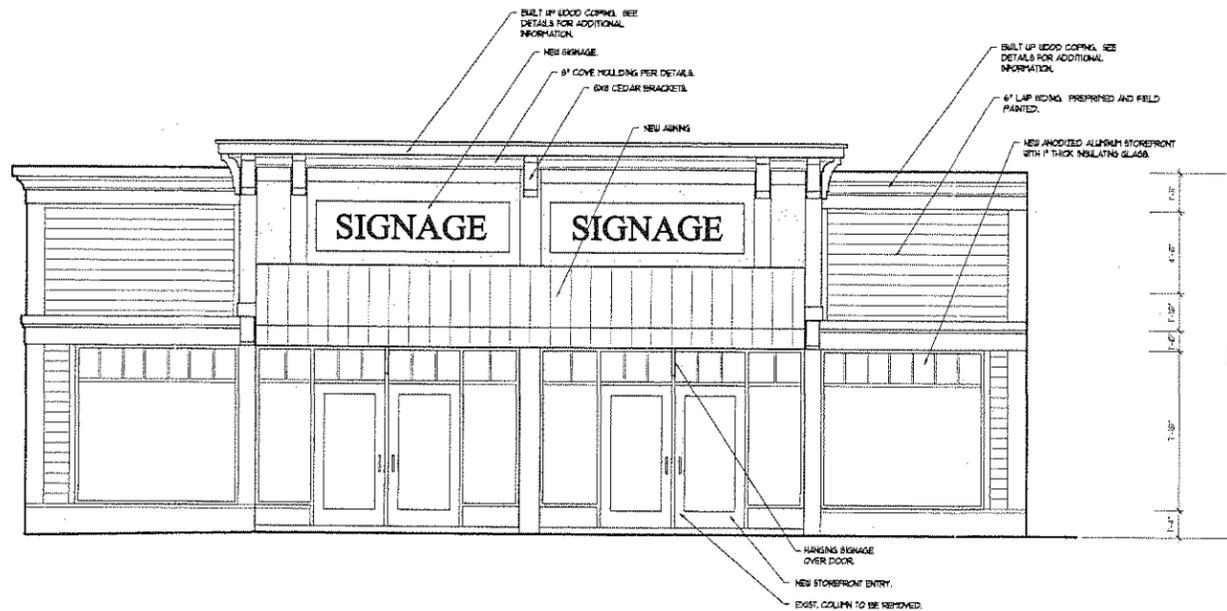
A2
OF SHEETS



PROPOSED
SOUTH ELEVATION - PARKING LOT
 SCALE 1/4" = 1'-0"



PROPOSED
EAST ELEVATION - PARKING LOT
 SCALE 1/4" = 1'-0"



PROPOSED
WEST ELEVATION - BROAD STREET
 SCALE 1/4" = 1'-0"

REMODEL & TENANT IMPROVEMENT FOR:
269 BROAD STREET

LAKE GENEVA, WI, 53147

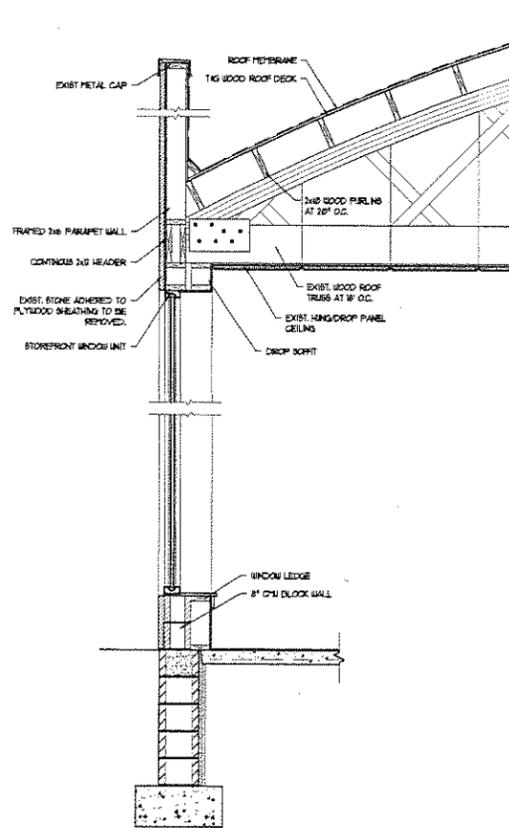
- DESIGN SET
- PERMIT SET
- CONSTRUCTION

REVISIONS:

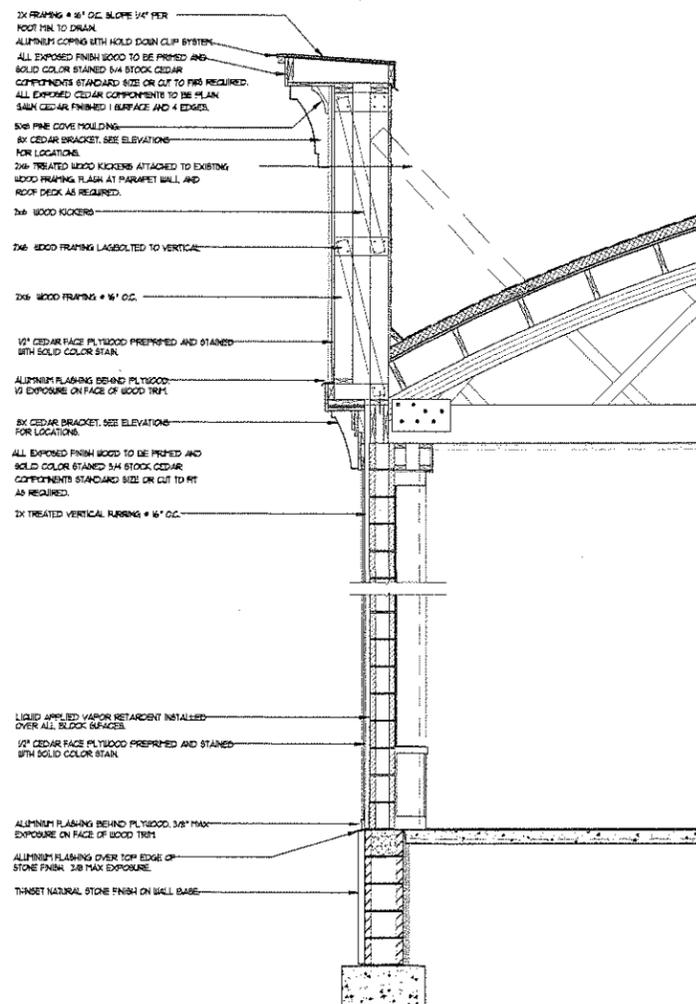
DATE: 11-30-11

A3
 OF SHEETS

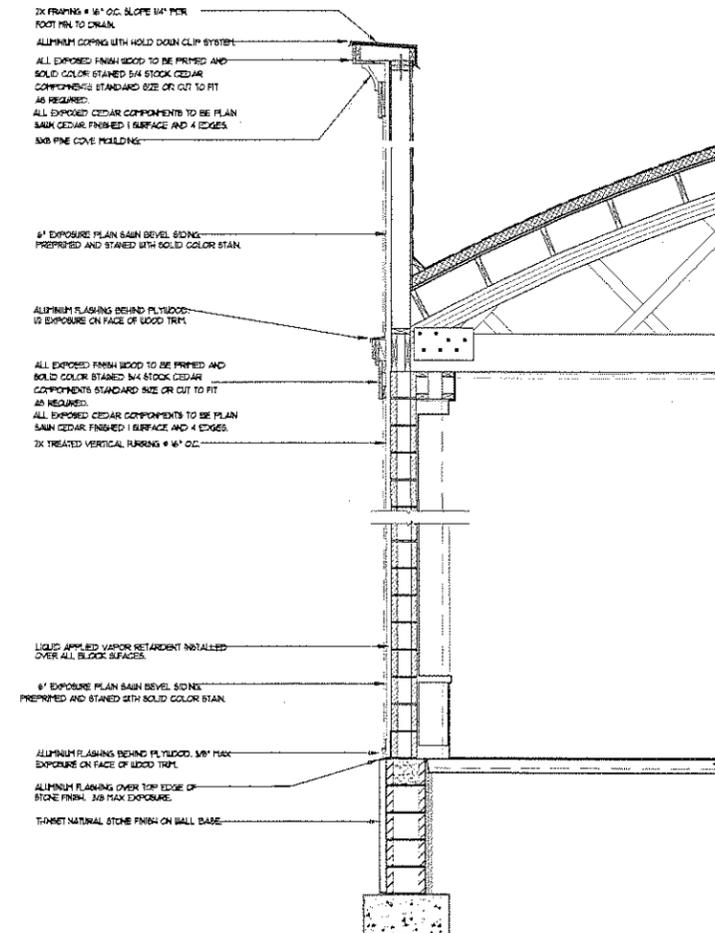
201 BROAD STREET
 LAKE GENEVA, WI, 53147
 PH: 762.248.1400
 CELL: 762.215.1109
 © 2005 JASON R. BERNARD, INC.
JASON R. BERNARD
 ARCHITECT



EXISTING WALL SECTION
SCALE 1/2" = 1'-0"



2 PROPOSED WALL SECTION
SCALE 1/2" = 1'-0"



1 PROPOSED WALL SECTION
SCALE 1/2" = 1'-0"

REMODEL & TENANT IMPROVEMENT FOR:
269 BROAD STREET
LAKE GENEVA, WI. 53147

DESIGN SET
 PERMIT SET
 CONSTRUCTION

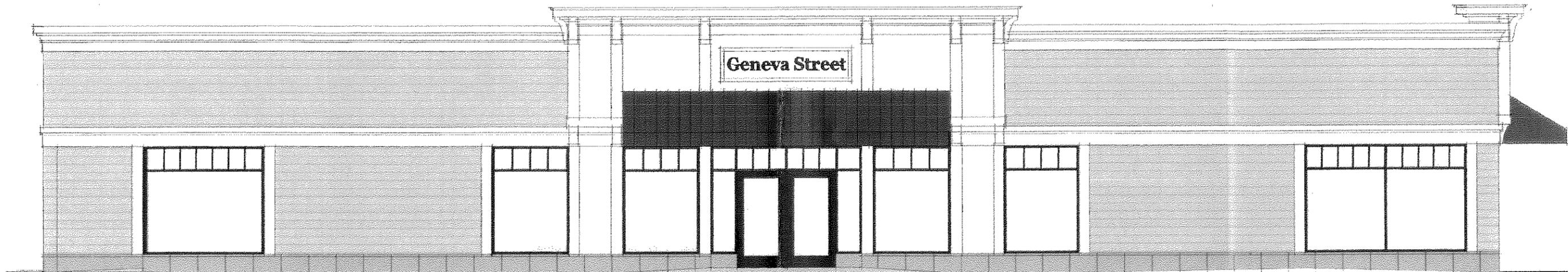
REVISIONS:

DATE: 11-30-11

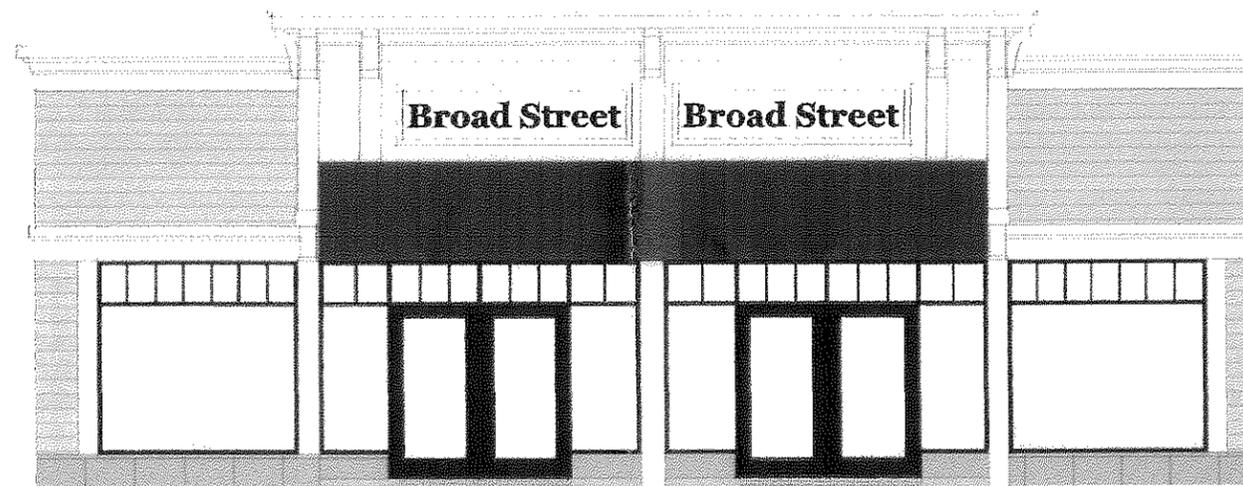
A4
OF SHEETS

JASON R. BERNARD ARCHITECT

201 BROAD STREET
LAKE GENEVA, WI. 53147
PHONE: 262.248.1400
CELL: 262.215.1109
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Geneva Street Elevation



Broad Street Elevation

SHELL REMODEL & TENANT IMPROVEMENT FOR:
MIKE KOCOUREK
 269 BROAD STREET
 LAKE GENEVA, WISCONSIN 53147

B JASON R.
BERNARD
 ARCHITECT

201 BROAD STREET
 LAKE GENEVA, WISCONSIN 53147
 PH/FX: 262.248.1400
 CELL: 262.215.1109
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VANDEWALLE & ASSOCIATES INC.

To: City of Lake Geneva
From: Mike Slavney, FAICP, City Planner
Date: 2 October, 2013
Re: Annual Comprehensive Plan Amendment Process

The City adopted the updated Comprehensive Plan on December 14, 2009. As a dynamic community facing a myriad of growth issues, the City is likely to receive requests for Plan amendments in the coming years prior to the required update in 2019. To provide a manageable, predictable, and cost effective process, the Plan suggests that the City establish a single plan amendment consideration cycle every year.

Several Wisconsin communities use an annual plan review and amendment process cycle to ensure these evaluations and adjustments are handled in a predictable and efficient manner.

The procedures to adopt or amend a Plan are defined under Section 66.1001(4), Wisconsin Statutes. The City process needs to follow these requirements. The timeline on the following page presents a conceptual five-month process to allow for plan amendment requests, consider amendments, and go through the adoption procedures in compliance with the State Statutes. This approach features a combined meeting of the Plan Commission and Common Council. During the meeting:

1. the Common Council holds a Public Hearing on the requested plan amendments;
2. the Plan Commission considers Plan amendment requests and public testimony, and then adopts a resolution making a specific recommendation on each of the requested Plan amendments to the Common Council; and,
3. the Common Council considers the Plan Commission's recommendations, vote on motions for each requested Plan amendment, and finally, adopts an ordinance to officially adopt the Plan amendments per their individually voted motions.

This combined meeting approach allows for the Plan Commission and Council to hear the same public testimony, prior to the Plan Commission's recommendation.

120 East Lakeside Street • Madison, Wisconsin 53715 • 608.255.3988 • 608.255.0814 Fax
342 North Water Street • Milwaukee, Wisconsin 53202 • 414.421.2001 • 414.732.2035 Fax
www.vandewalle.com

Shaping places, shaping change

Conceptual Annual Comprehensive Plan Amendment Process

Activity	June	July	August	September	October
Plan Commission Recommends Adoption of the Public Participation Plan & Announces Opening of Plan Amendment Process	3rd Monday				
Council Adopts Public Participation Plan		COW: 1st Monday CC: 2nd Monday			
City Clerk Accepts Plan Amendment Applications					
Plan Commission Reviews Plan Amendment Applications		3rd Monday	3rd Monday		
Plan Commission Recommends Setting Public Hearing by Council			3rd Monday		
Council Sets Public Hearing (approx. 6 weeks ahead)			4th Monday		
City Clerk Distributes Requested Plan Amendments to Surrounding and Overlapping Jurisdictions			4th Wednesday		
Public Review Period (Minimum of 30 days) (Newspaper published Wed.)			4th Wednesday	<i>Min. of 30-days</i>	
Joint Meeting: 1. Council Holds Public Hearing; 2. Plan Commission Adopts Resolution Recommending Plan Amendments; 3. Council Adopts Ordinance on Recommended Plan Amendments					COW: 1st Monday CC: 2nd Monday
City Distributes Amended Plan to Surrounding and Overlapping Jurisdictions					After Adoption

Cost Estimate – Combined Public Hearing Approach

	Hourly Rate	Hours by Position				Expenses	Total Cost
		\$135 Principal Planner	\$70 Associate Planner	\$70 GIS Technician	\$50 Admia.		
Task 1	Prepare Public Participation Plan	2	2				\$410
Task 2	Review Amendment Applications	8					\$1,080
Task 3	Attend 3 Meetings* and 1 Staff Meeting (4 total)	8				\$300	\$1,380
Task 4	Prepare Draft Plan Amendment Text and Maps	8	4	8	2		\$2,020
Task 5	Prepare Final Plan Amendment Text and Maps	2	2	2	2		\$650
Task 6	Project and Process Management	8	8				\$1,640
	Total	36	16	10	4	\$300	\$7,180



VANDEWALLE & ASSOCIATES INC.

To: City of Lake Geneva
From: Michael A. Slavney, FAICP
Date: Wednesday, August 28, 2013
Re: Discussion about Draft Zoning Code Amendments Regarding Nonconforming Situations

Background

I would like to make the Plan Commission and the Common Council aware of my recent experience in several other cities and villages in revising the long-standing and universally-used approach to regulating non-conforming situations. Specifically, I suggest revising Article II, Section 98-207 (Nonconforming Use Regulations), Article III, Section 98-307 (Nonconforming Development Regulations), and Article IV, Section 98-408 (Nonconforming Structure and Building Regulations). I also have suggested adding a new section, Section 98-410 (Substandard Lot Regulations), to Article IV. These amendments are intended to ensure that developments, sites, structures, and lots approved prior to the effective date of the current zoning ordinance or do not encounter difficulties because they would otherwise be considered nonconforming.

On the following pages please find:

First, on pages 2-4, current Articles II, ^{II} and IV; proposed to be amended.

Second, on pages 5-8, the draft replacement for Articles II, ^{II} and IV, intended to accomplish:

- Clear distinction between non-conforming uses, structures, lots, and sites design
- Allow for maintenance and equipment replacement for non-conforming uses
- The ability to seek conditional use approval to remove nonconforming use status
- Removing the “non-conforming” label from all legally created lots of record
- Removing the “non-conforming” label from all legally erected structures
- The ability to structurally repair and maintain all structures without limitation
- The ability to expand all structures, so long as the addition meets all requirements
- Removing the “non-conforming” label from all legally developed sites
- Clarifying that only new development must comply with site improvement requirements
- Clearly providing for Plan Commission discretion to correct public safety and nuisance situations existing on a site which is proposed for additional development

Third, on page 9-13, a redline strikethrough version showing changes made to the ordinance.

120 East Lakeside Street • Madison, Wisconsin 53715 • 608.255.3988 • 608.255.0814 Fax
611 North Broadway • Suite 410 • Milwaukee, Wisconsin 53202 • 414.421.2001 •
414.732.2035 Fax
www.vandewalle.com

Shaping places, shaping change

Existing Ordinance

Article II: Section 98-207 Nonconforming Use Regulations

- (1) **Definition:** A nonconforming use is an active and actual use of land or structures, or both; legally established prior to the effective date of this Chapter or subsequent applicable amendments thereto which has continued the same use to the present, and which would not be permitted under the current terms of this Chapter.
- (2) **Continuance of a Nonconforming Use:** Any nonconforming use lawfully existing upon the effective date of this Chapter may be continued at the size and in a manner of operation existing upon such date, except as specified in this Section. Any legal use under the previous Zoning Ordinance which is made nonconforming by this Chapter may apply for a conditional use permit (per Section 98-905) to be granted legal conforming status. Any legal use under the previous zoning map which is made nonconforming by a change to the official zoning map may apply for a zoning map amendment (per Section 98-903) to an appropriate zoning district to be granted legal conforming use status.
- (3) **Modification of a Nonconforming Use**
 - (a) Except as permitted in (b), below, a nonconforming use shall not be expanded, or changed to another nonconforming use; unless such modification would make the nonconforming use have a more desirable effect in terms of implementing the purpose of this Chapter (as determined by the Zoning Administrator). If such a modification occurs, said use shall not be modified back to the original nonconforming use, or to any other nonconforming use which does not better accomplish the purpose of this Chapter.
 - (b) A nonconforming nonresidential use which is not served by public sanitary sewer and/or public water if said facilities are not available within 1,000 feet of the subject property, and upon the granting of a conditional use permit per the requirements of Section 98-905.
- (4) **Discontinuance of a Nonconforming Use:** When any nonconforming use of any structure or land is discontinued for a period of 12 months, or is changed into a conforming use, any future use of said structure or land shall be in complete conformity with the provisions of this Chapter.
- (5) **Maintenance of a Nonconforming Use:** The normal maintenance of a structure or land containing or related to a nonconforming use is permitted, including necessary repairs and incidental alterations which do not exacerbate the adverse impacts of the nonconforming use in relation to the purpose of this Chapter. In no instance shall said repairs exceed over the life of the structure, 50% of the present equalized assessed value of said structure or property prior to said repairs.
- (6) **Reconstruction of Two-family Dwellings in areas formally zoned R-2:** A legal, nonconforming two-family structure which is destroyed by fire, tornado or other disaster may apply for construction as a conditional use to be reconstructed so as not to expand the floor area nor footprint of the structure, if said structure is located in an area which was zoned to permit two-family dwellings on the day preceding the Effective Date of the Ordinance.
- (7) **Nonconforming Lots, Structures, and Buildings:** See Sections 98-307, 98-408 and 98-409.

Article III: Section 98-307 Nonconforming Development Regulations

A variance for any and all requirements of this Article is hereby automatically granted to all developments in their configuration existing or as finally approved as of the effective date of this Chapter. However, after the effective date of this Chapter, such developments shall not be permitted to enlarge, expand or extend without bringing the enlargement, expansion or extension into compliance with the provisions of this Article, and unless a variance is granted by the Board of Zoning Appeals per the requirements of Section 98-910.

Rationale: The "blanket variance" provision of this Section is intended to prevent the creation of certain nonconforming developments within the jurisdiction of this Chapter. The adoption of the provisions of this Section ensures that developments approved prior to the adoption of this

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Chapter do not encounter difficulty in transferring ownership because they would otherwise be considered nonconforming.

Article IV: Section 98-408 Nonconforming Structure and Building Regulations

- (1) Any structure or building lawfully existing upon the effective date of this Chapter may be continued at the size and in a manner of operation existing upon such date, except as hereafter specified.
- (2) Nothing in this Chapter shall preclude the Building Inspector from remedial or enforcement actions when said structure or building is declared unsafe.
- (3) When any lawful nonconforming structure or building in any district is modified so as to be in conformance with the provisions of this Chapter, any future modification of said structure or building shall be in conformance with the provisions of this Chapter.
- (4) Whenever a lawful nonconforming structure or building has been damaged by fire, flood, wind, explosion, earthquake, war, riot, unlawful act, or Act of God, it may be reconstructed and used as before if it be reconstructed within one year after such calamity, unless the damage to said structure or building equals or exceeds 50% of its assessed value. In such cases, the reconstruction shall be limited to uses permitted by the provisions of this Chapter (unless the ability to re-establish a nonconforming use is specifically granted by Council).
- (5) Normal maintenance of a nonconforming structure or building is permitted, including necessary nonstructural repairs and incidental alterations which do not extend, enlarge, or intensify the nonconforming structure or building.
- (6) Alterations may be made to a building containing lawful nonconforming residential units, provided such alterations do not increase the number of dwelling units or the bulk of the building, except that a conforming garage may be added if none previously existed. However, after the effective date of this Chapter, such structures shall not be permitted to enlarge, expand or extend without bringing the enlargement, expansion or extension into compliance with the provisions of the Article unless a variance is granted by the Board of Zoning Appeals per the requirements of Section 98-910.
- (7) A legal, nonconforming garage may be enlarged or replaced provided the following requirements are met:
 - (a) That the proposed garage replacement or addition does not encroach farther into required setback(s) than the current legal, nonconforming structure.
 - (b) That the proposed garage replacement or addition does not locate closer to an existing residence on an adjacent parcel than the sum of the required garage setback (on the subject property) and the required house setback (on said adjacent parcel).
 - (c) And that precautions (determined on a case-by-case basis by the Building Inspector) are taken to reduce the possibility of fire damage to nearby structures.
- (8) Any structure or building for which a building permit has been lawfully granted prior to the effective date of this Chapter, which will become nonconforming under the provisions of this Chapter or amendments thereto, may be completed in accordance with the approved plans, provided construction is started within 730 calendar days of the effective date of this Chapter for single- and two-family construction and within 365 calendar days of the effective date of this Chapter for all other development, and provided that construction is completed within 730 calendar days of the effective date of this Chapter or amendments thereto. Said structure or building shall thereafter be a legal nonconforming structure or building.
- (9) A variance for any and all requirements of this Article is hereby automatically granted to all legal nonconforming residential dwellings, and to all structures fronting onto either Broad Street or onto Williams Street between Geneva Street and George Street, in their configuration existing as of the effective date of this Chapter. However, after the effective date of this Chapter, such structures shall not be permitted to enlarge, expand or extend without bringing the enlargement, expansion or extension into compliance with the provisions

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of the Article unless a variance is granted by the Board of Zoning Appeals per the requirements of Section 98-910. (Ord. No. 99-3 3/8/99)

Rationale: The "blanket variance" provision of (9), above, is intended to eliminate the continued classification and/or creation of certain nonconforming residential structures within the jurisdiction of this Chapter. This provision addresses two different situations. First: prior to the provision of full-time inspection services, a number of residential structures were approved in the City of Lake Geneva which did not meet setback requirements. Second: this Chapter requires greater side yard setback requirements for certain residential lot sizes than did previous regulations for similar sized lots. The adoption of the provisions of (9), above, ensure that residential structures approved prior to the adoption of this Chapter do not encounter difficulty in transferring ownership because they would otherwise be considered nonconforming uses. This "blanket variance" is not available for nonresidential structures.

Proposed

Article II: Section 98-207 Nonconforming Use Regulations

- (1) **Definition:** A nonconforming use is an active and actual use of land or structures, or both; legally established prior to the effective date of this Chapter or subsequent applicable amendments thereto which has continued the same use to the present, and which would not be permitted under the current terms of this Chapter.
- (2) **Continuance of a Nonconforming Use:** Any nonconforming use lawfully existing upon the effective date of this Chapter may be continued at the size and in a manner of operation existing upon such date, except as specified in this Section. Any legal use under the previous Zoning Ordinance which is made nonconforming by this Chapter may apply for a conditional use permit (per Section 98-905) to be granted legal conforming status. Any legal use under the previous zoning map which is made nonconforming by a change to the official zoning map may apply for a zoning map amendment (per Section 98-903) to an appropriate zoning district to be granted legal conforming use status.
- (3) **Modification of a Nonconforming Use**
 - (a) Except as permitted in (b), below, a nonconforming use shall not be expanded, or changed to another nonconforming use; unless such modification would make the nonconforming use have a more desirable effect in terms of implementing the purpose of this Chapter (as determined by the Zoning Administrator). If such a modification occurs, said use shall not be modified back to the original nonconforming use, or to any other nonconforming use which does not better accomplish the purpose of this Chapter.
 - (b) A nonconforming nonresidential use which is not served by public sanitary sewer and/or public water may be permitted to expand if said facilities are not available within 1,000 feet of the subject property, and upon the granting of a conditional use permit per the requirements of Section 98-905.
- (4) **Discontinuance of a Nonconforming Use:** When any nonconforming use of any structure or land is discontinued for a period of 12 months, or is changed into a conforming use, any future use of said structure or land shall be in complete conformity with the provisions of this Chapter.
- (5) **Maintenance of a Nonconforming Use:** The normal maintenance of a structure or land containing or related to a nonconforming use is permitted, including necessary repairs and incidental alterations which do not exacerbate the adverse impacts of the nonconforming use in relation to the purpose of this Chapter.
- (6) **Reconstruction of Two-family Dwellings in areas formally zoned R-2:** A legal, nonconforming two-family structure which is destroyed by fire, tornado or other disaster may apply for construction as a conditional use to be reconstructed so as not to expand the floor area nor footprint of the structure, if said structure is located in an area which was zoned to permit two-family dwellings on the day preceding the Effective Date of the Ordinance.
- (7) **Nonconforming Lots, Structures, and Buildings:** See Sections 98-307, 98-408 and 98-409 and 98-410.

Article III: Section 98-307 Nonconforming Sites Regulations

- (1) **Blanket Conforming Status.**
 - (a) Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to all development sites in their configuration existing or as finally approved as of INSERT 2013 DATE.
 - (b) After INSERT 2013 DATE, additional site development that would result in the enlargement, expansion, or extension of uses, structures or other development per (c) 1-8, below, will not be allowed to occur without such additional site development being in full compliance with the provisions of this Chapter.

Proposed

- (c) This Subsection is intended to prevent the creation of nonconforming sites related to the building and site design requirements of this Chapter. These building and site design components may include one or more of the following:
 - 1. Bulk, intensity, and density requirements.
 - 2. Exterior building materials requirements.
 - 3. Exterior building design requirements.
 - 4. Parking, loading, access drive and other paved area design requirements.
 - 5. Landscaping requirements.
 - 6. Bufferyard requirements.
 - 7. Fencing requirements.
 - 8. Lighting requirements.
- (d) This Subsection ensures that sites approved prior to INSERT 2013 DATE do not encounter difficulty because they would otherwise be considered nonconforming.
- (2) All new buildings, structures, and parking areas, including additions, shall comply with all site design requirements of this Chapter, including the components of (c) 1.-8., above, for the new portion of the development.
- (3) On lots where the site configuration and undeveloped area are sufficient to comply with site design requirements, no enlargement, expansion, or extension of a use, structure, or paving shall be permitted if it makes compliance with the site design requirements of this Chapter, including (c) 1.-8., above, impossible, even if said enlargement, expansion, or extension of the use, structure, or paving would otherwise be permissible.
- (4) On lots where the configuration and undeveloped area of the nonconforming site provides insufficient space to bring the site into full compliance with all site requirements but nevertheless provides space to reduce the degree of one or more nonconformities, the Plan Commission shall make a determination as to the manner and degree to which each site nonconformities shall be brought into conformance specifically to improve public safety and/or reduce public nuisances.
- (5) Enlargements, expansions, or extensions that would result in creation of one or more nonconformities, render a nonconforming site incapable of being brought into full or greater compliance with nonconforming site requirements, or increase the degree of existing nonconformities with the site development standards of this Chapter shall not be permitted, unless a variance is granted by the Zoning Board of Appeals under Section 98-910.
- (6) Rationale: The "blanket conforming status" provision of this Section is intended to prevent the creation of certain nonconforming developments within the jurisdiction of this Chapter. The adoption of the provisions of this Section ensures that developments approved prior to the adoption of this Chapter do not encounter difficulty in transferring ownership because they would otherwise be considered nonconforming.

Article IV: Section 98-408 Nonconforming Structure and Building Regulations

- (1) The following section shall apply to all structures in the Village except in the following circumstances:
 - (a) The structure did not legally exist at the time of adoption.
 - (b) The structure is subject to legal proceedings.
 - (c) The structure is subject to a court order to the contrary of this Section.
 - (d) Federal, State and Village floodplain, wetland and shoreland-wetland regulations shall control in case of a conflict.
- (2) Blanket Conforming Status: Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to any structure lawfully existing upon INSERT 2013

Proposed

DATE. After said date, structures may not be enlarged, expanded, or extended without bringing the enlargement, expansion, or extension into compliance with the provisions of this Chapter, or unless a variance is granted by the Zoning Board of Appeals under Section 18.910.

- (a) This Subsection is intended to eliminate the continued classification and/or the creation of structures as nonconforming subject to the requirements of this Chapter. This provision addresses two different situations.
 - 1. Any structure erected prior to the adoption of zoning that does not meet some or all of the bulk or intensity requirements of this Chapter.
 - 2. In some instances, this Chapter establishes new bulk or intensity requirements that existing legal structures under the previous zoning ordinance do not meet.
 - (b) This Section therefore ensures that owners of such structures legally established prior to INSERT 2013 DATE do not encounter difficulty because the structures would otherwise be considered nonconforming.
- (3) Rationale: The "blanket conforming status" provision of (2), above, is intended to eliminate the continued classification and/or creation of certain principle structures as nonconforming within the jurisdiction of this Chapter. This provision addresses two different situations. First: prior to the provision of full-time inspection services, a number of structures were approved in the City of Lake Geneva that did not meet setback requirements. Second: this Chapter requires greater side yard setback requirements for certain lot sizes than did previous regulations for similar sized lots. The adoption of the provisions of (2), above, ensure that structures approved prior to the adoption of this Chapter do not encounter difficulty in transferring ownership because they would otherwise be considered Nonconforming structures. This "blanket conforming status" is not available for accessory structures.
- (4) Any structure or building lawfully existing upon the effective date of this Chapter may be continued at the size and in a manner of operation existing upon such date, except as hereafter specified.
 - (5) Nothing in this Chapter shall preclude the Building Inspector from remedial or enforcement actions when said structure or building is declared unsafe.
 - (6) All maintenance of a nonconforming structure or building is permitted, including necessary structural and nonstructural repairs and incidental alterations which do not create, extend, enlarge, or intensify the nonconforming parts of the structure or building.
 - (7) After the effective date of this Chapter, structures shall not be permitted to enlarge, expand or extend without the enlargement, expansion or extension complying with the provisions of the Article unless a variance is granted by the Board of Zoning Appeals per the requirements of Section 98-910. All vertical expansions after the effective date of this ordinance shall comply with all bulk requirements. OR Vertical expansions above existing nonconforming portions of a building and within the maximum permitted height requirement are permitted so long as no portion of the vertical expansion exceeds a current nonconforming setback.
 - (8) Alterations may be made to a building containing lawful nonconforming residential units, provided such alterations do not increase the number of dwelling units or the bulk of the building, except that a conforming garage may be added if none previously existed.
 - (9) Destruction and Reconstruction: A damaged, destroyed, or removed structure may be restored to the size, location, design and use that it had immediately before the damage, destruction, or removal occurred without any limits on the costs of the repair, reconstruction, or improvement if either 1. or 2., below, apply. The burden of proof in regard to the location, dimensions, configuration, and exterior building materials of the damaged or removed structure shall be upon the property owner to demonstrate prior to the issuance of a building permit.

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- (a) The structure was damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other act identified by Wis. Stats. 62.23(7) on or after March 2, 2006.
 - (b) The structure was damaged, destroyed, removed, or partially removed by other means on or after the effective date of this Chapter.
- (10) Intentional Removal and Replacement.
- (a) If 50 percent or more of the total floor area of a structure is intentionally removed by the property owner, the replacement structure must meet the requirements of this Chapter unless a variance is granted under Section 95-910.
 - (b) If less than 50 percent of the total floor area of a structure is intentionally removed by the property owner, it may be restored to the previous footprint, floor area and height.
 - (c) Existing garages, decks, and porches may be replaced in their entirety to the previous footprint, floor area and height.
- (11) A legal, nonconforming garage may be enlarged or replaced provided the following requirements are met:
- (a) That the proposed garage replacement or addition does not encroach farther into required setback(s) than the current legal, nonconforming structure.
 - (b) That the proposed garage replacement or addition does not locate closer to an existing residence on an adjacent parcel than the sum of the required garage setback (on the subject property) and the required house setback (on said adjacent parcel).
 - (c) And that precautions (determined on a case-by-case basis by the Building Inspector) are taken to reduce the possibility of fire damage to nearby structures.

Article IV: Section 98-410 Substandard Lot Regulations

- (1) The following section shall apply to all lots in the Village except in the following circumstances:
- (a) The lot did not legally exist as of Insert 2013 Date.
 - (b) The lot is subject to legal proceedings.
 - (c) The lot is subject to a court order to the contrary of this Section.
- (2) Blanket Conforming Status: Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to all nonconforming or substandard lots in their configuration existing or as finally approved as of the effective date of this Chapter. This Subsection ensures that lots approved and created prior to the adoption of this Chapter do not encounter difficulty because the lots would otherwise be considered nonconforming or substandard.
- After the effective date of this Chapter, no lot shall be created which does not meet the density, intensity, and bulk requirements of the zoning district.
- (3) A lot of record existing upon the effective date of this Chapter in any zoning district, which does not meet the minimum lot area, width, and frontage requirements for the zoning district, may be utilized for new or modified development, provided that such development complies with all of the density, intensity, and bulk regulations for that zoning district.
- (4) Except for outlots that received variances prior to the effective date of this Chapter, this section shall not apply to outlots without access to a public right-of-way that existed prior to the effective date of this Chapter since they are not intended for development.

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Article II: Section 98-207 Nonconforming Use Regulations

- (1) **Definition:** A nonconforming use is an active and actual use of land or structures, or both; legally established prior to the effective date of this Chapter or subsequent applicable amendments thereto which has continued the same use to the present, and which would not be permitted under the current terms of this Chapter.
- (2) **Continuance of a Nonconforming Use:** Any nonconforming use lawfully existing upon the effective date of this Chapter may be continued at the size and in a manner of operation existing upon such date, except as specified in this Section. Any legal use under the previous Zoning Ordinance which is made nonconforming by this Chapter may apply for a conditional use permit (per Section 98-905) to be granted legal conforming status. Any legal use under the previous zoning map which is made nonconforming by a change to the official zoning map may apply for a zoning map amendment (per Section 98-903) to an appropriate zoning district to be granted legal conforming use status.
- (3) **Modification of a Nonconforming Use**
 - (a) Except as permitted in (b), below, a nonconforming use shall not be expanded, or changed to another nonconforming use; unless such modification would make the nonconforming use have a more desirable effect in terms of implementing the purpose of this Chapter (as determined by the Zoning Administrator). If such a modification occurs, said use shall not be modified back to the original nonconforming use, or to any other nonconforming use which does not better accomplish the purpose of this Chapter.
 - (b) A nonconforming nonresidential use which is not served by public sanitary sewer and/or public water may be permitted to expand if said facilities are not available within 1,000 feet of the subject property, and upon the granting of a conditional use permit per the requirements of Section 98-905.
- (4) **Discontinuance of a Nonconforming Use:** When any nonconforming use of any structure or land is discontinued for a period of 12 months, or is changed into a conforming use, any future use of said structure or land shall be in complete conformity with the provisions of this Chapter.
- (5) **Maintenance of a Nonconforming Use:** The normal maintenance of a structure or land containing or related to a nonconforming use is permitted, including necessary repairs and incidental alterations which do not exacerbate the adverse impacts of the nonconforming use in relation to the purpose of this Chapter. ~~In no instance shall said repairs exceed over the life of the structure, 50% of the present equalized assessed value of said structure or property prior to said repairs.~~
- (6) **Reconstruction of Two-family Dwellings in areas formally zoned R-2:** A legal, nonconforming two-family structure which is destroyed by fire, tornado or other disaster may apply for construction as a conditional use to be reconstructed so as not to expand the floor area nor footprint of the structure, if said structure is located in an area which was zoned to permit two-family dwellings on the day preceding the Effective Date of the Ordinance.
- (7) **Nonconforming Lots, Structures, and Buildings:** See Sections 98-307, 98-408 and 98-409 and 98-410.

Article III: Section 98-307 Nonconforming Development Sites Regulations

~~A variance for any and all requirements of this Article is hereby automatically granted to all developments in their configuration existing or as finally approved as of the effective date of this Chapter. However, after the effective date of this Chapter, such developments shall not be permitted to enlarge, expand or extend without bringing the enlargement, expansion or extension into compliance with the provisions of this Article, and unless a variance is granted by the Board of Zoning Appeals per the requirements of Section 98-910.~~

~~Rationale: The "blanket variance" provision of this Section is intended to prevent the creation of certain nonconforming developments within the jurisdiction of this Chapter. The adoption of the~~

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~~provisions of this Section ensures that developments approved prior to the adoption of this Chapter do not encounter difficulty in transferring ownership because they would otherwise be considered nonconforming.~~

- (1) Blanket Conforming Status.
 - (a) Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to all development sites in their configuration existing or as finally approved as of INSERT 2013 DATE.
 - (b) After INSERT 2013 DATE, additional site development that would result in the enlargement, expansion, or extension of uses, structures or other development per (c) 1-8, below, will not be allowed to occur without such additional site development being in full compliance with the provisions of this Chapter.
 - (c) This Subsection is intended to prevent the creation of nonconforming sites related to the building and site design requirements of this Chapter. These building and site design components may include one or more of the following:
 1. Bulk, intensity, and density requirements.
 2. Exterior building materials requirements.
 3. Exterior building design requirements.
 4. Parking, loading, access drive and other paved area design requirements.
 5. Landscaping requirements.
 6. Bufferyard requirements.
 7. Fencing requirements.
 8. Lighting requirements.
 - (d) This Subsection ensures that sites approved prior to INSERT 2013 DATE do not encounter difficulty because they would otherwise be considered nonconforming.
- (2) All new buildings, structures, and parking areas, including additions, shall comply with all site design requirements of this Chapter, including the components of (c) 1.-8., above, for the new portion of the development.
- (3) On lots where the site configuration and undeveloped area are sufficient to comply with site design requirements, no enlargement, expansion, or extension of a use, structure, or paving shall be permitted if it makes compliance with the site design requirements of this Chapter, including (c) 1.-8., above, impossible, even if said enlargement, expansion, or extension of the use, structure, or paving would otherwise be permissible.
- (4) On lots where the configuration and undeveloped area of the nonconforming site provides insufficient space to bring the site into full compliance with all site requirements but nevertheless provides space to reduce the degree of one or more nonconformities, the Plan Commission shall make a determination as to the manner and degree to which each site nonconformities shall be brought into conformance specifically to improve public safety and/or reduce public nuisances.
- (5) Enlargements, expansions, or extensions that would result in creation of one or more nonconformities, render a nonconforming site incapable of being brought into full or greater compliance with nonconforming site requirements, or increase the degree of existing nonconformities with the site development standards of this Chapter shall not be permitted, unless a variance is granted by the Zoning Board of Appeals under Section 98-910.
- (6) Rationale: The "blanket conforming status" provision of this Section is intended to prevent the creation of certain nonconforming developments within the jurisdiction of this Chapter. The adoption of the provisions of this Section ensures that developments approved prior to the adoption of this Chapter do not encounter difficulty in transferring ownership because they would otherwise be considered nonconforming.

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Article IV: Section 98-408 Nonconforming Structure and Building Regulations

- (1) The following section shall apply to all structures in the Village except in the following circumstances:
 - (a) The structure did not legally exist at the time of adoption.
 - (b) The structure is subject to legal proceedings.
 - (c) The structure is subject to a court order to the contrary of this Section.
 - (d) Federal, State and Village floodplain, wetland and shoreland-wetland regulations shall control in case of a conflict.
- (2) Blanket Conforming Status: Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to any structure lawfully existing upon INSERT 2013 DATE. After said date, structures may not be enlarged, expanded, or extended without bringing the enlargement, expansion, or extension into compliance with the provisions of this Chapter, or unless a variance is granted by the Zoning Board of Appeals under Section 18.910.
 - (a) This Subsection is intended to eliminate the continued classification and/or the creation of structures as nonconforming subject to the requirements of this Chapter. This provision addresses two different situations.
 1. Any structure erected prior to the adoption of zoning that does not meet some or all of the bulk or intensity requirements of this Chapter.
 2. In some instances, this Chapter establishes new bulk or intensity requirements that existing legal structures under the previous zoning ordinance do not meet.
 - (b) This Section therefore ensures that owners of such structures legally established prior to INSERT 2013 DATE do not encounter difficulty because the structures would otherwise be considered nonconforming.
- (3) Rationale: The "blanket conforming status" provision of (2), above, is intended to eliminate the continued classification and/or creation of certain principle structures as non-conforming within the jurisdiction of this Chapter. This provision addresses two different situations. First: prior to the provision of full-time inspection services, a number of structures were approved in the City of Lake Geneva that did not meet setback requirements. Second: this Chapter requires greater side yard setback requirements for certain lot sizes than did previous regulations for similar sized lots. The adoption of the provisions of (2), above, ensure that structures approved prior to the adoption of this Chapter do not encounter difficulty in transferring ownership because they would otherwise be considered Nonconforming structures. This "blanket conforming status" is not available for accessory structures.
- (4) Any structure or building lawfully existing upon the effective date of this Chapter may be continued at the size and in a manner of operation existing upon such date, except as hereafter specified.
- (5) Nothing in this Chapter shall preclude the Building Inspector from remedial or enforcement actions when said structure or building is declared unsafe.
- ~~(6) When any lawful nonconforming structure or building in any district is modified so as to be in conformance with the provisions of this Chapter, any future modification of said structure or building shall be in conformance with the provisions of this Chapter.~~
- ~~(7) Whenever a lawful nonconforming structure or building has been damaged by fire, flood, wind, explosion, earthquake, war, riot, unlawful act, or Act of God, it may be reconstructed and used as before if it be reconstructed within one year after such calamity, unless the damage to said structure or building equals or exceeds 50% of its assessed value. In such cases, the reconstruction shall be limited to uses permitted by the provisions of this Chapter (unless the ability to re-establish a nonconforming use is specifically granted by Council).~~

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- (8) All Normal maintenance of a nonconforming structure or building is permitted, including necessary structural and nonstructural repairs and incidental alterations which do not create, extend, enlarge, or intensify the nonconforming parts of the structure or building.
- (9) ~~However,~~ After the effective date of this Chapter, ~~such~~ structures shall not be permitted to enlarge, expand or extend without bringing the enlargement, expansion or extension into compliance complying with the provisions of the Article unless a variance is granted by the Board of Zoning Appeals per the requirements of Section 98-910. All vertical expansions after the effective date of this ordinance shall comply with all bulk requirements. OR Vertical expansions above existing nonconforming portions of a building and within the maximum permitted height requirement are permitted so long as no portion of the vertical expansion exceeds a current nonconforming setback.
- (10) Alterations may be made to a building containing lawful nonconforming residential units, provided such alterations do not increase the number of dwelling units or the bulk of the building, except that a conforming garage may be added if none previously existed.
- (11) Destruction and Reconstruction: A damaged, destroyed, or removed structure may be restored to the size, location, design and use that it had immediately before the damage, destruction, or removal occurred without any limits on the costs of the repair, reconstruction, or improvement if either 1. or 2., below, apply. The burden of proof in regard to the location, dimensions, configuration, and exterior building materials of the damaged or removed structure shall be upon the property owner to demonstrate prior to the issuance of a building permit.
- (a) The structure was damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other act identified by Wis. Stats. 62.23(7) on or after March 2, 2006.
- (b) The structure was damaged, destroyed, removed, or partially removed by other means on or after the effective date of this Chapter.
- (12) Intentional Removal and Replacement.
- (a) If 50 percent or more of the total floor area of a structure is intentionally removed by the property owner, the replacement structure must meet the requirements of this Chapter unless a variance is granted under Section 98-910.
- (b) If less than 50 percent of the total floor area of a structure is intentionally removed by the property owner, it may be restored to the previous footprint, floor area and height.
- (c) Existing garages, decks, and porches may be replaced in their entirety to the previous footprint, floor area and height.
- (13) A legal, nonconforming garage may be enlarged or replaced provided the following requirements are met:
- (a) That the proposed garage replacement or addition does not encroach farther into required setback(s) than the current legal, nonconforming structure.
- (b) That the proposed garage replacement or addition does not locate closer to an existing residence on an adjacent parcel than the sum of the required garage setback (on the subject property) and the required house setback (on said adjacent parcel).
- (c) And that precautions (determined on a case-by-case basis by the Building Inspector) are taken to reduce the possibility of fire damage to nearby structures.
- (14) ~~Any structure or building for which a building permit has been lawfully granted prior to the effective date of this Chapter, which will become nonconforming under the provisions of this Chapter or amendments thereto, may be completed in accordance with the approved plans, provided construction is started within 730 calendar days of the effective date of this Chapter for single- and two-family construction and within 365 calendar days of the effective date of this Chapter for all other development, and provided that construction is completed within 730 calendar days of the effective date of this Chapter or amendments~~

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~~thereto. Said structure or building shall thereafter be a legal nonconforming structure or building.~~

- ~~(15) A variance for any and all requirements of this Article is hereby automatically granted to all legal nonconforming residential dwellings, and to all structures fronting onto either Broad Street or onto Williams Street between Geneva Street and George Street, in their configuration existing as of the effective date of this Chapter. However, after the effective date of this Chapter, such structures shall not be permitted to enlarge, expand or extend without bringing the enlargement, expansion or extension into compliance with the provisions of the Article unless a variance is granted by the Board of Zoning Appeals per the requirements of Section 98-910. (Ord. No. 99-3 3/8/99)~~
- ~~(16) Rationale: The "blanket variance" provision of (9), above, is intended to eliminate the continued classification and/or creation of certain nonconforming residential structures within the jurisdiction of this Chapter. This provision addresses two different situations. First: prior to the provision of full-time inspection services, a number of residential structures were approved in the City of Lake Geneva which did not meet setback requirements. Second: this Chapter requires greater side yard setback requirements for certain residential lot sizes than did previous regulations for similar sized lots. The adoption of the provisions of (9), above, ensure that residential structures approved prior to the adoption of this Chapter do not encounter difficulty in transferring ownership because they would otherwise be considered nonconforming uses. This "blanket variance" is not available for nonresidential structures.~~

Article IV: Section 98-410 Substandard Lot Regulations

- (1) The following section shall apply to all lots in the Village except in the following circumstances:
- (a) The lot did not legally exist as of Insert 2013 Date.
 - (b) The lot is subject to legal proceedings.
 - (c) The lot is subject to a court order to the contrary of this Section.
- (2) Blanket Conforming Status: Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to all nonconforming or substandard lots in their configuration existing or as finally approved as of the effective date of this Chapter. This Subsection ensures that lots approved and created prior to the adoption of this Chapter do not encounter difficulty because the lots would otherwise be considered nonconforming or substandard.
- (3) After the effective date of this Chapter, no lot shall be created which does not meet the density, intensity, and bulk requirements of the zoning district.
- (4) A lot of record existing upon the effective date of this Chapter in any zoning district, which does not meet the minimum lot area, width, and frontage requirements for the zoning district, may be utilized for new or modified development, provided that such development complies with all of the density, intensity, and bulk regulations for that zoning district.
- (5) Except for outlots that received variances prior to the effective date of this Chapter, this section shall not apply to outlots without access to a public right-of-way that existed prior to the effective date of this Chapter since they are not intended for development.