

**CITY OF LAKE GENEVA
PLAN COMMISSION MEETING**

MONDAY, APRIL 21, 2014 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL

Agenda

1. Meeting called to order by Mayor Connors.
2. Roll Call.
3. Approve Minutes of March 17, 2014 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. - None
7. Review and recommendation to extend the General Development Plan (GDP) and the Precise Implementation Plan (PIP) for Southwind Prairie II, LLC for an additional five years through April 2019.
8. Review and recommendation to extend the Planned Development (PD) and the Precise Implementation Plan (PIP) with revisions for Prairie Wind Condominium for an additional five years through April 2019.
9. Review and recommendation on a Land Division Review Application filed by McMurr I, LLC, 351 W. Hubbard St., Suite 610, Chicago, IL, 60654 to amend the Condominium Plat for Prairie Wind Condominiums, Tax Key No. ZPRW 00054A.
10. Public Hearing and recommendation on a Precise Implement Plan (PIP) Amendment filed by McMurr I, LLC, 351 W. Hubbard St., Suite 610, Chicago, IL, 60654 for Prairie Wind Condominium to allow for an initial five unit building instead of the approved six unit building and to allow either a five unit or six unit building for the remainder of the building pads, Tax Key No. ZPRW 00054A.
11. Review and recommendation on a Land Division Review Application filed by McMurr II, LLC, 351 W. Hubbard St., Suite 610, Chicago, IL, 60654 to amend the Condominium Plat for phase 1 of the Summerhaven of Lake Geneva Condominium Development, Legal Description as follows:
SUMMERHAVEN OF LAKE GENEVA CONDOMINIUM –
THAT PART OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 36, TOWN 2 NORTH, RANGE 17 EAST, AND THE NORTHEAST ¼ OF THE NORTHEAST 1/4 OF SECTION 1, TOWN 1 NORTH, RANGE 17 EAST, CITY OF LAKE GENEVA, WALWORTH COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:
BEGINNING AT THE ORTHWEST CORNER OF LOT 1 OF CERTIFIED SURVEY MAP NO. 754, RECORDED AS DOCUMENT NO. 28944 OF WALWORTH COUNTY CERTIFIED SURVEYS, SAID POINT LOCATED S 89DEG 31MIN 36SEC W, 733.28 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 36 (T2N, R17E); THENCE S 01DEG 33MIN 07SEC E, ALONG THE WEST LINE OF SAID LOT 1 CSM 754, 65.01 FEET; THENCE S 89DEG 38MIN 02SEC W, 340.89 FEET; THENCE S 04DEG 56MIN 22SEC E, 161.61 FEET; THENCE N 89DEG 41MIN 51SEC W, 124.31 FEET; THENCE N 06DEG 43 MIN 55 SEC W, 226.04 FEET; THENCE S 89DEG 55MIN 25SEC W, 103.47 FEET; THENCE N 00DEG 11MIN 05SEC W, 311.51 FEET; THENCE N 88DEG 58MIN 07SEC E, 199.39 FEET; THENCE S 86DEG 27MIN 48SEC E, 126.62 FEET; THENCE N 88DEG 41MIN 15SEC E, 42.80 FEET; THENCE N 01DEG 12MIN 03SEC W, 16.91 FEET; THENCE N 89DEG 31MIN 07SEC E, 24.01 FEET; THENCE N 01DEG 55MIN 11SEC W, 134.92 FEET; THENCE N 00DEG 41MIN 12SEC W, 50.00 FEET; THENCE N 89DEG 18MIN 48SEC E, 239.56 FEET TO THE SOUTHWEST LINE OF WELLS STREET; THENCE S 37DEG 55MIN 32SEC E ALONG WELLS STREET, 202.94 FEET TO THE WEST LINE OF LAKE GENEVA BOULEVARD; THENCE S 01DEG 34MIN 47SEC E, ALONG SAID BOULEVARD, 348.82 FEET TO THE NORTH LINE OF SAID CSM 754; THENCE S 89DEG 37MIN 23SEC W, 90.50 FEET; THENCE CONTINUE ALONG SAID CSM, S 89DEG 38MIN 40SEC W, 89.98 FEET TO THE POINT OF BEGINNING. CONTAINING 8.00 ACRES OF LAND MORE OR LESS. (END OF LEGAL DESCRIPTION) - 750 LAKE GENEVA BOULEVARD

12. Public Hearing and recommendation on a Precise Implement Plan (PIP) Amendment filed by McMurr II, LLC, 351 W. Hubbard St., Suite 610, Chicago, IL, 60654 to allow the developer to reduce the number of condominium dwelling units from thirty-four (34) to twenty-nine (29), Legal Description as follows:
SUMMERHAVEN OF LAKE GENEVA CONDOMINIUM –
THAT PART OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 36, TOWN 2 NORTH, RANGE 17 EAST, AND THE NORTHEAST ¼ OF THE NORTHEAST 1/4 OF SECTION 1, TOWN 1 NORTH, RANGE 17 EAST, CITY OF LAKE GENEVA, WALWORTH COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:
BEGINNING AT THE ORTHWEST CORNER OF LOT 1 OF CERTIFIED SURVEY MAP NO. 754, RECORDED AS DOCUMENT NO. 28944 OF WALWORTH COUNTY CERTIFIED SURVEYS, SAID POINT LOCATED S 89DEG 31MIN 36SEC W, 733.28 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 36 (T2N, R17E); THENCE S 01DEG 33MIN 07SEC E, ALONG THE WEST LINE OF SAID LOT 1 CSM 754, 65.01 FEET; THENCE S 89DEG 38MIN 02SEC W, 340.89 FEET; THENCE S 04DEG 56MIN 22SEC E, 161.61 FEET; THENCE N 89DEG 41MIN 51SEC W, 124.31 FEET; THENCE N 06DEG 43 MIN 55 SEC W, 226.04 FEET; THENCE S 89DEG 55MIN 25SEC W, 103.47 FEET; THENCE N 00DEG 11MIN 05SEC W, 311.51 FEET; THENCE N 88DEG 58MIN 07SEC E, 199.39 FEET; THENCE S 86DEG 27MIN 48SEC E, 126.62 FEET; THENCE N 88DEG 41MIN 15SEC E, 42.80 FEET; THENCE N 01DEG 12MIN 03SEC W, 16.91 FEET; THENCE N 89DEG 31MIN 07SEC E, 24.01 FEET; THENCE N 01DEG 55MIN 11SEC W, 134.92 FEET; THENCE N 00DEG 41MIN 12SEC W, 50.00 FEET; THENCE N 89DEG 18MIN 48SEC E, 239.56 FEET TO THE SOUTHWEST LINE OF WELLS STREET; THENCE S 37DEG 55MIN 32SEC E ALONG WELLS STREET, 202.94 FEET TO THE WEST LINE OF LAKE GENEVA BOULEVARD; THENCE S 01DEG 34MIN 47SEC E, ALONG SAID BOULEVARD, 348.82 FEET TO THE NORTH LINE OF SAID CSM 754; THENCE S 89DEG 37MIN 23SEC W, 90.50 FEET; THENCE CONTINUE ALONG SAID CSM, S 89DEG 38MIN 40SEC W, 89.98 FEET TO THE POINT OF BEGINNING. CONTAINING 8.00 ACRES OF LAND MORE OR LESS. (END OF LEGAL DESCRIPTION) - 750 LAKE GENEVA BOULEVARD
13. Public Hearing and recommendation on a Conditional Use Application filed by Stop-N-Go of Madison, Inc., 2934 Fish Hatchery Road, Madison, WI 53713, to install an electronic message board displaying LED fuel prices at 896 Wells Street, Tax Key No. ZLB 00008.
14. Public Hearing and recommendation on a Conditional Use Application filed by Phillip Bona, N1749 East Beach Drive, Lake Geneva, WI 53147, to open an Indoor Commercial Entertainment (Restaurant) in a Central Business (CB) Zoning District located at 848 Main Street, Tax Key No. ZOP 00335.
15. Review and Recommendation on an Application for Land Division Review for a Certified Survey Map submitted on by Ronald J. Amann, W3430 Park Drive, Lake Geneva, WI 53147 for land located in the extra-territorial plat review area at W3430 Park Drive, and being in the Town of Geneva.
16. Review and Recommendation on an Application for Land Division Review for a Certified Survey Map submitted by Geneva Bay Club, 327 Wrigley Drive, Lake Geneva, WI 53147 to combine the properties at 421 Baker Street and 304 Wells Street, Tax Key No's ZOP 00352 and ZOP 00352A.
17. Public Hearing and recommendation on a Conditional Use Application filed by Geneva Bay Club, 327 Wrigley Drive, Lake Geneva, WI 53147 for a Group Development in the General Business (GB) zoning district on a CSM created by the combining of Tax Key No's ZOP 00352 and ZOP 00352A.
18. Review and Recommendation on an Application for Site Plan Review for landscape and parking lot alteration filled by Geneva Bay Club, 327 Wrigley Drive, Lake Geneva, WI 53147 for land located on a CSM created by the combining of Tax Key No's ZOP 00352 and ZOP 00352A..
19. Public Hearing and recommendation on a Conditional Use Application filed by Paul Lauterbach, 914 Bennett Ct. Walworth, WI 53184 on behalf of Lake Geneva Tennis Club, to operate and Indoor Tennis Club (Physical Activity Studio) in the Planned Business Park (PBP) zoning district in a proposed building on Veterans Parkway Tax Key No's ZLGBP 200029 & ZLGBP 200030.
20. Public Hearing and recommendation to establish new Zoning Code Amendments regarding Nonconforming Situations.
21. Adjournment.

QUORUM OF CITY COUNCIL MEMBERS MAY BE PRESENT

STAFF REPORT
To Lake Geneva Plan Commission

Meeting Date: April 21, 2014

Agenda Item #7

Applicant:
Southwind Prairie II, LLC
1275 Townline Road
Lake Geneva, WI 53147

Request:
Extension of Planned Development Zoning
Tax Key No. ZSWP 00001 - ZSWP00010

Description:

The applicant proposes to extend the Planned Development zoning for an additional five (5) years.

Staff Recommendation:

It is the staff's opinion that this proposed will no adverse effects on the Cities infrastructure or resources and will help to complete the project which was hampered by the economic downturn.

Agenda Item #8

Applicant:
McMurr I, LLC
351 W. Hubbard St., Suite 610
Chicago, IL 60654

Request:
Extension of Planned Development Zoning
Tax Key No. ZPRW 00054A

Description:

The applicant proposes to extend the Planned Development zoning for an additional five (5) years.

Staff Recommendation:

It is the staff's opinion that this proposed will no adverse effects on the Cities infrastructure or resources and will facilitate the completion of the project which was hampered by the economic downturn.

Agenda Item #9

Applicant:
McMurr I, LLC
351 W. Hubbard St., Suite 610
Chicago, IL 60654

Request:
Land Division Review for Condominium
Addendum for Tax Key No. ZPRW 00054A

Description:

The applicant proposes to amend the Condominium Plat to allow for either five or six unit buildings for the remainder of the development.

Staff Recommendation:

It is the staff's opinion that this proposed will no adverse effects on the Cities infrastructure or resources and will provide the developer with some flexibility in marketing the remainder of the condominium project.

Agenda Item #10

Applicant:

McMurr I, LLC
351 W. Hubbard St., Suite 610
Chicago, IL 60654

Request:

Amendment to the Precise Implementation Plan
(PIP) for Prairie Wind Condominium for Tax Key
No. ZPRW 00054A

Description:

The applicant would like to have the flexibility to construct either five or six unit buildings to meet market conditions.

Staff Recommendation:

Staff has no objection to the request as it will bring completion to the project and does not unduly affect the overall density of the project. Must comply with City Engineer's comments dated April 14, 2014.

- A. If, after the public hearing, the Commission wishes to recommend approval, then the appropriate fact finding would be:
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 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 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.
- B. If, after the public hearing, the Commission wishes to recommend denial, then the appropriate fact finding would be:
1. 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.

Agenda Item #11

Applicant:
McMurr II, LLC
351 W. Hubbard St., Suite 610
Chicago, IL 60654

Request:
Land Division Review for Condominium
Addendum for Summerhaven of Lake Geneva

Description:

The applicant proposes to amend the Condominium Plat to allow for a reduction in the number of dwelling units.

Staff Recommendation:

It is the staff's opinion that this proposed will no adverse effects on the Cities infrastructure or resources and will provide the developer with some flexibility in marketing the remainder of the condominium project.

Agenda Item #12

Applicant:

McMurr II, LLC
351 W. Hubbard St., Suite 610
Chicago, IL 60654

Request:

Amendment to the Precise Implementation Plan
(PIP) for Prairie Wind Condominium for Tax Key
No. ZPRW 00054A

Description:

The applicant would like to reduce the number of dwelling units from thirty-four (34) to twenty-nine (29) units in the first phase of the development.

Staff Recommendation:

Staff has no objection to the request as it will bring completion to the project and does not unduly affect the overall density of the project. Must comply with City Engineer's comments dated April 10, 2014.

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

7. 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.
8. 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.
9. The proposed conditional use in its proposed location, and as depicted on the required site plan does not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development.
10. 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.
11. 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.
12. 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.

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

7. 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.

8. 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.
9. 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.
10. 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.
11. 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.
12. 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.

Agenda Item #13

Applicant:

Stop-N-Go of Madison, Inc.
2934 Fish Hatchery Road
Madison, WI 5371

Request:

Conditional use to construct an electronic sign on an existing free standing pylon sign for LED fuel prices located at 896 Wells St. Tax Key No. ZBL 00008

Description:

The applicant would like to install an electronic message board (LED Fuel Display) onto an existing legal non conforming pylon sign at 896 Wells Street and to landscape the area around the base of pole, which requires a conditional use approval.

Staff Recommendation:

Staff has no objection to the request as the area has limited space to install a monument sign without unduly affecting traffic on the site.

- A. If, after the public hearing, the Commission wishes to recommend approval, then the appropriate fact finding would be:
 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 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 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.
- B. If, after the public hearing, the Commission wishes to recommend denial, then the appropriate fact finding would be:
1. 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.

Agenda Item #14

Applicant:

Pillip Bona
N1749 East Beach Road
Lake Geneva, WI 53147

Request:

Conditional Use approval for Indoor
Entertainment (Restaurant) in a Central
Business (CB) zoning district at 848 Main St.
Tax Key No. ZOP 00335

Description: The applicant would like to construct (tenant build-out) an indoor dining restaurant at 848 Main Street to the area in an existing building at this location.

Staff Recommendation: Staff has no objection to the request. Location was previously used as a bar, but is current currently sitting in an empty condition and ready for development and would bring additional business to the downtown area. Tenant must comply with any Fire Department conditions.

- A. If, after the public hearing, the Commission wishes to recommend approval, then the appropriate fact finding would be:
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 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 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.
- B. If, after the public hearing, the Commission wishes to recommend denial, then the appropriate fact finding would be:

1. 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.

Agenda Item #15

Applicant:

Ronald J. Amann

W4330 Park Drive

Lake Geneva, WI 53147

Request:

Certified Survey Map approval for land located in the Town of Geneva within the City's extra territorial plat review jurisdiction area.

Description:

The applicant would like to split the lot into two different parcels. One parcel will have the existing home and one parcel will remain vacant at this time.

Staff Recommendation:

Staff has no objection to a recommendation for approval and the City Engineer has reviewed and has no objections to proceeding with CSM.

Agenda Item #16

Applicant:

Geneva Bay Club
327 Wrigley Drive
Lake Geneva, WI 53147

Request:

Land Division Review for CSM to combine two
Parcel into one to facilitate Group Development
Tax Key No's. ZOP 00352 & ZOP 00352A

Description:

The applicant proposes to combine two lots with three total structures in order to create a unified development.

Staff Recommendation:

It is the staff's opinion that this proposed will no adverse effects on the Cities infrastructure or resources and will allow the developer to create a homogenous development and enhance the surrounding area. Must comply with City Engineer's comments dated April 10, 2014.

Agenda Item #17

Applicant:

Geneva Bay Club
327 Wrigley Drive
Lake Geneva, WI 53147

Request:

Conditional Use to allow three primary structures
on one parcel creating a Group Development at
Tax Key No's. ZOP 00352 & ZOP 00352A

Description:

The applicant proposes to combine two lots with three total structures in order to create a unified development which requires a Conditional Use Permit.

Staff Recommendation:

It is the staff's opinion that this proposed will no adverse effects on the Cities infrastructure or resources and will allow the developer to create a homogenous development and enhance the surrounding area. The exterior improvements will enhance the overall ascetics of the property and unify the buildings on site. Must comply with City Engineer's comments dated April 10, 2014.

- A. If, after the public hearing, the Commission wishes to recommend approval, then the appropriate fact finding would be:
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 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 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.
- B. If, after the public hearing, the Commission wishes to recommend denial, then the appropriate fact finding would be:
1. 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.

Agenda Item #18

Applicant:

Geneva Bay Club
327 Wrigley Drive
Lake Geneva, WI 53147

Request:

Site Plan Review for landscape and parking lot
alterations at 421 Baker St. and 304 Wells St.
Tax Key No's. ZOP 00352 & ZOP 00352A

Description:

The applicant proposes to alter the entrances, parking lot configuration, and landscaping on the combined property to provide for a better traffic flow. It will also allow the applicant to move the outdoor events to an interior location on the property and provide better sound barriers to the adjoining residential properties.

Staff Recommendation:

It is the staff's opinion that this proposed will no adverse effects on the overall neighborhood and will provide a better traffic flow into and out of the property. Further staff recommends that the applicant complete the public sidewalk on the South side of the property along Baker Street and agree to complete the public sidewalk on the West side of Wells Street at a future date when the City deems it appropriate. Must comply with City Engineer's comments dated April 10, 2014.

Agenda Item #19

Applicant:

Paul Lauterbach on behalf of Lake Geneva Tennis Club
914 Bennett Court
Walworth, WI 53184

Request:

Conditional Use to operate an Indoor Tennis Club
(Physical Activity Studio) in the Planned Business
Park on Veterans Parkway , Tax Key No's.
ZLGBP 200029 & ZLGBP 200030

Description:

The applicant proposes to operate an indoor tennis club which requires a Conditional Use Permit for a Physical Activity Studio at a proposed site in the Planned Business Park (PBP).

Staff Recommendation:

The building and site will require State of Wisconsin building and site approval for all trades and site plans must be reviewed by the City's engineer for compliance. Building will also require City of Lake Geneva Zoning approval. Must comply with City Engineer's comments dated April 10, 2014.

- A. If, after the public hearing, the Commission wishes to recommend approval, then the appropriate fact finding would be:
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

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 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.
- B. If, after the public hearing, the Commission wishes to recommend denial, then the appropriate fact finding would be:
1. 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.

Agenda Item #20

Public Hearing and recommendation to amend the Zoning classification to deal with Nonconforming Situations in the City with recommendations to be forwarded to the City Council.

Staff recommends that the Plan Commission and City Council adopt the revisions as presented.

Staff may provide additional comment on the above items and will comment on remaining agenda items at the meeting.

Zoning Administrator

CITY OF LAKE GENEVA

PLAN COMMISSION MEETING

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

MINUTES

1. **Meeting called to order by Mayor Connors 6:30 PM.**

2. **Roll Call**

Present Hougen, Flower, Skates, Poetzing, Robers, Connors

Also Present Administrator Jordan, Planner Slavney, Atty. Draper, Gregoles

3. **Approve Minutes of February 17, 2014 Plan Commission meeting as distributed**

MOTION #1

Flower/Skates motion to approve the Minutes of 2/17/14 Plan Commission meeting as distributed.

The motion carried unanimously.

4. **Comments from the public as allowed by Wis. Stats. §19.84(2), limited to items on this agenda, except for public hearing items. Comments will be limited to five (5) minutes.**

PUBLIC SPEAKER #1 Terry O'Neil – 954 George St., Lake Geneva, WI 53147

COMMENTS

Who can enter/offer amendments for the Comprehensive Plan? Only city residents or can someone outside the city have input? Is there a standard procedure for this and if so please advise what that is.

5. **Acknowledgment of Correspondence** NONE

6. **Downtown Design Review**

Application by Mark and Karen Braden to add two exterior awnings with signs for their business, Braden Dental Center, located at 101 Broad Street, Suite 203, Tax Key No. ZNCG 00007.

Cancelled - Withdrawn by request of the applicant.

7. **Review and Recommendation on an application for Site Plan Review filed by Committee for the Beautification of Lake Geneva Inc, for an open air covered pavilion at Flat Iron Park.**

DISCUSSION

Mayor Connors disclosed for the record that he is a member of the Beautification Committee.

SPEAKER #1 (Agent) Todd Krause, 1112 Wisconsin St, Lake Geneva, WI 53147
(He is a member of the Beautification Committee and speaking on their behalf.)

Krause addressed the Commission on the proposal. He gave a quick history of the project as well as details of the proposed pavilion design and dimensions. Two images were provided by Krause/Etten and were shown on the projector. Image # 1 was of the proposed Pavilion design. Image #2 was a map of the property Site Plan.

AGENDA ITEM # 7 CONTINUED

Ald. Hougen/Krause discussed the concerns that were brought up last year by the Art in the Park group; that the new project would cut off some of their space. Krause confirmed that his discussion with their representative ended (last year) with a positive agreement that it would in fact, not cause a problem for them.

SPEAKER #2 (Agent) Ken Etten, 1109 Wisconsin St, Lake Geneva, WI 53147
(He is an agent for the Beautification Committee and speaking on design of pavilion.)

Etten addressed the Commission on the materials, details and zoning of the structure.
Etten and the Commission discussed the lighting/acoustical limit requirements and sidewalks/ADA requirements of the pavilion. They also discussed what the backdrop or view for weddings would be.
Ald. Hougen/Mayor Connors/Slavney discussed the zoning of Flat Iron Park as compared to other parks in Lake Geneva.

MOTION #2

Flower/Skates motion to approve an application for Site Plan Review filed by Committee for the Beautification of Lake Geneva Inc, for an open air covered pavilion at Flat Iron Park, with sidewalks to be included but their exact location determined by staff at a later use and including the fact findings as listed in the Staff Report. The motion carried unanimously.

8. Continuation of a 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.

SPEAKER #1 (Applicant) Alex Paredes, 4843 W. Dakin St., Chicago, IL 60641

DISCUSSION

Paredes and the commission discussed the addition of items in the packet per requests from the last meeting. Also discussed were facility hours (12 months a year), living arrangements of the property owners, parking, fencing ideas and location and # of Exits for the facility in general.
Hougen/Mayor Connors/Flower/Paredes also discussed other rental properties in that area.

MOTION #3

Ald. Hougen/Poetzinger motion to close the public hearing. The motion carried unanimously.

ADDITIONAL DISCUSSION

Flower/Mayor Connors/Robers/Slavney discussed the frequency of usage and limitations; limiting to the current owner or to the property.

MOTION #4

Ald. Hougen/Flower motion to approve the 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; limiting the conditional use to the current owner and including staff recommendations. The motion carried unanimously.

9. Public Hearing and recommendation on a Conditional Use Application filed by John and Barbara Salyer, 456 W Sunset Road, Barrington, IL 60010, to install an accessory structure (Pier) closer to the lake shore than the primary structure, within Lakeshore Overlay Zoning District located at 845 Bayview Drive, Lake Geneva, WI 53147, Tax Key No. ZBG 00006.

SPEAKER #1 (Agent) Jeff Reed/Reed's Construction, W3199 S. Lake Shore Drive, Lake Geneva, WI 53147

DISCUSSION

Reed advised the Commission on the details of putting in an additional boat slip with canopy etc.
Mayor Connors/Reed discussed DNR's pending approval and Army has signed off on it already.
Ald. Hougen/Reed discussed details of the pier site/awning issues to be met and cleared by the DNR.

AGENDA ITEM # 9 CONTINUED

PUBLIC COMMENT - NONE

MOTION #5

Hougen/Skates motion to close the public hearing. The motion carried unanimously.

MOTION #6

Mayor Connors/ Ald. Hougen motion to approve the Conditional Use Application filed by John and Barbara Salyer, 456 W Sunset Road, Barrington, IL 60010, to install an accessory structure (Pier) closer to the lake shore than the primary structure, within Lakeshore Overlay Zoning District located at 845 Bayview Drive, Lake Geneva, WI 53147, Tax Key No. ZBG 00006, contingent upon receiving DNR approval. The motion carried unanimously.

10. Public Hearing and recommendation on a Conditional Use Application filed by Rodger Fisher, 946 Ceylon Court, Lake Geneva, WI 53147, to install an accessory structure (Pier) closer to the lake shore than the primary structure, within Lakeshore Overlay Zoning District located at 946 Ceylon Court, Lake Geneva, WI 53147, Tax Key No. ZA1240 00002.

DISCUSSION

Jeff Reed/Reed's Construction (representing applicant) – W3199 S. Lake Shore Drive, Lake Geneva, WI 53147
Reed addressed the Commission on details of putting in an additional boat slip with canopy etc.

PUBLIC COMMENT - None

MOTION #7

Skates/Poetzinger motion to close the public hearing. The motion carried unanimously.

MOTION #8

Skates/Poetzinger motion to approve the Conditional Use Application filed by Rodger Fisher, 946 Ceylon Court, Lake Geneva, WI 53147, to install an accessory structure (Pier) closer to the lake shore than the primary structure, within Lakeshore Overlay Zoning District located at 946 Ceylon Court, Lake Geneva, WI 53147, Tax Key No. ZA1240 00002, contingent on receiving DNR approval. The motion carried unanimously.

11. Public Hearing and recommendation on a Conditional Use Application filed by Kwik Trip Inc., 1626 Oak Street, La Crosse, WI 54602, for the installation of an electronic message center on a proposed freestanding monument sign located at the proposed Kwik Trip, Tax Key No's. ZA1776 00001 thru 00004, and ZRA 00037A. A Certified Survey Map is currently being recorded with new Tax Key No. being assigned.

DISCUSSION

**The certified survey map has been completed now per Mr. Robers. No one is present on behalf of the applicant.*

Mayor Connors/Robers/Slavney/Flower discussed the items included in the packet regarding this item and that it meets all requirements needed for this sign, etc.; as well as the location of the sign itself.

PUBLIC SPEAKER #1 Terry O'Neil – 954 George St., Lake Geneva, WI 53147

COMMENTS Concerns about the size of the sign. It will be the largest sign with exception to the Burger King sign. He feels it will be obstructive and recommends only 6ft x 6 ft. signage. Furthermore, he feels it is unnecessarily large and may block the Clark station next to it.

PUBLIC SPEAKER #2 Elizabeth Caplin – 513 Broad St., Lake Geneva, WI 53147

COMMENTS She is concerned that Kwik Trip is not here to fight here for themselves and people that live here are present and do not want a sign that size to light up the highway etc. She feels it should be a smaller size sign. It is not a down town location and should be like others that are in that residential area.

AGENDA ITEM # 11 CONTINUED

DISCUSSION

Mayor Connors/Slavney discussed the sign dimensions. (Gas prices size required by the state.) Slavney discussed other communities sign requirements etc. and stated that this is more in line with what we are trying to change to, rather than that of the older sign's in the area, which are getting extensions etc. Flowers/Mayor Connors/Atty. Draper discussed the sign size and clarifies that the commission is just to approve (or deny) the conditional use application.

MOTION #9

Ald. Hougen/Skates motion to close the public hearing. The motion carried unanimously.

ADDITIONAL DISCUSSION

Mayor Connors/Slavney discuss and confirm the electronics of the sign and that it meets the requirements that all sign lighting meets the same requirements as other exterior lighting. This sign is actually quite a bit under our requirement of lighting etc.

MOTION #10

Ald. Hougen/Flower motion to deny the approval the Conditional Use Application filed by Kwik Trip Inc., 1626 Oak Street, La Crosse, WI 54602, for the installation of an electronic message center on a proposed freestanding monument sign located at the proposed Kwik Trip, Tax Key No's. ZA1776 00001 thru 00004, and ZRA 00037A. Ald. Hougen moved to not approve is based on the undue adverse impact of nearby property, the character of the neighborhood, environmental and traffic factors, and those things that are integrated in our ordinance that allows us to approve or disapprove for the conditional use applications. He feels that based on the statements that have been made, the sign is just incongruous and out of the scale of the neighborhood. It could cause an obstruction.

The motion did not carry; failed with only 1 yes vote to deny. (Ald. Hougen - yes / Balance - No)

ADDITIONAL DISCUSSION

Mayor Connors/Slavney/Flower/Skates discuss some confusion about what the Commission is actually voting on. It is clarified that it is the electronics of the sign that the Commission is actually voting on. The size of the sign is not in question. The vote is on the electronics of the sign only.

MOTION #11

Skates/Mayor Connors motion to approval the Conditional Use Application filed by Kwik Trip Inc., 1626 Oak Street, La Crosse, WI 54602, for the installation of an electronic message center on a proposed freestanding monument sign located at the proposed Kwik Trip, Tax Key No's. ZA1776 00001 thru 00004, and ZRA 00037A. A Certified Survey Map is currently being recorded with new Tax Key No. being assigned. The motion carried with only 1negative vote by Ald. Hougen.

12. Public Hearing and recommendation on a Conditional Use Application filed by John J. Karabas, 425 N Lower Gardens Road, Fontana, WI 53125, to open an Indoor Commercial Entertainment (Restaurant) in a General Business (GB) Zoning District located at 816 Williams Street, Tax Key No. ZA2691 00002.

SPEAKER #1 (Applicant) John J. Karabas, 425 N Lower Gardens, Fontana, WI 53125

DISCUSSION

Karabas addresses the Commission regarding the project and details of the plan. Mayor Connors discusses the letter dated March 12, 2014, that was in the packet from the Fire Dept stating that they had come to an agreement on what needed to be done. The letter stipulates that the seating is not to exceed 25 occupants and then there were five others listed which the Mayor read to the group. The applicant stated that it would not be a problem.

PUBLIC COMMENT - NONE

MOTION #12

Flower / Skates motion to close the public hearing. The motion carried unanimously.

AGENDA ITEM # 12 CONTINUED

ADDITIONAL DISCUSSION

Robers clarified the Conditional Use is for the sit down restaurant only, the seating.

Mayor Connors/Robers discussed if continuing the conditional use should be to the property or to the owner.

MOTION #13

Mayor Connors/Ald. Hougen motion to approve the Conditional Use Application filed by John J. Karabas, 425 N Lower Gardens Road, Fontana, WI 53125, to open an Indoor Commercial Entertainment (Restaurant) in a General Business (GB) Zoning District located at 816 Williams Street, Tax Key No. ZA2691 00002. Including the condition that the terms dictated in Lake Geneva Fire Dept.'s letter dated March 12, 2014 be met. Motion carried unanimously.

13. Public Hearing and recommendation on a Conditional Use Application filed by Margaret Klingenberg, 3910 Ridge Road, Spring Grove, IL 60081, to construct a Single Family Residence on an existing lot using the SR-4 Zoning requirements in an Estate Residential Zoning District (ER-1) located at Pine Tree Lane, Tax Key No. ZSY 00002.

SPEAKER #1 (Agent) Ernie with Geneva Lake Dream Homes, 908 S. Wells St., Lake Geneva, WI 53147

SPEAKER #2 (Applicant) Margaret Klingenberg, 3910 Ridge Road, Spring Grove, IL 60081

DISCUSSION

Mayor Connors/Ernie/Flowers/Robers discussed drainage concerns. Flowers requests that our engineers review and confirm that drainage will not have any negative effects on the properties downstream.

PUBLIC COMMENT - NONE

MOTION #14

Ald. Hougen/Poetzing motion to close the public hearing. The motion carried unanimously.

MOTION #15

Flower/Skates motion to approve the Public Hearing and recommendation on a Conditional Use Application filed by Margaret Klingenberg, 3910 Ridge Road, Spring Grove, IL 60081, to construct a Single Family Residence on an existing lot using the SR-4 Zoning requirements in an Estate Residential Zoning District (ER-1) located at Pine Tree Lane, Tax Key No. ZSY 00002. Including Staff recommendations and requiring the City Engineer's letter of approval regarding drainage. This motion carried unanimously.

14. Continuation of a Review and recommendation to establish an Annual Comprehensive Amendment Process limiting requests to a single cycle every year.

DISCUSSION

Slavney and the Commission discussed the benefits, timeline and potential amendments of this process, including potential extraordinary development situations, in detail.

MOTION #16

Ald. Hougen/Flower motion to approve the recommendation to establish an Annual Comprehensive Amendment Process limiting requests to a single cycle every year. The policy is outlined in the letter dated 2/27/14 by Mr. Slavney. The motion carried unanimously.

15. Continuation of a Review and recommendation to establish new Zoning Code Amendments regarding Nonconforming Situations.

DISCUSSION

Slavney and the Commission discussed the proposal of this new Zoning Code amendment regarding non-conforming situations. The types of properties that would fall under this new process were discussed and examples given. Mayor Connors/Atty. Draper commented that to go forward, this item must be sent to a public hearing and then recommend to the council.

AGENDA ITEM # 15 CONTINUED

MOTION #17

Ald. Hougen/Skates motion to move forward with a public hearing on April 21, 2014 to review the recommendation to establish new Zoning Code Amendments regarding Nonconforming Situations. The motion carried unanimously.

16. ADJOURNMENT

MOTION #18

Skates/Hougen motion to adjourn the meeting at 8:54 pm. Motion carried unanimously.

/s/ Jackie Gregoles, Building & Zoning Administrative Assistant

THESE MINUTES ARE NOT OFFICIAL UNTIL APPROVED BY THE PLAN COMMISSION



	McCormack + Eiten / Architects LLP 400 Broad Street Lake Geneva, WI 53147 Ph: (262) 248-8381 contact@mccormackeiten.com www.mccormackeiten.com	
	© McCormack + Eiten / Architects, LLP	
NEW FLAT IRON PARK PAVILION FLAT IRON PARK LAKE GENEVA, WISCONSIN 53147 COMMENTS: NONE		
SHEET AI OF	DATE 03-14-14	PROJECT NO. 1023A

GODFREY, LEIBSLE,
BLACKBOURN & HOWARTH, S.C.
ATTORNEYS AT LAW

Providing Quality Legal Service Since 1922

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262-741-1527 (direct)
262-723-5121 (facsimile)

March 5, 2014

VIA HAND DELIVERY

Honorable Mayor James Connors
City of Lake Geneva
626 Geneva Street
Lake Geneva, WI 53147

RE: Extension of Southwind Prairie Planned Development Zoning

Dear Mayor Connors:

I write on behalf of my client, Southwind Prairie II, LLC, the developer of the Southwind Prairie apartment complex located at 1275 Townline Road ("Southwind Prairie") in the City.

Southwind Prairie is zoned by the City as Planned Development District ("PD"), the Common Council having voted unanimously on January 28, 2009, to extend both the General Development Plan ("GDP") and the Precise Implementation Plan ("PIP") of the PD for Southwind Prairie through April 2014.

Southwind Prairie and the adjoining Prairie Wind Townhomes condominium development are planned by the City for Multi-Family Residential future use under the City's Comprehensive Plan, adopted August 30, 2011.

To date, my client has constructed and installed, and the City has accepted the public dedication of, all of the public improvements for all four phases of Southwind Prairie; i.e., the public streets, sanitary sewer mains, and municipal water mains. Additionally, in reliance on the PD zoning, my client has engineered, sized, and constructed the private stormwater management facilities, the private clubhouse and swimming pool facilities, and eight of the sixteen 12-unit apartment buildings

Honorable Mayor James Connors
City of Lake Geneva
March 5, 2014
Page 2

approved under the PD-PIP zoning, completing the construction of the last two units in 2009. My client has further relied on the PD zoning in extending private laterals for the sanitary sewer and municipal water and other utilities to the building pads for the remaining eight buildings to be constructed.

As a final example of my client's reliance on the PD zoning, my client also plans to begin construction of the ninth 12-unit apartment building in Southwind Prairie during the spring of 2014.

In constructing all of the public improvements and more than one-half of the private improvements of Southwind Prairie, my client has substantially met its development obligations under the Planned Development-PIP zoning of Southwind Prairie. My client has done so in the face of exceptionally turbulent markets for real estate and real estate financing over the past seven years that have virtually halted all real estate development.

Consequently, as the owner of Southwind Prairie, my client asks the City to extend the PD deadline for development pursuant to the GDP and the PIP by an additional five years, through April 30, 2019.

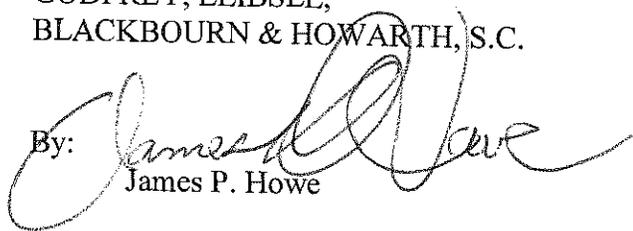
My client respectfully requests that the Plan Commission conduct a public hearing and make a recommendation on the requested PD zoning extension at its April 21, 2014, regular meeting, and that the Common Council take up the extension for discussion and possible action at its April 28, 2014, regular meeting, to avoid any lapse in the PD zoning.

If you have any questions or comments, please contact me.

Very truly yours,

GODFREY, LEIBSLE,
BLACKBOURN & HOWARTH, S.C.

By:


James P. Howe

JPH:ldc

cc: Mr. Roger Wolff (via e-mail)
Mr. Michael K. Keefe (via e-mail)
Mr. Ken Robers (via hand delivery)✓

James P. Howe
354 Seymour Court
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262-741-1527 (direct)
262-723-5121 (facsimile)

March 5, 2014

VIA HAND DELIVERY

Mr. Ken Robers, Zoning Administrator
City of Lake Geneva
626 Geneva Street
Lake Geneva, WI 53147

**RE: Extension of PD Zoning and Amendment to PIP for
Prairie Wind Townhomes Condominium**

Dear Ken:

Enclosed are the following documents that have been prepared to request a five-year extension of the Planned Development zoning for Prairie Wind Townhomes Condominium and to amend the Precise Implementation Plan ("PIP") under such planned development:

1. Amendment to Precise Implementation Plan, including Application for Precise Implementation Plan Amendment, Legal Description, Site Plan, Five-Unit Building Plans, Condominium Plat Addendum No. 3, List and Map of Property Owners Within 300 Feet, and Application Submittal Requirements (one (1) signed original and five (5) copies);
2. Application for Land Division Review, including, without limitation, Condominium Plat Addendum No. 3, and Fourth Amendment to Condominium Declaration;
3. Full-size Five-Unit Building Plans (five (5) sets);
4. Agreement of Services (signed original); and
5. My client's check in the amount of \$400.00, payable to the City of Lake Geneva, as payment of the fee for amendment to the PIP.

Mr. Ken Robers, Zoning Administrator
March 5, 2014
Page 2

Please review the enclosed with City Staff, and notify me of any question, comment, or change that you or Staff may have. If acceptable, I will prepare and deliver to the City twenty-five (25) sets of the Amendment to Precise Implementation Plan and the Application for Land Division Review.

Please place the requested extension of the Planned Development zoning and the Amendment to Precise Implementation Plan on the agenda for the April 21, 2014, meeting of the Plan Commission (6:30 p.m.), for public hearing, review, and recommendation, and on the agenda for the April 28, 2014, meeting of the Common Council (7:00 p.m.) for discussion and possible action.

Please note that the Planned Development zoning for the development will expire at the end of April. A public hearing is required by the Plan Commission, and action by the Common Council, by the end of April, to prevent a lapse in the zoning.

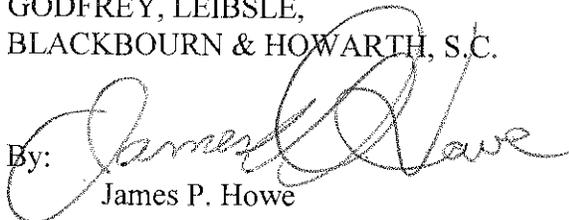
Please also note that the Addendum to Condominium Plat No. 3 and the Fourth Amendment to the Condominium Declaration are offered as part of the amendment to the Precise Implementation Plan. The addendum and amendment add to the Prairie Wind Townhomes Condominium land from the expansion area of the condominium, which has been approved by the City as part of the original Plat of Condominium and PIP.

If you have any questions or comments, please contact me.

Very truly yours,

GODFREY, LEIBSLE,
BLACKBOURN & HOWARTH, S.C.

By:



James P. Howe

JPH:ldc
Enclosures

cc: Mr. Murray S. Peretz (via mail; w/enclosures)
Mr. Daniel McLean (via mail; w/enclosures)

City of Lake Geneva

APPLICATION FOR LAND DIVISION REVIEW

CERTIFIED SURVEY MAP or

SUBDIVISION PLAT

Condominium Addendum

NAME AND ADDRESS OF CURRENT OWNER:

McMurr I, LLC, Attn. Murray Peretz

351 W. Hubbard St., Suite 610

Chicago, IL 60654

TELEPHONE NUMBER OF CURRENT OWNER: 312-965-2807

NAME AND ADDRESS OF APPLICANT:

Same as Owner

TELEPHONE NUMBER OF APPLICANT: Same as Owner

NAME AND ADDRESS OF SURVEYOR:

Peter Gordon, Farris, Hansen & Associates, Inc.

7 Ridgway Court, P.O. Box 437

Elkhorn, WI 53121

TELEPHONE NUMBER OF SURVEYOR: 262-723-2098

SHORT STATEMENT DESCRIBING PURPOSE OF APPLICATION: Adding tenth (10th) building, consisting of five (5) condominium units, to Prairie Wind Townhomes Condominium development. Location of building is within the designated expansion area. Concurrently herewith, Owner is filing an Application for Amendment to Precise Implementation Plan to extend the planned development for five (5) years, to permit the use of a five (5) unit building in place of the approved six (6) unit building as Owner elects, and to extend Prairie Lane to Townline Road. The five (5) unit building will sit on the same footprint as the six (6) unit building, so no re-engineering will be required. Concurrently herewith, Owner is also filing a Fourth Amendment to Condominium Declaration of Prairie Wind Townhomes Condominium, to add the five (5) unit building as Building 9 of the Site Plan.

SUBMITTAL CHECKLIST

- X 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.
- X 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.
- X CITY OF LAKE GENEVA SIGNATURE BLOCK ON FACE OF CSM OR PLAT, PER STATE STATUTES.
- X PROVIDE 5 FULL SETS AND 20 11" X 17" COPIES OF CSM OR PLAT PRIOR TO PLACEMENT ON PLAN COMMISSION AGENDA.

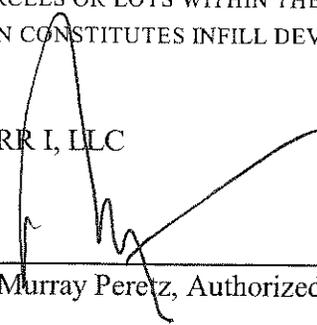
I AM AWARE THAT THE CITY OF LAKE GENEVA IS ACTIVELY ENGAGED IN THE REVIEW, APPROVAL OR DENIAL OF LAND DIVISIONS WITHIN ITS EXTRATERRITORIAL LAND DIVISION REVIEW AREA.

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 UNLESS THE CITY DETERMINES THAT A LAND DIVISION CONSTITUTES INFILL DEVELOPMENT.

McMURR I, LLC

March 3, 2014

Date

By: 

Murray Peretz, Authorized Representative

FOURTH AMENDMENT TO CONDOMINIUM
DECLARATION OF
PRAIRIE WIND TOWNHOMES CONDOMINIUM

Document Number

Document Name

FOURTH AMENDMENT TO
CONDOMINIUM DECLARATION OF
PRAIRIE WIND TOWNHOMES CONDOMINIUM

Recording Area

Name and Return Address

James P. Howe
GODFREY, LEIBSLE, BLACKBOURN &
HOWARTH, S.C.
354 Seymour Court
Elkhorn, Wisconsin 53121

Parcel Identification Number (PIN)

1 **THIS FOURTH AMENDMENT TO CONDOMINIUM**
2 **DECLARATION OF PRAIRIE WIND TOWNHOMES**
3 **CONDOMINIUM** ("Fourth Amendment") is made this ____ day of
4 _____, 2014, by McMurr I, LLC, an Illinois limited
5 liability company ("Declarant"), as successor Declarant to Prairie
6 Wind Townhomes of Lake Geneva, LLC, an Illinois limited liability
7 company, pursuant to the Condominium Declaration for Prairie Wind
8 Townhomes Condominium, recorded October 28, 2004, as Document
9 No. 621208, in the Office of the Register of Deeds for Walworth
10 County, Wisconsin, as amended by that certain First Amendment to
11 Condominium Declaration of Prairie Wind Townhomes Condominium,
12 recorded October 20, 2004, as Document No. 657327, in the Office of
13 the Register of Deeds for Walworth County, Wisconsin, as amended by
14 that certain Second Amendment to Condominium Declaration of Prairie
15 Wind Townhomes Condominium, recorded August 14, 2006, as Document 685123, in the Office of the
16 Register of Deeds for Walworth County, Wisconsin, and as amended by that certain Third Amendment to
17 Condominium Declaration of Prairie Wind Townhomes Condominium, recorded June 24, 2013, as
18 Document 865669, in the Office of the Register of Deeds for Walworth County, Wisconsin (collectively,
19 "Declaration"), and pursuant to the Condominium Ownership Act of the State of Wisconsin, Wis. Stat. ch.
20 703 ("Act").

21
22 **WHEREAS**, Declarant desires to amend the Declaration to expand Prairie Wind Townhomes
23 Condominium by adding additional units and otherwise as provided below;

24
25 **NOW, THEREFORE**, for and in consideration of the premises, it is hereby agreed that the
26 Declaration is hereby amended as follows:

27
28 1. **Purpose of this Fourth Amendment.** The purpose of this Fourth Amendment is to expand
29 the condominium by adding Phase 4 and submitting the land hereinafter described and the improvements
30 constructed or to be constructed thereon to the condominium form of ownership as a part of Prairie Wind
31 Townhomes Condominium in the manner provided by the Act and the Declaration.
32
33

34 2. **Statement of Declaration.** Declarant hereby declares that it is the owner of the real
35 property described in Section 3, below, and shown on Sheet 1 of the attached Prairie Wind
36 Townhomes Condominium Addendum No. 3 incorporated herein as Exhibit A ("Plat Addendum 3"),
37 together with all buildings and improvements constructed or to be constructed thereon (collectively,
38 "Property"), which are hereby submitted to the condominium form of ownership as part of Prairie
39 Wind Townhomes Condominium as provided in the Declaration, and which Property shall be held,
40 conveyed, devised, leased, encumbered, used, improved, and in all respects otherwise affected
41 subject to the provisions, conditions, covenants, restrictions, and easements of the Declaration. All
42 provisions hereof and of the Declaration shall be deemed to run with the land described and shall
43 constitute benefits and burdens to Declarant, its successors and assigns, and to all parties hereafter
44 having any interest in the Property.
45

46 3. **Legal Description.** The real estate described hereinafter and described on the Plat
47 Addendum 3, together with all buildings and improvements constructed or to be constructed thereon,
48 are hereby annexed to Prairie Wind Townhomes Condominium and are subjected to the provisions
49 of the Declaration. The real estate subjected to the provisions of the Declaration is more particularly
50 described in the attached Exhibit B incorporated herein.
51

52 The buildings and units constructed or to be constructed on the real estate shall be described
53 in the building and floor plans which are a part of the Plat Addendum 3 depicting the layout,
54 location, perimeters, and approximate dimensions of the buildings and units.
55

56 4. **Effect of Fourth Amendment.** By this Fourth Amendment, five (5) condominium
57 units are annexed and added to Prairie Wind Townhomes Condominium and subjected to the
58 Declaration. All of the provisions, restrictions, covenants, terms, and conditions of the Declaration
59 and the Articles and Bylaws of Prairie Wind Townhomes Condominium Association, Ltd.
60 ("Association"), and such restrictions, rules, and regulations as may be promulgated thereunder, shall
61 be applicable to the Property and units hereby annexed to Prairie Wind Townhomes Condominium.
62

63 By reason of this Fourth Amendment and the annexation of five (5) additional
64 condominium units to Prairie Wind Townhomes Condominium, as of the effective date hereof, the
65 original Declaration is amended in the following respects.
66

67 4.1 **Number.** There are a total of fifty-nine (59) residential
68 condominium units in Prairie Wind Townhomes Condominium.
69

70 4.2 **Percentage of Interest.** The percentage of the undivided
71 ownership interest in the common elements and facilities and limited
72 common elements appurtenant to each unit and its owner for all purposes,
73 including proportionate payment of common expenses, but excluding voting,
74 shall be the percentage created by dividing the number 1 by the number 59
75 or the following approximate percentages for each unit:
76

<u>Unit Number</u>	<u>Unit Percentage</u>	<u>Unit Number</u>	<u>Unit Percentage</u>	<u>Unit Number</u>	<u>Unit Percentage</u>
101	1.6949%	402	1.6949%	703	1.6949%
102	1.6949%	403	1.6949%	704	1.6949%
103	1.6949%	404	1.6949%	705	1.6949%
104	1.6949%	405	1.6949%	706	1.6949%
105	1.6949%	406	1.6949%	801	1.6949%
106	1.6949%	501	1.6949%	802	1.6949%
201	1.6949%	502	1.6949%	803	1.6949%
202	1.6949%	503	1.6949%	804	1.6949%
203	1.6949%	504	1.6949%	805	1.6949%
204	1.6949%	505	1.6949%	806	1.6949%
205	1.6949%	506	1.6949%	901	1.6949%
206	1.6949%	601	1.6949%	902	1.6949%
301	1.6949%	602	1.6949%	903	1.6949%
302	1.6949%	603	1.6949%	904	1.6949%
303	1.6949%	604	1.6949%	905	1.6949%
304	1.6949%	605	1.6949%	1101	1.6949%
305	1.6949%	606	1.6949%	1102	1.6949%
306	1.6949%	701	1.6949%	1103	1.6949%
401	1.6949%	702	1.6949%	1104	1.6949%
				1105	1.6949%
				1106	1.6949%

101 4.3 **Voting.** There are fifty-nine (59) votes in the Association.
102 Each unit shall be entitled to one (1) vote at meetings of the Association,
103 pursuant to the terms of the Declaration and Bylaws of the Association.
104

105 5. **Amendment of Condominium Plat.** The Condominium Plat for Prairie Wind
106 Townhomes Condominium is hereby amended by adding the Prairie Wind Townhomes
107 Condominium Plat Addendum No. 3, Sheets 1-6 thereto, in the form attached hereto as Plat
108 Amendment 3, and filed herewith in the Condominium Plat records of Walworth County.
109

110 6. **Easements.** Declarant expressly declares, reserves, and excepts access, development,
111 construction, and utility easements across the lands subject to this Fourth Amendment for the benefit
112 of, and as necessary in connection with, the development and use of the real estate depicted as the
113 Expansion Area on the Plat Amendment 3 (“Future Expansion Lands”) and any other lands adjoining
114 the Future Expansion Lands owned or hereafter owned by Declarant or any of its respective
115 successors and assigns. Included in this reservation are easements for purposes of access and
116 rights-of-way across the property described in Section 3, above, for the benefit of the Future
117 Expansion Lands and the adjacent lands, and as may be necessary in connection with development,
118 construction, and sale of the Future Expansion Lands and the adjacent lands, which easements shall
119 be effective whether or not the said Future Expansion Lands or any part thereof is ultimately annexed
120 to Prairie Wind Townhomes Condominium. Each unit owner, by acceptance of any deed to any unit
121 hereunder, shall be deemed to grant to Declarant, its successors or assigns, an irrevocable Power of
122 Attorney, coupled with an interest, to execute and record all documents and legal instruments
123 necessary to implement the provisions and intent of this Section 6.
124

125 The easements hereby reserved shall be continuing covenants running with the land
126 subject hereto, and shall become effective upon the first conveyance of all or any part of the
127 condominium property described in Section 3, above, by Declarant, provided such conveyance is
128 pursuant and subject to the Act.
129

130 7. **Effective Date.** The effective date of this Fourth Amendment shall be the date it is
131 recorded in the Office of the Register of Deeds for Walworth County, Wisconsin.
132

133 8. **Miscellaneous.** All terms not specifically defined herein shall have the same
134 meanings as provided in the Declaration. Except as modified by this Fourth Amendment, the
135 Declaration remains in full force and effect and is hereby ratified and approved for all purposes.
136

137 **IN WITNESS WHEREOF**, this Fourth Amendment has been executed by a duly authorized
138 officer of Declarant, as of the date first set forth above.
139

140 DECLARANT:
141

142 McMURR I, LLC, an Illinois limited liability company, as
143 successor in interest to Prairie Wind Townhomes of Lake
144 Geneva, LLC, an Illinois limited liability company
145

146
147 By: _____
148
149 Its: _____
150

151
152 STATE OF _____)
153) ss.
154 COUNTY OF _____)
155

156 Personally came before me this _____ day of _____, 2014, the above-named
157 _____, the _____ of McMurr I, LLC, an Illinois limited liability
158 company, to me known to be the person who executed the foregoing document and acknowledged
159 that he executed the foregoing instrument on behalf of said limited liability company and by its
160 authority, for the purposes set forth therein.
161

162
163
164 _____
165 Notary Public, _____ County, _____
166 My Commission Expires: _____
167

168
169
170 This instrument was drafted by:

171
172 James P. Howe, Esq.
173 GODFREY, LEIBSLE, BLACKBOURN &
174 HOWARTH, S.C.
175 354 Seymour Court
176 Elkhorn, Wisconsin 53121
177 Telephone: (262) 723-3220
178 Facsimile: (262) 723-5091
179

T:\M\McMurr, LLC\Prairie Wind\office\fourth amendment condo dec-3.wpd

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EXHIBIT A

**PRAIRIE WIND TOWNHOMES CONDOMINIUM
PLAT ADDENDUM NO. 3**

See attached.

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EXHIBIT B

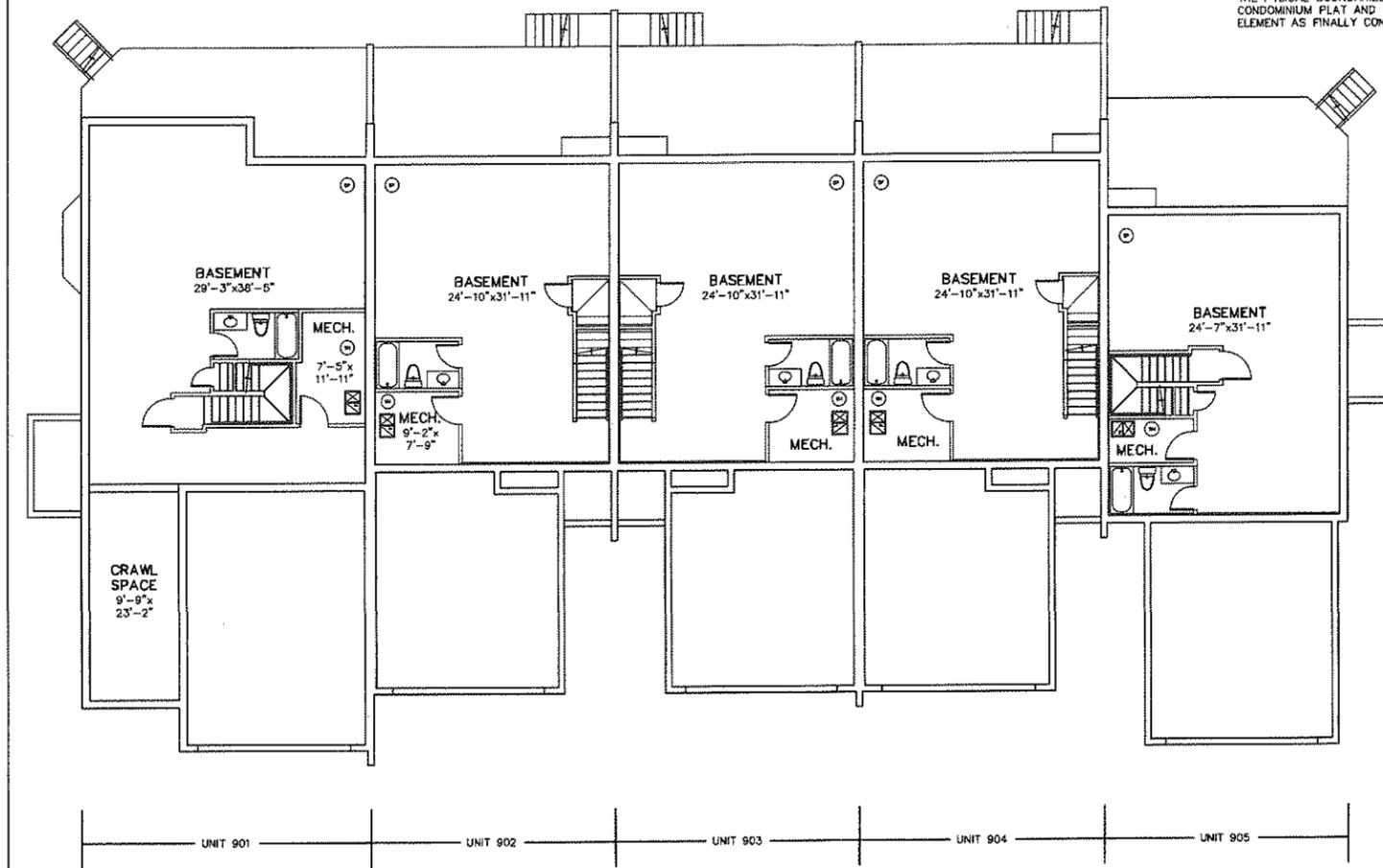
LEGAL DESCRIPTION OF DECLARED AREA

LANDS LOCATED IN PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 3663, RECORDED IN VOLUME 22 ON PAGE 10 AS DOCUMENT NO. 593854; LOCATED IN PART OF THE NORTHWEST 1/4, SOUTHWEST 1/4, AND SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWN 2 NORTH, RANGE 18 EAST, CITY OF LAKE GENEVA, WALWORTH COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1 OF C.S.M. 3663 AT THE NORTHERLY RIGHT-OF-WAY OF TOWNLINE ROAD; THENCE S 89DEG 54MIN 50SEC W, 198.99 FEET ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE TO AN IRON PIPE STAKE; THENCE CONTINUE, S 00DEG 05MIN 10SEC E, 15.01 FEET; THENCE CONTINUE, S 89DEG 54MIN 50SEC W, 171.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE, S 89DEG 54MIN 50SEC W, 47.74 FEET TO THE EAST LINE OF CERTIFIED SURVEY MAP NO. 1974 (C.S.M. 1974); THENCE ALONG SAID EAST LINE, N 00DEG 05MIN 10SEC W, 318.00 FEET TO THE NORTHEAST CORNER OF SAID C.S.M. 1974; THENCE N 89DEG 54MIN 50SEC E, 23.09 FEET; THENCE N 05DEG 29MIN 54SEC E, 10.23 FEET; THENCE 125.23 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 244.00 FEET AND A CHORD WHICH BEARS N 09DEG 12MIN 19SEC W, 123.86 FEET; THENCE N 23DEG 54MIN 32SEC W, 17.37 FEET; THENCE 66.91 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 119.00 FEET AND A CHORD WHICH BEARS N 40DEG 00MIN 58SEC W, 66.03 FEET; THENCE N 56DEG 07MIN 23SEC W, 37.21 FEET; THENCE N 44DEG 54MIN 50SEC E, 12.55 FEET; THENCE N 45DEG 05MIN 10SEC W, 275.65 FEET; THENCE N 41DEG 21MIN 33SEC E, 176.69 FEET TO THE NORTHEASTERLY LINE OF SAID C.S.M. 3663; THENCE ALONG SAID NORTHEASTERLY LINE, S 48DEG 38MIN 27SEC E, 163.73 FEET; THENCE S 38DEG 39MIN 48SEC W, 178.55 FEET; THENCE S 45DEG 05MIN 10SEC E, 23.42 FEET; THENCE 57.79 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 300.00 FEET AND A CHORD WHICH BEARS S 50DEG 36MIN 17SEC E, 57.70 FEET; THENCE S 56DEG 07MIN 23SEC E, 54.50 FEET; THENCE 84.34 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 150.00 FEET AND A CHORD WHICH BEARS S 40DEG 00MIN 58SEC E, 83.23 FEET; THENCE S 23DEG 54MIN 32SEC E, 17.37 FEET; THENCE 141.14 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 275.00 FEET AND A CHORD WHICH BEARS S 09DEG 12MIN 19SEC E, 139.60 FEET; THENCE S 05DEG 29MIN 54SEC W, 73.97 FEET; THENCE S 00DEG 05MIN 10SEC E, 251.55 FEET TO THE POINT OF BEGINNING. CONTAINING 55,542 SQUARE FEET (1.28 ACRES) OF LAND, MORE OR LESS. (End of legal description).

PRAIRIE WIND TOWNHOMES CONDOMINIUM ADDENDUM NO. 3

BEING PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 3863
 LOCATED IN PART OF THE NW 1/4, SW 1/4, AND SE 1/4 OF THE SW 1/4
 OF SECTION 32, TOWN 2 NORTH, RANGE 18 EAST, CITY OF LAKE GENEVA,
 WALWORTH COUNTY, WISCONSIN

NOTE: THESE FLOOR PLANS HAVE BEEN PREPARED USING INFORMATION SHOWN ON THE ARCHITECTURAL PLANS FOR THIS BUILDING AND DO NOT REPRESENT MEASUREMENTS OF THE BUILDING IN PLACE. ANY PHYSICAL BOUNDARIES OF ANY UNIT OR COMMON ELEMENTS CONSTRUCTED OR RECONSTRUCTED IN SUBSTANTIAL CONFORMITY WITH THE CONDOMINIUM PLAT SHALL BE PRESUMED TO BE ITS BOUNDARIES, REGARDLESS OF THE SHIFTING, SETTLEMENT, OR LATERAL MOVEMENT OF ANY BUILDING AND REGARDLESS OF MINOR VARIATIONS BETWEEN THE PHYSICAL BOUNDARIES AS DESCRIBED IN THE DECLARATION OR SHOWN ON THE CONDOMINIUM PLAT AND THE ACTUAL PHYSICAL BOUNDARIES OF ANY SUCH UNIT OF COMMON ELEMENT AS FINALLY CONSTRUCTED.



DIAGRAMATIC FLOOR PLANS
 BASEMENT
 SCALE: 1"=10'

LCE = LIMITED COMMON ELEMENT

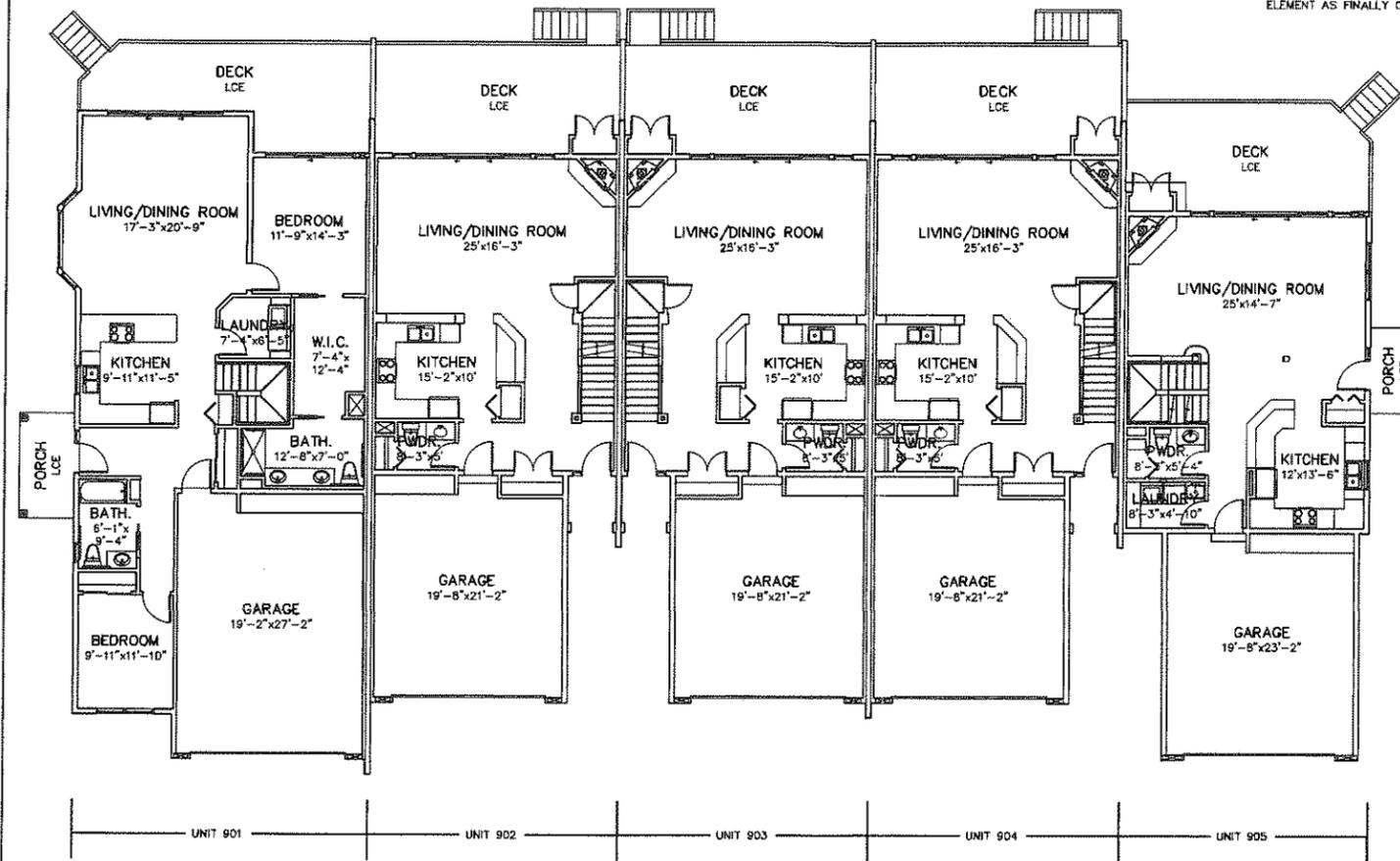
FARRIS, HANSEN & ASSOCIATES, INC.
 ENGINEERING - ARCHITECTURE - SURVEYING
 7 RIDGWAY COURT, PO BOX 437
 ELKHORN, WISCONSIN 53121
 PHONE: (262) 723-2098
 FAX: (262) 723-5886
 PROJ. NO. 62892013 | DATE: 02/03/2014 | SHEET: 3 OF 6

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PRAIRIE WIND TOWNHOMES CONDOMINIUM ADDENDUM NO. 3

BEING PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 3663
 LOCATED IN PART OF THE NW 1/4, SW 1/4, AND SE 1/4 OF THE SW 1/4
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DIAGRAMATIC FLOOR PLANS
 FIRST FLOOR
 SCALE: 1"=10'

LCE = LIMITED COMMON ELEMENT

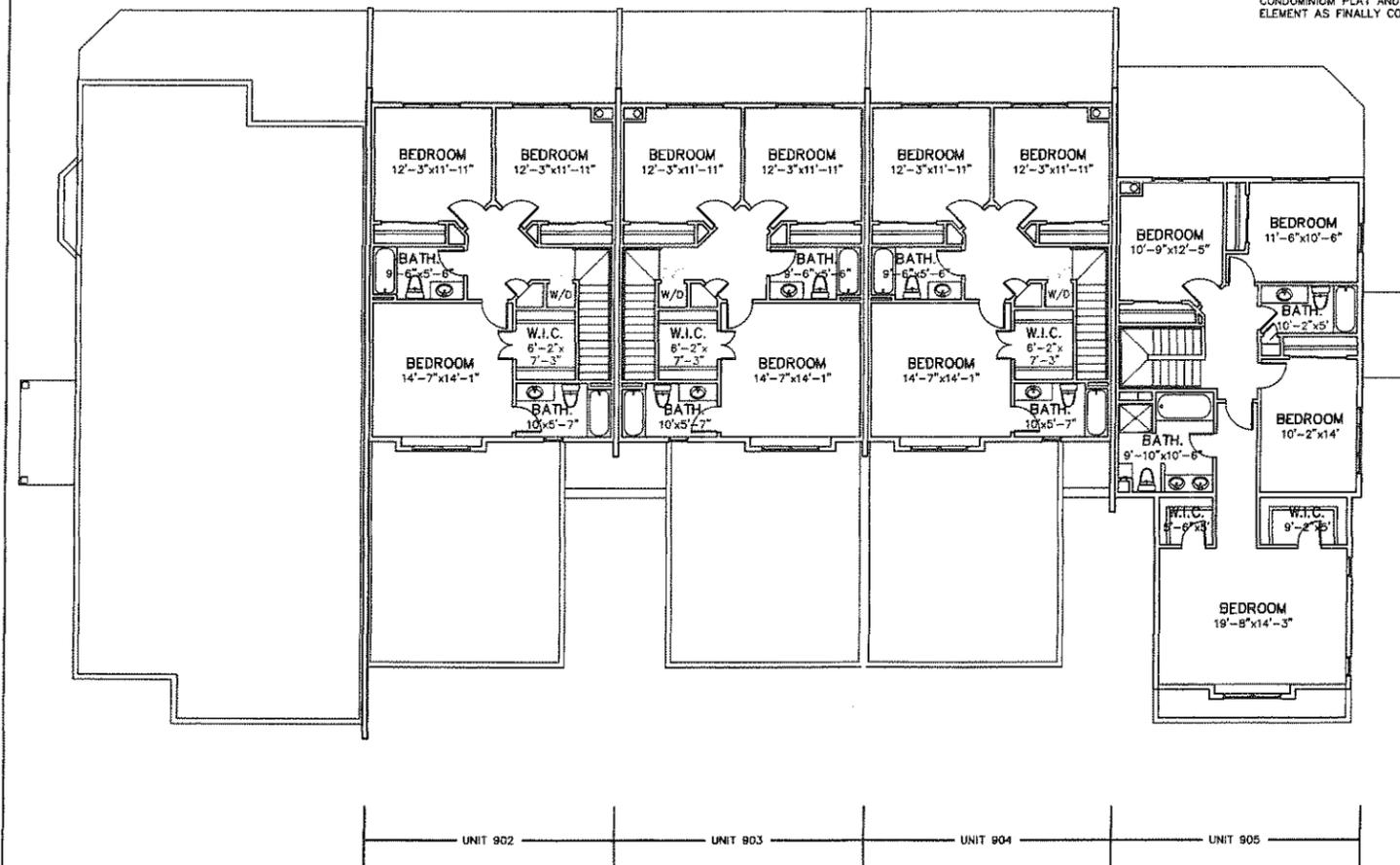
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 PROJ. NO. 6289.2013 | DATE: 02/03/2014 | SHEET: 4 OF 6

2/7/2014 K:\2013\6289.2013\6289.2013\DWG\6289.2013\CONCRETE.dwg SHEET 4

PRAIRIE WIND TOWNHOMES CONDOMINIUM ADDENDUM NO. 3

BEING PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 3663
 LOCATED IN PART OF THE NW 1/4, SW 1/4, AND SE 1/4 OF THE SW 1/4
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 WALWORTH COUNTY, WISCONSIN

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DIAGRAMATIC FLOOR PLANS
SECOND FLOOR
 SCALE: 1"=10'

LCE = LIMITED COMMON ELEMENT

FARRIS, HANSEN & ASSOCIATES, INC.
 ENGINEERING — ARCHITECTURE — SURVEYING
 7 RIDGWAY COURT, PO BOX 437
 ELKHORN, WISCONSIN 53121
 PHONE: (262) 723-2098
 FAX: (262) 723-5886
 PROJ. NO. 62682013 | DATE: 02/03/2014 | SHEET: 5 OF 8

PRAIRIE WIND TOWNHOMES CONDOMINIUM ADDENDUM NO. 3

BEING PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 3663
LOCATED IN PART OF THE NW 1/4, SW 1/4, AND SE 1/4 OF THE SW 1/4
OF SECTION 32, TOWN 2 NORTH, RANGE 18 EAST, CITY OF LAKE GENEVA,
WALWORTH COUNTY, WISCONSIN

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LEGAL DESCRIPTION EXPANSION AREA A

LANDS LOCATED IN PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 3663, RECORDED IN VOLUME 22 ON PAGE 10 AS DOCUMENT NO. 593854; LOCATED IN PART OF THE NORTHWEST 1/4, SOUTHWEST 1/4, AND SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWN 2 NORTH, RANGE 18 EAST, CITY OF LAKE GENEVA, WALWORTH COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1 OF C.S.M. 3663 AT THE NORTHERLY RIGHT-OF-WAY OF TOWN LINE ROAD; THENCE S 89DEG 54MIN 50SEC W, 198.99 FEET ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE TO AN IRON PIPE STAKE; THENCE CONTINUE, S 00DEG 05MIN 10SEC E, 15.01 FEET; THENCE CONTINUE, S 89DEG 54MIN 50SEC W, 218.94 FEET TO THE EAST LINE OF CERTIFIED SURVEY MAP NO. 1974 (C.S.M. 1974); THENCE ALONG SAID EAST LINE, N 00DEG 05MIN 10SEC W, 318.00 FEET TO THE NORTHEAST CORNER OF SAID C.S.M. 1974 AND THE POINT OF BEGINNING; THENCE S 89DEG 54MIN 50 SEC W, 243.35 FEET TO THE NORTHWEST CORNER OF SAID C.S.M. 1974; THENCE N 00DEG 05MIN 10SEC W, 122.25 FEET; THENCE N 89DEG 54MIN 50SEC E, 70.00 FEET; THENCE N 44DEG 54MIN 50SEC E, 137.95 FEET; THENCE S 56DEG 07MIN 23SEC E, 37.21 FEET; THENCE 66.91 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 119.00 FEET AND A CHORD WHICH BEARS S 40DEG 00MIN 58SEC E, 66.03 FEET; THENCE S 23DEG 54MIN 32SEC E, 17.37 FEET; THENCE 125.23 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 244.00 FEET AND A CHORD WHICH BEARS S 09DEG 12MIN 19SEC E, 123.86 FEET; THENCE S 05DEG 29MIN 54SEC W, 10.23 FEET; THENCE S 89DEG 54MIN 50SEC W, 23.09 FEET TO THE POINT OF BEGINNING. CONTAINING 42,313 SQUARE FEET (0.97 ACRES) OF LAND, MORE OR LESS.

LEGAL DESCRIPTION EXPANSION AREA B

LANDS LOCATED IN PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 3663, RECORDED IN VOLUME 22 ON PAGE 10 AS DOCUMENT NO. 593854; LOCATED IN PART OF THE NORTHWEST 1/4, SOUTHWEST 1/4, AND SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWN 2 NORTH, RANGE 18 EAST, CITY OF LAKE GENEVA, WALWORTH COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1 OF C.S.M. 3663 AT THE NORTHERLY RIGHT-OF-WAY OF TOWN LINE ROAD; THENCE S 89DEG 54MIN 50SEC W, 198.99 FEET ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE TO AN IRON PIPE STAKE; THENCE CONTINUE, S 00DEG 05MIN 10SEC E, 15.01 FEET; THENCE CONTINUE, S 89DEG 54MIN 50SEC W, 171.20 FEET; THENCE N 00DEG 05MIN 10SEC W, 251.55 FEET; THENCE N 05DEG 29MIN 54SEC E, 73.97 FEET; THENCE 141.14 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 275.00 FEET AND A CHORD WHICH BEARS N 09DEG 12MIN 19SEC W, 139.60 FEET; THENCE N 23DEG 54MIN 32SEC W, 17.37 FEET; THENCE 84.34 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 150.00 FEET AND A CHORD WHICH BEARS N 40DEG 00MIN 58SEC W, 66.03 FEET; THENCE N 58DEG 07MIN 23SEC W, 37.21 FEET; THENCE N 44DEG 54MIN 50SEC E, 12.65 FEET; THENCE N 40DEG 05MIN 10SEC W, 275.65 FEET; THENCE N 41DEG 21MIN 33SEC E, 176.89 FEET TO THE NORTHEASTERLY LINE OF SAID C.S.M. 3663; THENCE ALONG SAID NORTHEASTERLY LINE, S 48DEG 38MIN 27SEC E, 280.59 FEET; THENCE CONTINUE, S 29DEG 03MIN 47SEC E, 511.18 FEET; THENCE CONTINUE, S 08DEG 33MIN 06SEC W, 119.09 FEET TO THE POINT OF BEGINNING. CONTAINING 203,083 SQUARE FEET (4.66 ACRES) OF LAND, MORE OR LESS.

FARRIS, HANSEN & ASSOCIATES, INC.
ENGINEERING - ARCHITECTURE - SURVEYING
7 RIDGWAY COURT, PD BOX 437
ELKHORN, WISCONSIN 53121
PHONE: (262) 723-2098
FAX: (262) 723-5886

PROJ. NO. 62682013 | DATE: 02/03/2014 | SHEET: 8 OF 6

**PRAIRIE WIND
TOWNHOMES CONDOMINIUM
AMENDMENT TO PRECISE
IMPLEMENTATION PLAN (PIP)**

**Applicant: McMurr I, LLC,
an Illinois limited liability company**

March 5, 2014

APPLICATION FOR PRECISE IMPLEMENTATION PLAN AMENDMENT
City of Lake Geneva

Site Address/Parcel No. and full Legal Description required (attach separate sheet if necessary):
1150 Park Drive, Lake Geneva, WI. See Amendment to Precise
Implementation Plan attached hereto as Exhibit A and incorporated
herein.

Name and Address of Current Owner:

McMurr I, LLC, 351 W. Hubbard St., Suite 610, Chicago, IL 60654
Attn. Murray Peretz

Telephone No. of Current Owner including area code: 312-965-2807

Name and Address of Applicant:

Same as Owner

Telephone No. of Applicant including area code: Same as Owner

Proposed Use:

See Exhibit A.

Zoning District in which land is located: PD Planned Development

Names and Addresses of architect, professional engineer and contractor of project:

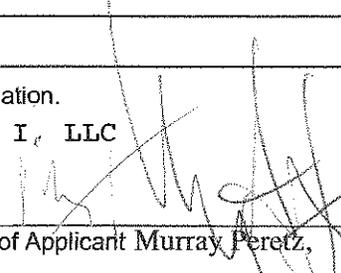
Architect: Ken Etten, McCormack & Etten Architects, LLP, 400 Broad
St., Lake Geneva, WI 53147, 262-248-8391

Short statement describing activities to take place on site:

See Exhibit A.

PIP Amendment fee \$400.00, payable upon filing application.

McMurr I, LLC



Signature of Applicant Murray Peretz,

Authorized Representative

**PRAIRIE WIND TOWNHOMES CONDOMINIUM
EXHIBIT A
NARRATIVE**

1 The property described in the attached Exhibit B incorporated herein (“Prairie
2 Wind”) is zoned by the City of Lake Geneva (“City”) as PD, Planned Development Zoning
3 District, to permit the development of a condominium/townhome community of up to sixteen
4 (16) residential structures, each structure composed of six (6) condominium units (“Six Unit
5 Building”), with each unit containing up to four (4) bedrooms, two (2) baths, and an attached
6 garage. To date, nine (9) Six Unit Buildings, containing fifty-four (54) condominium/
7 townhome units, have been constructed in reliance on such zoning. Up to forty-two (42)
8 additional condominium/townhome units, in seven (7) Six Unit Buildings, are permitted
9 under the General Development Plan (“GDP”) and the Precise Implementation Plan (“PIP”)
10 for Prairie Wind. The PIP Site Plan for Prairie Wind is attached as Exhibit C and
11 incorporated herein (“Site Plan”).
12

13 All of the public improvements for the planned ninety-six (96) condominium/
14 townhome units of Prairie Wind, i.e., the public streets, the sanitary sewer mains, and the
15 municipal water mains, have been constructed and installed, and the City has accepted them
16 for public dedication. Additionally, the private stormwater management facilities and the
17 private streets of Prairie Wind, i.e., Park Place, Prairie Lane, and a street connecting them,
18 have all been designed, sized, and over one-half (½) have been constructed to accommodate
19 the planned ninety-six (96) condominium/townhome units. Prairie Wind has been developed
20 in substantial compliance with its GDP and PIP.
21

22 Prairie Wind and the adjoining Southwind Prairie apartment development are
23 planned by the City for Multi-Family Residential future use under the City’s Comprehensive
24 Plan, adopted August 30, 2011.
25

26 Further, exceptionally turbulent markets for real estate and real estate
27 financing over the past seven (7) years, particularly with respect to condominium residential
28 properties, have severely restricted the continued development of Prairie Wind.
29

30 Consequently, as the owner of the partially-developed portion of Prairie Wind,
31 McMurr I, LLC, an Illinois limited liability company (“McMurr I”), asks the City to extend
32 the deadline for development pursuant to the GDP and the PIP by an additional five (5) years.
33

34 McMurr I also applies to amend the PIP for Prairie Wind to permit the
35 development of the remaining seven (7) residential structures with either the Six Unit
36 Building, or, as an alternative elected by McMurr I in its sole discretion from time to time,
37 a new five (5) condominium/townhome unit residential structure designed for McMurr I
38 (“Five Unit Building”), with each unit containing up to four (4) bedrooms, two (2)
39 bathrooms, and an attached garage, as depicted in the attached Exhibit D incorporated herein
40 (collectively, “Plans”).

41 The Five Unit Building will sit on the same footprint as the Six Unit Building,
42 and can be located in the same unimproved locations on the Site Plan as the Six Unit
43 Buildings. Because there are only five (5) garages to the Five Unit Building, instead of six
44 (6) as with the Six Unit Building, the driveway configurations of the buildings differ slightly.
45 However, given the same footprints and planned locations, no change is anticipated to the
46 design, public or private infrastructure, engineering, or other elements of the PIP resulting
47 from the substitution of one (1) or more Five Unit Buildings for the Six Unit Buildings.
48

49 The Plans, supplemented by additional construction detail building plans,
50 have been approved by the State of Wisconsin Department of Safety and Professional
51 Services, Industry Services Division.
52

53 McMurr I proposes to construct as the tenth (10th) building a Five Unit
54 Building in the area designated for "Building 9" on the Site Plan, as also depicted in the
55 Prairie Wind Townhomes Condominium Addendum No. 3 attached as Exhibit E and
56 incorporated herein ("Plat Addendum").
57

58 Depending on the response of the market to the Five Unit Building, the final
59 six (6) buildings of Prairie Wind will be all Five Unit Buildings, all Six Unit Buildings, or
60 a mix of Five Unit Buildings and the Six Unit Buildings, as McMurr I shall elect, in its sole
61 discretion from time to time. If Prairie Wind is fully developed, there will be between eight-
62 nine (89) and ninety-five (95) condominium/townhome units, instead of the approved
63 ninety-six (96). Overall density will be reduced from approximately 5.85 dwelling units per
64 acre to not less than approximately 5.43 dwelling units per acre. A possible reduction of up
65 to seven (7) condominium/townhome units will not materially affect the viability of the
66 Prairie Wind community.
67

68 McMurr I proposes to amend the PIP further to extend Prairie Lane to form
69 an intersection with Town Line Road, as shown on the Plat Addendum, rather than ending
70 in a cul-de-sac, as under the PIP. The extension takes the form of common elements to
71 contain the extension of Prairie Lane from proposed Building 9 to the north boundary of the
72 right-of-way of Town Line Road, creating a private street right-of-way approximately forty-
73 seven and 74/100 (47.74) feet in width at the Town Line Road right-of-way. The right-of-
74 way for the intersection of Prairie Lane with Town Line Road will be approximately six
75 hundred twenty-four (624) feet from the right-of-way for Southwind Drive to the east, and
76 approximately three hundred three (303) feet from the right-of-way of Park Place to the west.
77 The added access will provide a temporary construction road for the construction of the
78 remaining seven (7) buildings and related improvements. The construction road will largely
79 avoid the traffic and damage resulting from construction equipment and supplies traversing
80 the existing private streets Prairie Lane and Park Place and the public streets Southwind
81 Drive and Park Street that also provide access to Prairie Wind. The permanent Prairie Lane
82 extension to Townline Road will benefit the seven (7) remaining buildings and the rest of
83 Prairie Wind in emergencies and normal use.
84

85 The speed limit along the portion of Town Line Road from Park Place to
86 Southwind Drive is twenty-five (25) miles per hour. The portion is relatively flat, providing

87 no obstacles to visibility for a vehicle entering Prairie Wind at the proposed Prairie Lane
88 extension. McMurr I is not aware of any existing or planned intersections near the proposed
89 Prairie Lane intersection for neighboring properties abutting either side of Town Line Road.
90

91 Concurrently herewith, McMurr I is filing with the City the Plat Addendum
92 and a Fourth Amendment to Condominium Declaration of Prairie Wind Townhomes
93 Condominium, to add a Five Unit Building as Building 9. The land submitted to
94 condominium ownership under the Plat Addendum and declaration is part of the expansion
95 area for Prairie Wind, and McMurr I, as successor Declarant of record, has the right to add
96 the proposed Building 9 and Prairie Lane extension to Prairie Wind Townhomes
97 Condominium.
98

99 A map of Prairie Wind, showing all lands within three hundred (300) feet, and
100 a list of the names and addresses of the owners of all lands on said map, indicating the
101 current zoning of Prairie Wind and its environs, and the jurisdiction, is attached as Exhibit
102 F and incorporated herein.
103

104 Except as modified by this Amendment to the PIP for Prairie Wind, the PIP
105 remains unchanged. The landscaping, signage, lighting, organizational structure, and the
106 consistency of the PIP, as amended hereby, with the GDP, are not materially changed.
107

108 Because virtually all of the public infrastructure improvements for Prairie
109 Wind are installed, no proof of financing capability is needed. McMurr I will provide proof
110 of financing capability, in the form of a letter of credit or other surety, for the construction
111 of any additional public improvements.
112

113 McMurr I believes that this amendment to the PIP will render Prairie Wind
114 a more viable and improved in-fill development for the City.

115 **PRAIRIE WIND TOWNHOMES CONDOMINIUM**
116 **EXHIBIT B**
117 **LEGAL DESCRIPTION**
118
119

120 Parcel A:

121 Lands located in part of Lot One (1) of CERTIFIED SURVEY MAP NO. 3663, recorded in
122 Volume 22 on Page 10 as Document No. 593854; located in part of the Northwest
123 One-quarter (1/4), Southwest One-quarter (1/4) and Southeast One-quarter (1/4) of the
124 Southwest One-quarter (1/4) of Section Thirty-two (32), in Township Two (2) North, Range
125 Eighteen (18) East, in the City of Lake Geneva, Walworth County, Wisconsin, more
126 particularly described as follows:

127 Beginning at the Southeast corner of said Lot 1 of Certified Survey Map No. 3663 at the
128 Northerly right-of-way of Town Line Road; thence South 89°54'50" West, 198.99 feet along
129 the said Northerly right-of-way line to an iron pipe stake; thence continue South 00°05' 10"
130 East, 15.01 feet; thence continue South 89°54'50" West, 218.94 feet to the East line of
131 Certified Survey Map No. 1974 (C.S.M. 1974); thence along said East line, North 00°05'10"
132 West, 318.00 feet to the Northeast corner of said C.S.M. 1974; thence South 89°54'50" West,
133 243.35 feet to the Northwest corner of said C.S.M. 1974; thence North 00°05'10" West,
134 122.25 feet; thence North 89°54'50" East, 70.00 feet; thence North 44°54'50" East, 150.50
135 feet; thence North 45°05'10" West, 275.65 feet; thence North 41°21 '33" East, 176.69 feet
136 to the Northeasterly line of said Lot 1 of C.S.M. 3663; thence along said Northeasterly line,
137 South 48°38'27" East, 444.32 feet; thence continue, South 29°03'47" East, 511.18 feet;
138 thence continue South 08°33'06" West, 119.09 feet to the point of beginning. (End of legal
139 description)

140 Said parcel also being described as expansion area of Prairie Wind Townhomes
141 Condominium Addendum No. 2.

142
143 Tax Key No. ZPRW 00054A
144

145 Parcel B:

146 Right of access across roadways and the right to connect to and/or use the sanitary and storm
147 water sewer systems, street lighting system, domestic water system, fire protection system
148 and other necessary systems as contained in Paragraph 5.05(g) of the Declaration of
149 Condominium Ownership and of Easements, Restrictions, Covenants and Prairie Wind
150 Townhomes Condominium recorded on October 28, 2004 as Document No. 621208, and
151 amended by First Amendment to Condominium Declaration recorded on October 20, 2005,
152 as Document No. 657327, and amended by Second Amendment to Condominium Declaration
153 recorded on August 14, 2006, as Document No. 685123 and amended by Third Amendment
154 to Condominium Declaration of Prairie Wind Townhomes Condominium recorded June 24,
155 2013 as Document No. 865669.

156
157 Address: 1150 Park Drive, Lake Geneva, WI
158

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164

**PRAIRIE WIND TOWNHOMES CONDOMINIUM
EXHIBIT C
SITE PLAN**

See attached.

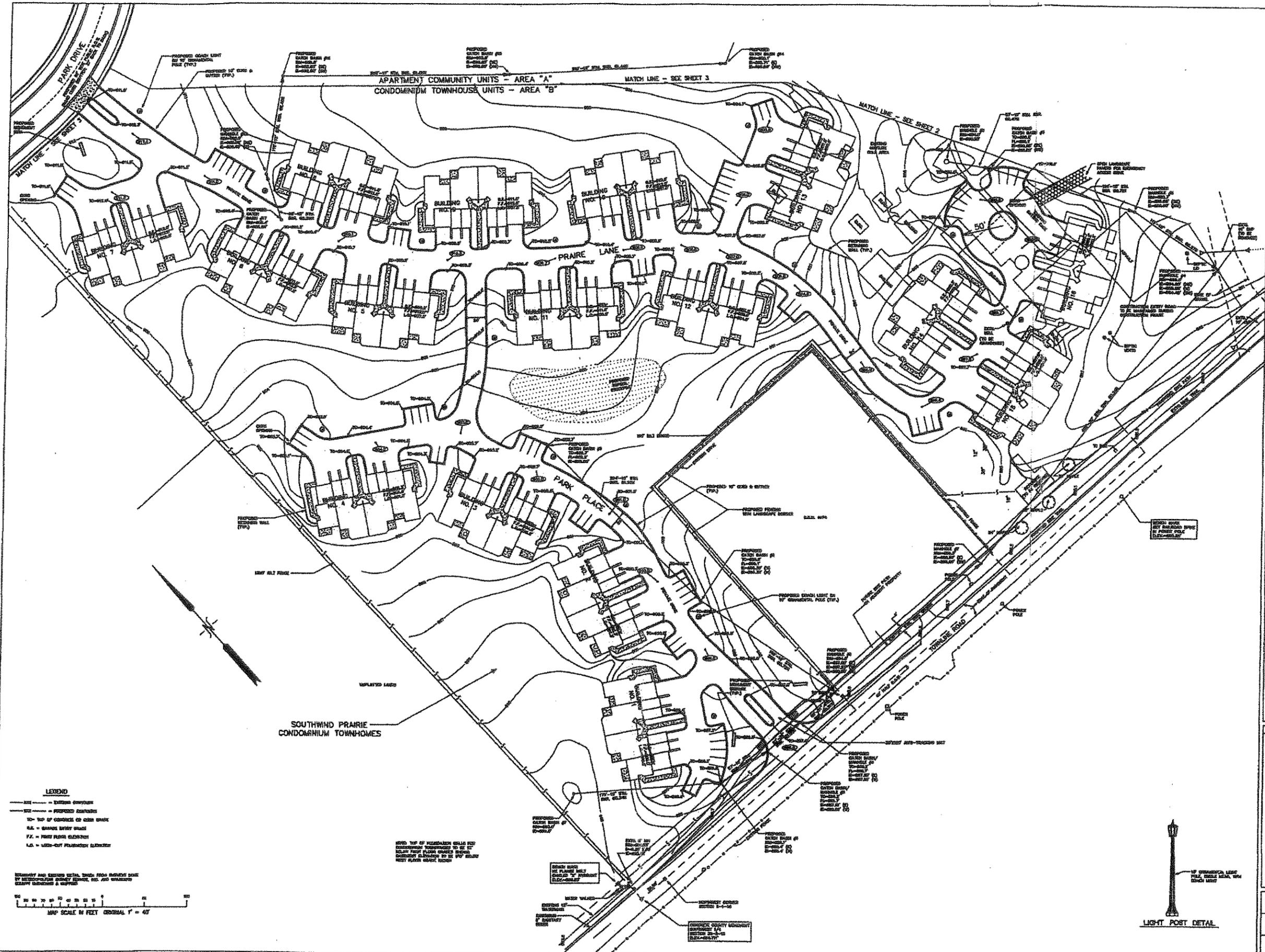


SOUTHWIND PRAIRIE
 SITE, GRADING, DRAINAGE, STORM SEWER,
 AND EROSION CONTROL PLAN
 CITY OF LAKE GENEVA, WALWORTH COUNTY, WISCONSIN

SITE PLAN

FARRIS, HANSEN & ASSOCIATES, INC.
 ENGINEERING - ARCHITECTURE - SURVEYING
 7 RIVERWAY COURT P.O. BOX 437
 ELKHORN, WISCONSIN 53121
 OFFICE (262) 733-8998 FAX (262) 733-8999

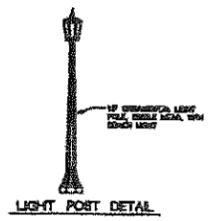
PROJECT NO.
6269
 DATE
12/15/2003
 SHEET NO.
5 OF 11



- LEGEND**
- EXISTING CONDITIONS
 - PROPOSED CONDITIONS
 - TO - TOP OF CORNER OF CURB GRADE
 - S.E. - GRADE ELEVATION
 - F.F. - FINISH FLOOR ELEVATION
 - L.S. - LOW-CUT FLOORING ELEVATION



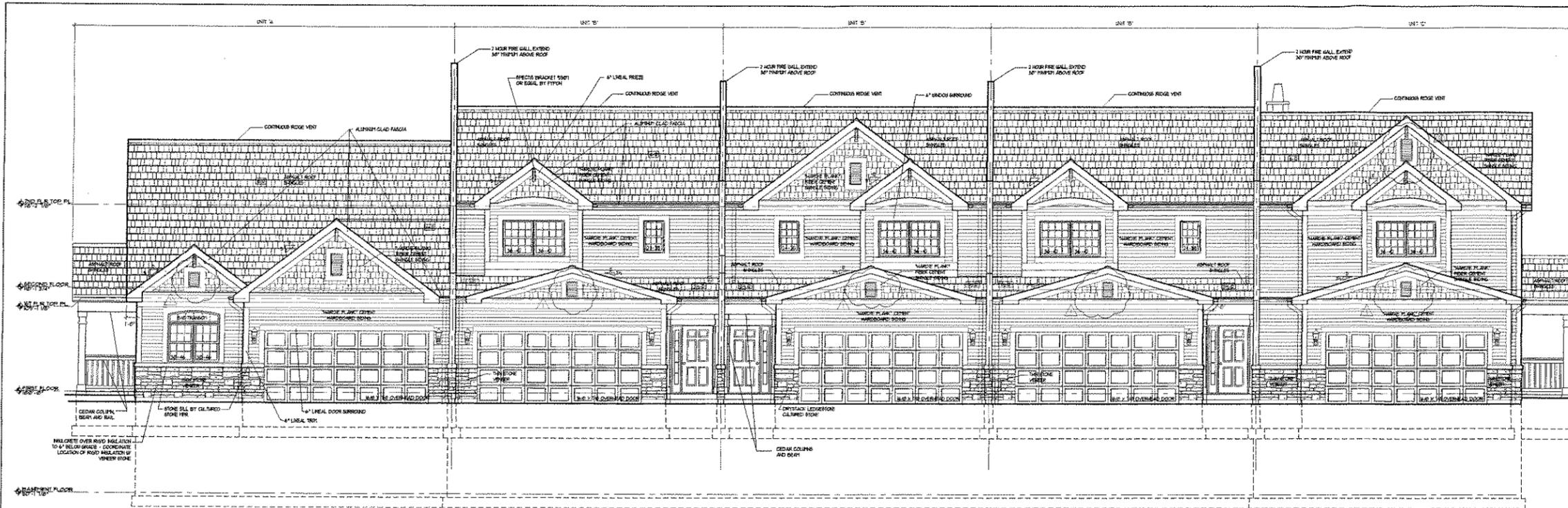
NOTE: TOP OF ROADSIDE CURB FOR
 PROPOSED IMPROVEMENTS TO BE 12"
 ABOVE FINISH FLOOR GRADE. DIMENSIONS
 INDICATED BY 12" DIMENSION
 LINE SHALL BE USED.



165
166
167
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169
170

**PRAIRIE WIND TOWNHOMES CONDOMINIUM
EXHIBIT D
FIVE UNIT BUILDING PLANS**

See attached.



SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

EXTERIOR WINDOW & DOOR NOTE

1. ALL WINDOWS AND EXTERIOR DOORS SHALL BE "THIRTY" WINDOW CO. UNITS, ALUMINUM GLAZED INSURE (OTHERWISE NOTED OR SELECTED COLOR AS REQUESTED).
2. UNIT NUMBERS CORRESPOND WITH UNIT DIMENSIONS IN WIDTH AND HEIGHT IN INCHES.
3. ALL GLAZING IN WINDOWS AND DOOR UNITS SHALL COMPLY WITH IBC CHAPTER 7A AND OTHER STANDARDS AS APPLICABLE. PROVIDE TYPED OR SAFETY LIMITED GLASS (WHERE SO REQUIRED).
4. ALL EXTERIOR DOORS & WINDOWS TO HAVE A U-VALUE OF 0.30 OR BETTER. THERE IS NO REQUIREMENT FOR SDC VALUE LABELS REQUIRED PER IBC 703.2.1.
5. WINDOWS IN UNIT "A" TO HAVE OPERATING HANDBLES WITH REACH RANGE AND NOT REQUIRE TIGHT GRIPPING OR TUSTING OF UNIT TO OPERATE.

FIBER CEMENT SIDING:

1. SIDING SHALL BE FACTORY FINISHED FIBER CEMENT BY CANTONMENT CORP., JAMES HENKE OR OTHER MANUFACTURER SHALL PROVIDE A CONDITIONAL 50 YEAR WARRANTY ON ALL SIDING AND ACCESSORY PRODUCTS.
2. TEXTURE, PROFILE AND DESIGN SHALL BE AS INDICATED ON DRAWINGS.
3. TRIM SHALL BE 3/4" (IF NOT NOTED) WITH THE FOLLOWING STANDARD DETAIL:
 - 1/2" WINDOW AND DOOR JAMB
 - 1/2" WINDOW AND DOOR HEADS
 - 1/2" BOTTOM OF SIDING ABOVE GRADE (1/4" MIN ABOVE GRADE)
 - 1/2" GROUND WALL CORNERS
 - 1/2" RICE WALL CORNERS
 - 1/2" RICE TO ALIGN WITH END OF FLASH RATHER TAIL
 - 1/2" VERTICAL FIBRE DIRECTLY UNDER FLASH RATHER TAIL
 - THERE NOT BE 1/4" IN WINDOW HEAD
 - 1/2" BOTTOM BAND OF PROJECTING GABLES
 - 1/2" OVERHEAD DOOR HEAD
 - ONE SIZE LARGER THAN WIDTH OF WALL TO ROOF/LOOK BRACKETS

OTHER NOTES MAY BE REQUIRED FOR SPECIFIC CONDITIONS

4. TRIM OR SIDING WITHIN 4" OF GRADE OR FINISH SHALL BE COMPOSITE OR NATURALLY OR ARTIFICIALLY PRESERVATIVE TREATED.
5. PROVIDE SHEET METAL CANOPY FLASHING AT BR/OUTDOOR HEADS AND ALL OTHER NON-VERTICAL TRIM MEMBERS NOT PROVIDED UNDER OVERHANG.
6. PROVIDE SHEET METAL FLASHING AT ALL NON-VERTICAL SIDING IN FAST PANEL SIDING.
7. PROVIDE SEALANT AT ALL LOCATIONS ARE IN MANUFACTURER'S RECOMMENDED BY THE SIDING MANUFACTURER IN ORDER TO MAINTAIN THEIR WARRANTY. SEALANT TO COLOR MATCH ADJACENT SIDING OR BE PAINABLE.
8. SEAL SIDING BAYS AND OTHER OPEN JOINTS IN FIELD IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS PRIOR TO INSTALLATION.
9. PROVIDE TYPE, SIZE, LENGTH AND SPACING OF FASTENERS RECOMMENDED BY MANUFACTURER FOR TYPE AND APPLICATION OF SIDING.
10. SIDING SHALL BE INSTALLED OVER SUBSTRATE THAT ALLOW FOR MANUFACTURER RECOMMENDED SIDING INSTALLATION METHOD INCLUDING, BUT NOT LIMITED TO TRAPPING SPACERS/SPACERS, SHEATHING THICKNESS, SHEATHER DRAINAGE SHEET, AND FLASHING.
11. COORDINATE INSTALLATION WITH ALL PENETRATIONS PLUMBING, PIPES, DUCTS, CONCRETE, ETC.

BALUSTER NOTE:

ALL OPEN RAILING BALUSTERS SHALL BE SPACED AS NOT TO ALLOW THE PASSAGE OF A 4" SPHERE.

GETTERS / GUTTERS:

PROVIDE ALUMINUM GUTTERS AND DOWNSPUTS AT ALL EXTERIOR DOWNSPUT LOCATIONS TO AVOID DAMAGING SIDING OR TO DRIVE OR DRIVE. PROVIDE DOWNSPUT EXTENSION & SPLASH BLOCKS WHERE APPLICABLE AND UNDERGIRDERS. PROVIDE 1/2" DIA PIPE BELOW GRADE EXTENDED TO DRAINAGE AT A LOWER GRADE WHERE EXTENDING UNDER WALKS OR DRIVEWAYS.



EAST ELEVATION
SCALE: 1/4" = 1'-0"

McCormick + Ellen / Architects, LLP
400 Broad Street
Lake Geneva, WI 53047
Tel: (262) 348-8882
mccormickellen.com
www.mccormickellen.com

McCormick + Ellen / Architects, LLP

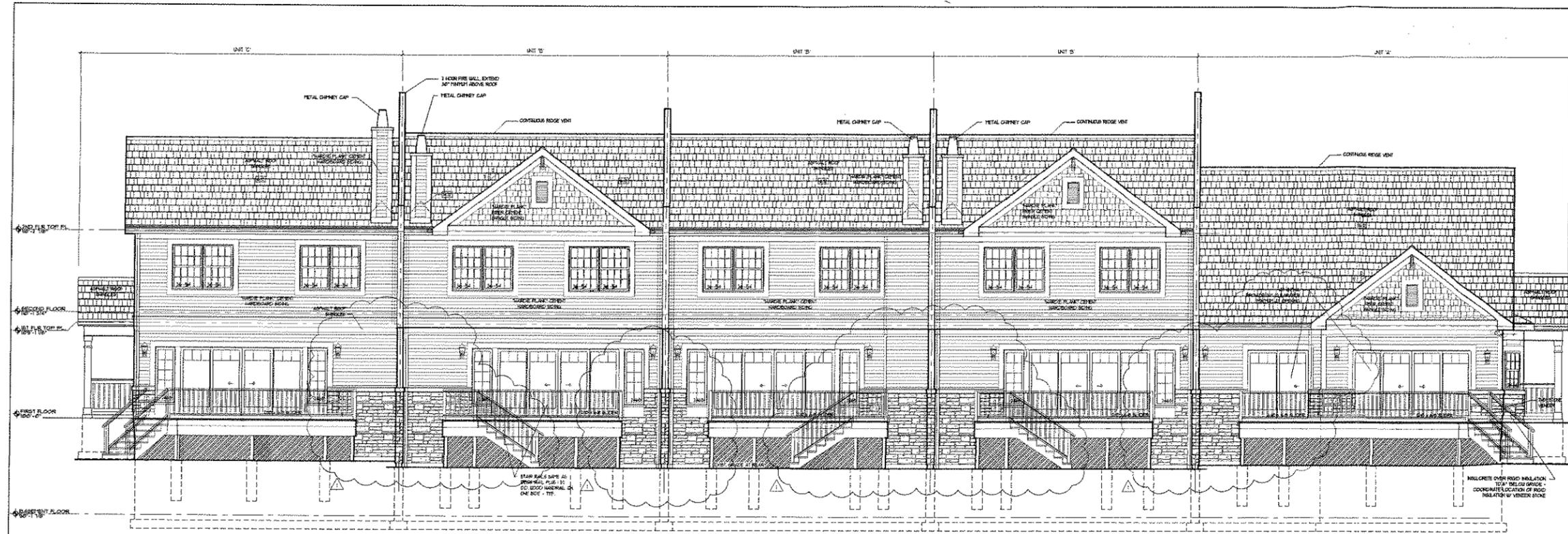
NEW TOWNHOME UNITS FOR
PRAIRIE WIND II
PROJECT NO. 1255
LAKE GENEVA, WI 53047

REVISIONS

5-23-12

PRELIMINARY
SCHEMATIC
PERMIT
CONSTRUCTION

DATE 11-26-13
SHEET A-1



NORTH ELEVATION
SCALE: 1/4" = 1'-0"

EXTERIOR WINDOW & DOOR NOTE

1. ALL WINDOWS AND EXTERIOR DOORS SHALL BE THERMALLY BROKEN CO UNITS, ALUMINUM CLAD UNLESS OTHERWISE NOTED OR SELECTED COLOR AS SELECTED.
2. UNIT NUMBERS CORRESPOND WITH UNIT DIMENSIONS IN BOTH H AND V IN INCHES.
3. ALL GLAZING IN WINDOWS AND DOOR UNITS SHALL COMPLY WITH IBC CHAPTER 24, AND OTHER STANDARDS AS APPLICABLE. PROVIDE TYPED OR SAFETY LAMINATED GLASS WHERE SO REQUIRED.
4. ALL EXTERIOR DOORS & WINDOWS TO HAVE A U-VALUE OF 0.35 MAX. THERE SHALL BE REQUIREMENTS FROM ENERGY LABEL REGARDING ENERGY EFFICIENCY.
5. WINDOWS IN UNIT #1 TO HAVE OPERATING HARDWARE WITHIN REACH RANGE AND NOT REQUIRE TIGHT GRASPING OR TURNING OF UNITS TO OPERATE.

FIBER CEMENT SIDING:

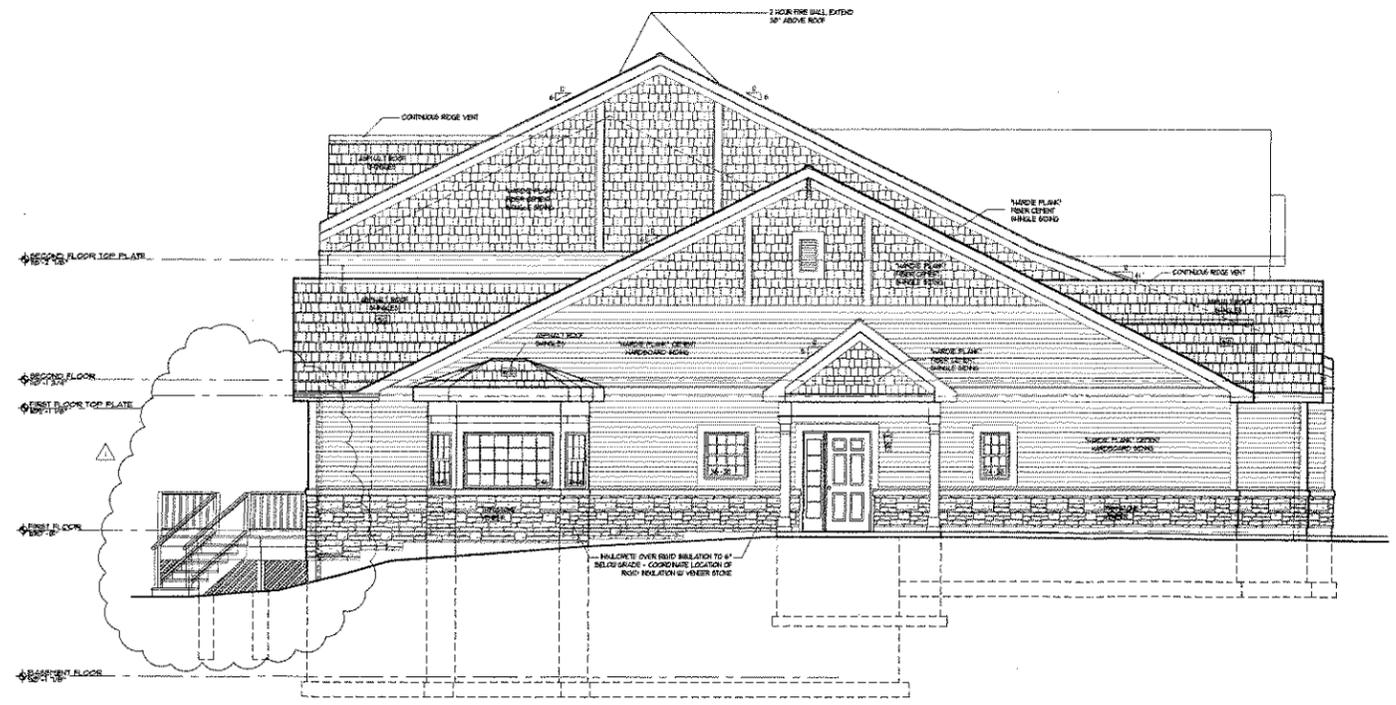
1. SIDING SHALL BE FACTORY FRAMED FIBER CEMENT BY CertainTeed Corp. James Hardie, or other manufacturer shall provide a CONDITIONAL 30 YEAR WARRANTY ON ALL SIDING AND ACCESSORY PRODUCTS.
2. PROFILE, FINISH AND DESIGN SHALL BE AS INDICATED ON DRAWINGS.
3. TRIM SHALL BE 1/2" X 1" X 12" (MINIMUM) WITH THE FOLLOWING STANDARD SIZES:
 - 1/2" WINDOW AND DOOR SIDING
 - 1" WINDOW AND DOOR SIDING
 - 1" TOP BOTTOM OF SIDING BOARD (1/2" IN. ABOVE GRADE)
 - 1" TOP SIDING WALL CORNER
 - 1" TOP BRICK WALL CORNER
 - 1" TOP TRIM TO ALLOW OVERLAP OF FLASH RAINFALL TAILS
 - 1" TOP VERTICAL FINISH DIRECTLY UNDER FLASH RAINFALL TAILS (TRIM NOT USED IN WINDOW HEAD)
 - 1" TOP BOTTOM BOARD OF PROJECTING GABLES
 - 1" TOP OVERHEAD DOOR HEAD
 - ONE SIZE LARGER THAN BOTTOM OF WALL TO ROOF/LOOK BRACKETS
4. OTHER SIZES MAY BE REQUIRED FOR SPECIFIC CONDITIONS.
5. TRIM OR SIDING WITHIN 4" OF GRADE OR PAVERS SHALL BE COMPOSITE OR NATURALLY OR ARTIFICIALLY PRESERVATIVE TREATED.
6. PROVIDE INSET METAL CAPS OR FLASHING AT WINDOW/DOOR HEADS AND ALL OTHER NON-VERTICAL TRIM. TRIM SHALL NOT BE FINISHED WITH OVERLAP.
7. PROVIDE SHEET METAL 2" FLASHING AT ALL NON-VERTICAL BEAMS IN SHEET PANEL SIDING.
8. PROVIDE SEALANT AT ALL LOCATIONS AND IN HAZARD RECOMMENDED BY THE SIDING MANUFACTURER IN ORDER TO MAINTAIN THEIR WARRANTY. SEALANT TO COLOR MATCH ADJACENT SIDING OR BE PAINTABLE.
9. SEAL SIDING JOINTS AND OTHER JOINTS MADE IN FIELD IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS PRIOR TO INSTALLATION.
10. PROVIDE TYPE, SIZE, LENGTH AND SPACING OF FASTENERS RECOMMENDED BY MANUFACTURER FOR TYPE AND APPLICATION OF SIDING.
11. SIDING SHALL BE INSTALLED OVER INSULATION THAT ALLOWS FOR MANUFACTURER RECOMMENDED BREATHER INSTALLATION METHODS INCLUDING BUT NOT LIMITED TO FLASHING SPACERS/STAPLES, HEATING THERMAL BREAKER BARS, AND FLASHING.
12. COORDINATE INSTALLATION WITH ALL PENETRATIONS (DRAINAGE, PIPES, DUCTS, CONDUIT, ETC).

BALUSTER NOTE:

ALL OPEN RAILING BALUSTERS SHALL BE SPACED TO BE NOT TO ALLOW THE PASSAGE OF A 4" SPHERE.

DETAILS / CONDITIONS:

PROVIDE ALUMINUM CORNER AND DOWNPOUT AT ALL BALUSTERS. DOWNPOUT LOCATION TO ALLOW DRAINAGE WATER INTO BALUSTERS OR DRAINAGE. PROVIDE DOWNPOUT EXTENSION 1" BELOW BALUSTERS. PROVIDE 1/2" X 1/2" X 1/2" (MINIMUM) BRITISH RAIL LANDING AREA. PROVIDE 1/2" X 1/2" X 1/2" (MINIMUM) BELOW GRADE EXTENDED TO EXTERIOR AT A LOWER GRADE USING EXTENDING UNDER SLABS OR OTHERWISE.



WEST ELEVATION
SCALE: 1/4" = 1'-0"

McCormack + Eilen / Architects, LLP
400 Broad Street
Lake Geneva, WI 53147
PH (262) 248-1021 FAX (262) 248-1022
www.mccormackeilen.com

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NEW TOWNHOME UNITS FOR
PRAIRIE WIND II
LAKE GENEVA, WI 53147

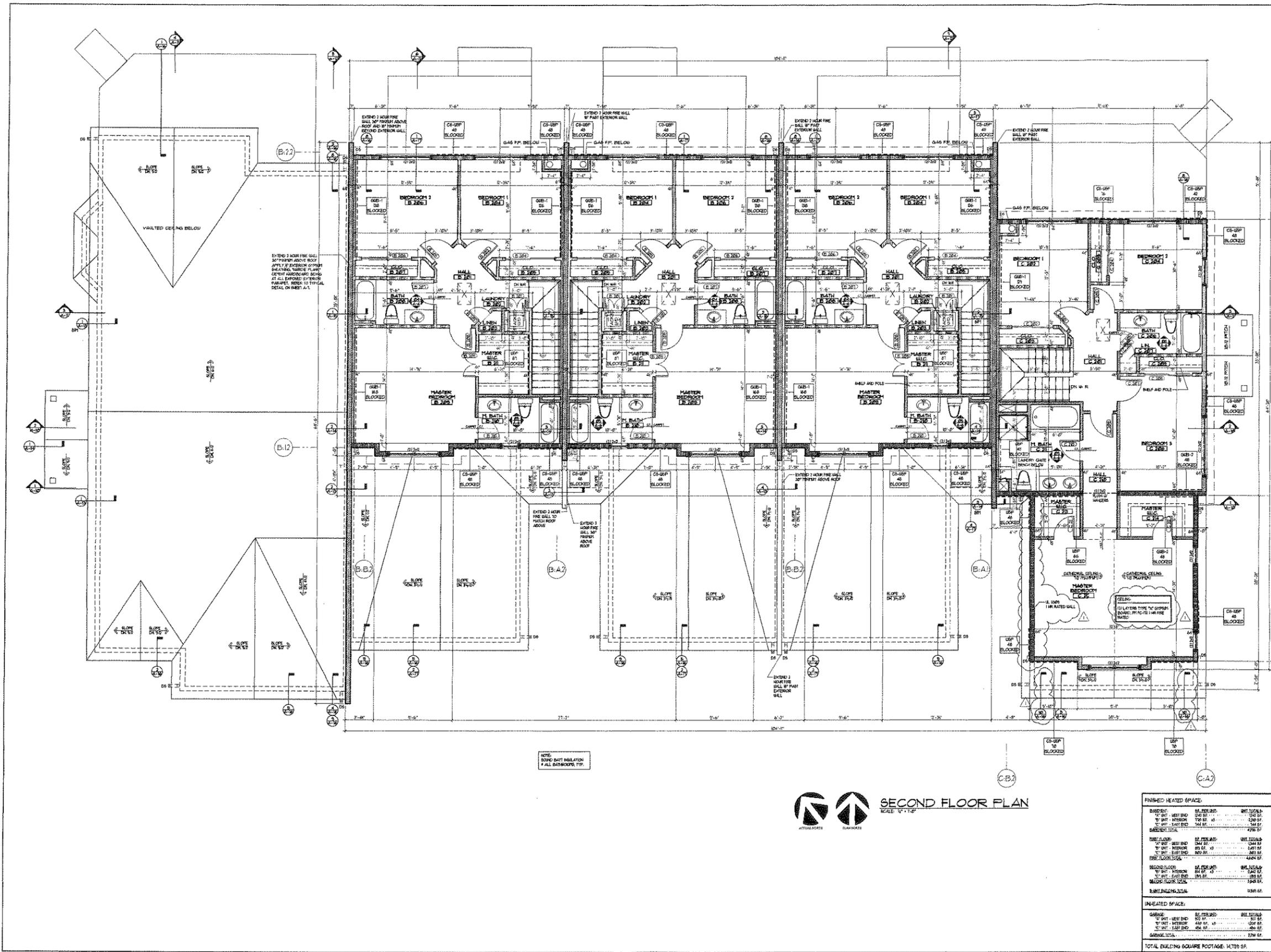
PROJECT NO. 1255

REVISIONS
0-30-2012

PREPARED BY
DESIGNED BY
PLANNED BY
CONSTRUCTION

DATE
11-20-13

SHEET
A-8



McCormick + Eiten / Architects, LLP
 400 Broad Street
 Lake Geneva, WI 53147
 Tel: (262) 346-0300
 Fax: (262) 346-0302
 www.mccormickeiten.com

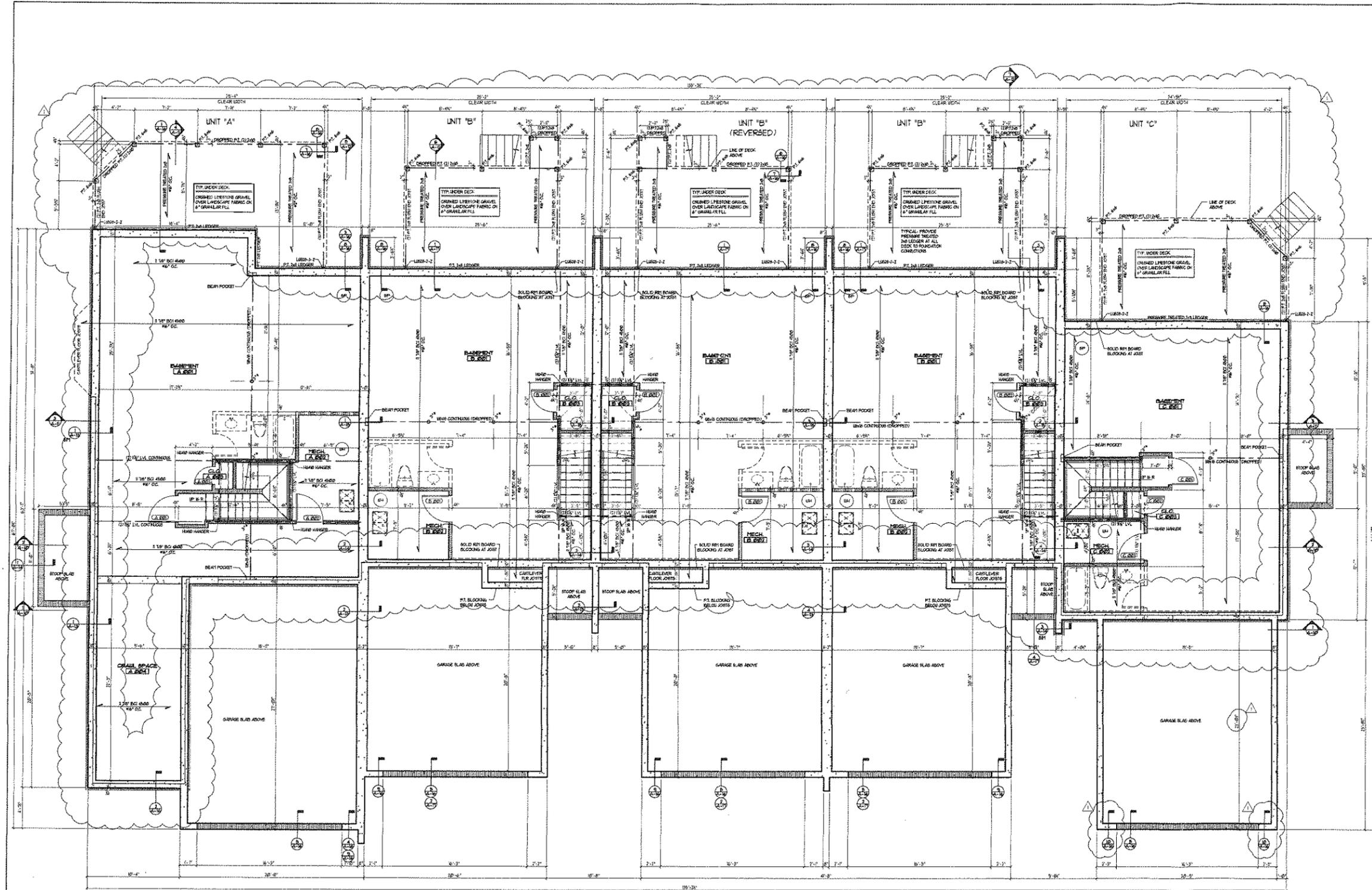
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NEW TOWNHOME UNITS FOR
PRAIRIE WIND II
 PROJECT NO. 1258
 LAKE GENEVA, WI 53147

SECOND FLOOR PLAN
 SCALE: 1/8" = 1'-0"

FINISHED HEATED SPACE			
BASED ON:	BY PERIOD:	NET TOTAL:	
TO INT. USE BLD.	01.01.01	124,811 SF	
TO INT. INTERIOR	12.01.01	124,811 SF	
TO INT. EXTERIOR	14.01.01	124,811 SF	
BASED ON TOTAL		124,811 SF	
INSTALLATION:			
TO INT. USE BLD.	01.01.01	124,811 SF	
TO INT. INTERIOR	01.01.01	124,811 SF	
TO INT. EXTERIOR	01.01.01	124,811 SF	
BASED ON TOTAL		124,811 SF	
UNHEATED SPACE:			
TO INT. USE BLD.	01.01.01	124,811 SF	
TO INT. INTERIOR	01.01.01	124,811 SF	
TO INT. EXTERIOR	01.01.01	124,811 SF	
BASED ON TOTAL		124,811 SF	
TOTAL BUILDING SQUARE FOOTAGE: 125,000 SF			

REVISIONS
 1. 03-10-10
 PRELIMINARY
 BID APPROVAL
 PERM
 CONSTRUCTION
 DATE: 11-20-13
 SHEET: A-4



FOUNDATION INSULATION NOTE:
 PROVIDES R-10 INSULATION AT ENTIRE PERIMETER OF FOUNDATION EXCEPT JOINTS AT PERIMETER PER LATER - REFER TO BUILDING I SHALL SECTION. PROVIDE R-10 INSULATION BETWEEN SLAB & WALL. USE 2" X 4" SILL & 4" X 4" CORNER SILL. SILL: EXPOSED INSULATION TO TOP OF FOUNDATION SHALL MEET CHAIRMAN NOTE.



FIRST FLOOR FRAMING PLAN
BASEMENT FLOOR PLAN
 SCALE: 1/4" = 1'-0"

REVISION	DATE
1	5-30-2013

<input type="checkbox"/>	PRELIMINARY
<input type="checkbox"/>	APPROVAL
<input type="checkbox"/>	POST
<input type="checkbox"/>	CONSTRUCTION

DATE: 11-20-13
 SHEET: A-2

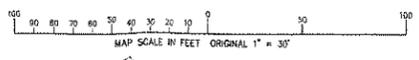
McComack + Eiten / Architects, LLP
 400 Broad Street
 Lake Oswego, WI 53047
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 F: (262) 248-8002
 www.mccomackeiten.com

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NEW TOWNHOME UNITS FOR
PRAIRIE WIND II
 PRAIRIE LANE
 LAKE GENEVA, WI 53147
 PROJECT NO. 12519

SITE, GRADING, DRAINAGE & EROSION CONTROL PLAN
PRAIRIE WIND TOWNHOMES CONDOMINIUM ADDENDUM NO. 2
EXPANSION AREA

BEING PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 3663 LOCATED IN
 PART OF THE NW 1/4, SW 1/4 & SE 1/4 OF THE SW 1/4 OF SECTION 32,
 TOWN 2 NORTH, RANGE 18 EAST, CITY OF LAKE GENEVA, WALWORTH COUNTY, WISCONSIN



ASSIGNED W. LINE OF CSM 3663
 N 89°05'10\"/>



TO OBTAIN LOCATIONS OF PARTICIPANTS UNDERGROUND FACILITIES BEFORE YOU DIG IN WISCONSIN, CONTACT:

Wisconsin One Call
 1-800-487-3874
 www.wisconsinonecall.com

WIS STATUTE 102.0175(1974) REQUIRES MIN. 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE

- LEGEND**
- = FOUND IRON PIPE STAKE
 - = FOUND IRON REBAR STAKE
 - ⊕ = SET IRON REBAR STAKE
 - ⊗ = SET "T" NAIL IN PAVEMENT
 - ⊕ = SET CHISEL "T" IN CONCRETE
 - ⊕ = GAS WARNING POST LOCATED
 - ⊕ = ELECTRIC METER BOX LOCATED
 - ⊕ = TRANSFORMER LOCATED
 - ⊕ = UTILITY BOX LOCATED
 - ⊕ = MANHOLE AND/OR CATCH BASIN LOCATED
 - ⊕ = HYDRANT LOCATED
 - ⊕ = VALVE LOCATED
 - ⊕ = LIGHT POLE LOCATED
 - ⊕ = RECORDED AS
 - = EXISTING LAND CONTOURS
 - = PROPOSED LAND CONTOURS
 - O.E. = GARAGE ENTRY ELEVATION
 - F.F. = FIRST FLOOR ELEVATION
 - F.F. = TOP OF FOUNDATION ELEVATION
 - L.O. = LOOK-OUT SILL UNDER DECK ELEVATION
 - L.F. = LOWER FLOOR ELEVATION

NOTE: UNDERGROUND SANITARY SEWER & WATERMAIN LOCATION TAKEN FROM PLANS OF RECORD PROVIDED BY CRISPELL-SNYDER, INC. DATED MAY, 2004 AND SHOULD BE FIELD VERIFIED.

LINE	BEARING	DISTANCE
L1	S 00°05'10" E	15.01'



SITE, GRADING, DRAINAGE & EROSION CONTROL PLAN

WORK PROVIDED BY:
 STRUCTURAL REAL ESTATE PROPERTIES
 300 W. WISCONSIN
 LAKE GENEVA, WISCONSIN

FARRIS, HANSEN & ASSOCIATES, INC.
 ENGINEERING - ARCHITECTURE - SURVEYING
 7 REDBAY COURT P.O. BOX 437
 LAKE GENEVA, WISCONSIN 53121
 OFFICE: (262) 723-8098 FAX: (262) 723-5886

REVISIONS

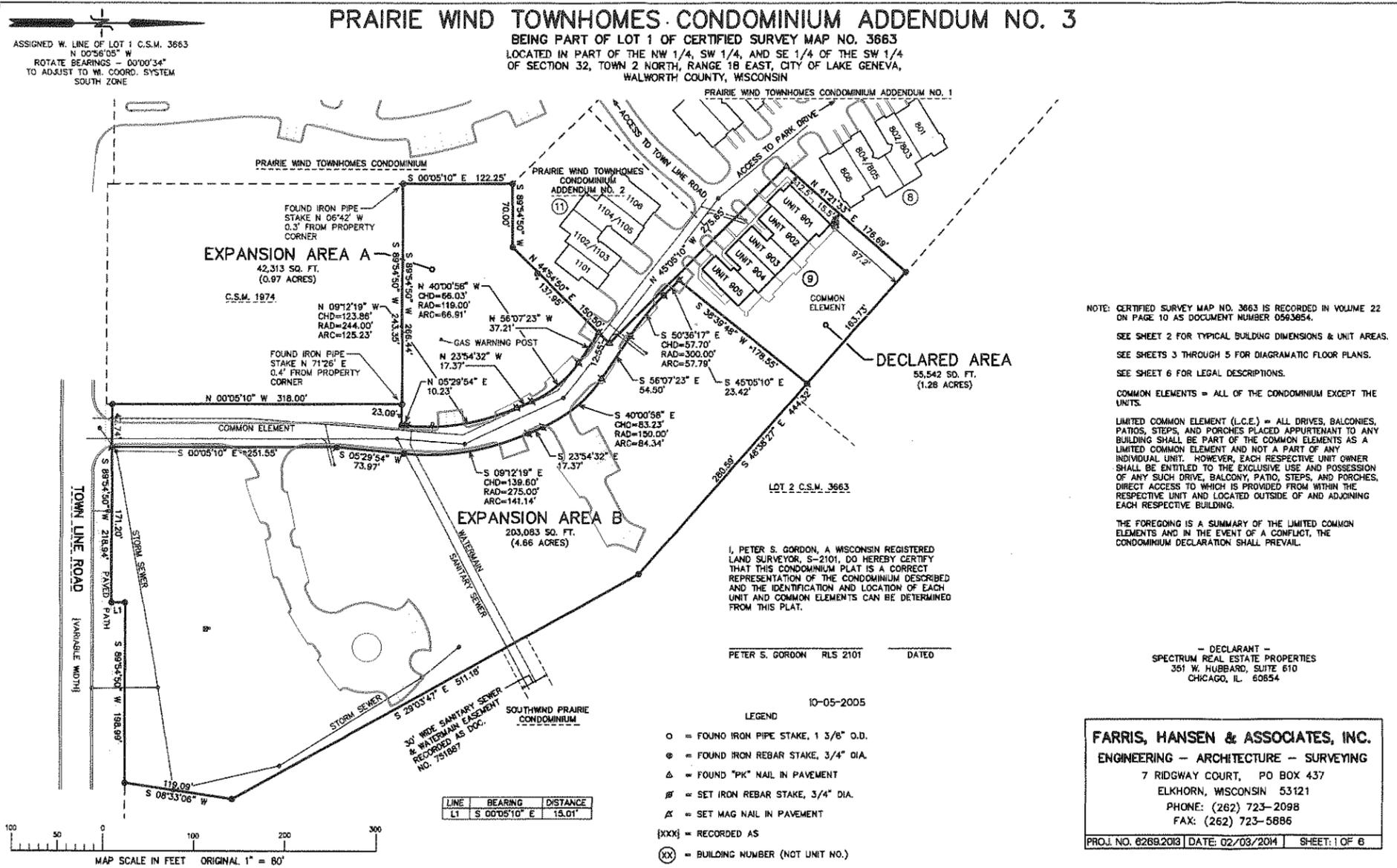
11/8/2013	14	ADD YARDING UTILITIES
11/12/2013	15	ADD FUTURE ELEMENTS
12-16-2013	16	ADD INFO & CHANGES FOR PERMIT

PROJECT NO.
 6269.2013
DATE
 07/29/2013
SHEET NO.
 1 OF 1

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140
141
142

**PRAIRIE WIND TOWNHOMES CONDOMINIUM
EXHIBIT E
PLAT ADDENDUM**

See attached.



NOTE: CERTIFIED SURVEY MAP NO. 3663 IS RECORDED IN VOLUME 22 ON PAGE 10 AS DOCUMENT NUMBER 0563654.

SEE SHEET 2 FOR TYPICAL BUILDING DIMENSIONS & UNIT AREAS.
 SEE SHEETS 3 THROUGH 5 FOR DIAGRAMATIC FLOOR PLANS.
 SEE SHEET 6 FOR LEGAL DESCRIPTIONS.

COMMON ELEMENTS = ALL OF THE CONDOMINIUM EXCEPT THE UNITS.

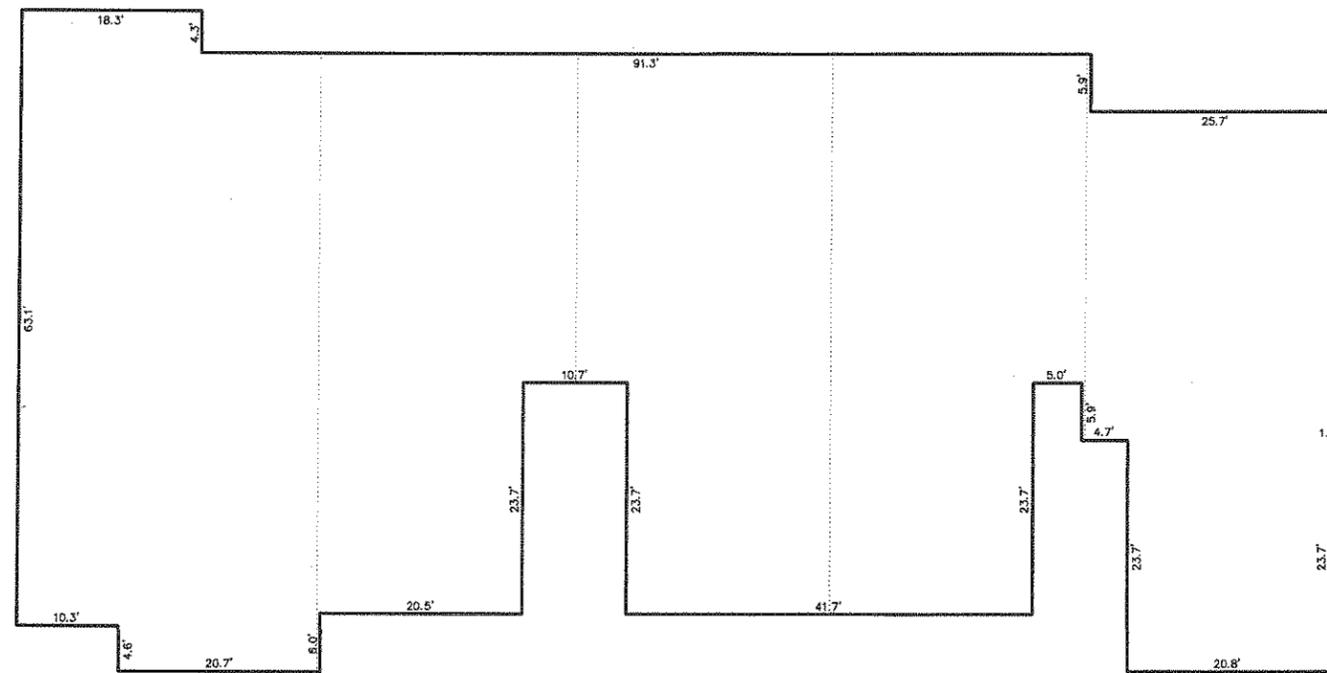
LIMITED COMMON ELEMENT (L.C.E.) = ALL DRIVES, BALCONIES, PATIOS, STEPS, AND PORCHES PLACED APPURTENANT TO ANY BUILDING SHALL BE PART OF THE COMMON ELEMENTS AS A LIMITED COMMON ELEMENT AND NOT A PART OF ANY INDIVIDUAL UNIT. HOWEVER, EACH RESPECTIVE UNIT OWNER SHALL BE ENTITLED TO THE EXCLUSIVE USE AND POSSESSION OF ANY SUCH DRIVE, BALCONY, PATIO, STEPS, AND PORCHES, DIRECT ACCESS TO WHICH IS PROVIDED FROM WITHIN THE RESPECTIVE UNIT AND LOCATED OUTSIDE OF AND ADJOINING EACH RESPECTIVE BUILDING.

THE FOREGOING IS A SUMMARY OF THE LIMITED COMMON ELEMENTS AND IN THE EVENT OF A CONFLICT, THE CONDOMINIUM DECLARATION SHALL PREVAIL.

2/7/2014 \\s:\projects\02692013\02692013.dwg

PRAIRIE WIND TOWNHOMES CONDOMINIUM ADDENDUM NO. 3

BEING PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 3663
 LOCATED IN PART OF THE NW 1/4, SW 1/4, AND SE 1/4 OF THE SW 1/4
 OF SECTION 32, TOWN 2 NORTH, RANGE 18 EAST, CITY OF LAKE GENEVA,
 WALWORTH COUNTY, WISCONSIN



TYPICAL BUILDING DIMENSIONS
 SCALE: 1"=10'

UNIT AREA SUMMARY
 (FINISHED HEATED SPACE & GARAGE)

UNIT 901	- 3,108 SQ. FT.
UNITS 902, 903, & 904	- 2,843 SQ. FT.
UNIT 905	- 3,162 SQ. FT.

UNIT AREAS ARE APPROXIMATE, TAKEN FROM ARCHITECTURAL PLANS PROVIDED BY CLIENT, ARE NOT MEASURED AS-BUILT, AND DO NOT INCLUDE POSSIBLE CHANGES REQUESTED BY PURCHASERS.

FARRIS, HANSEN & ASSOCIATES, INC.
 ENGINEERING - ARCHITECTURE - SURVEYING
 7 RIDGWAY COURT, PO BOX 437
 ELKHORN, WISCONSIN 53121
 PHONE: (262) 723-2096
 FAX: (262) 723-5886

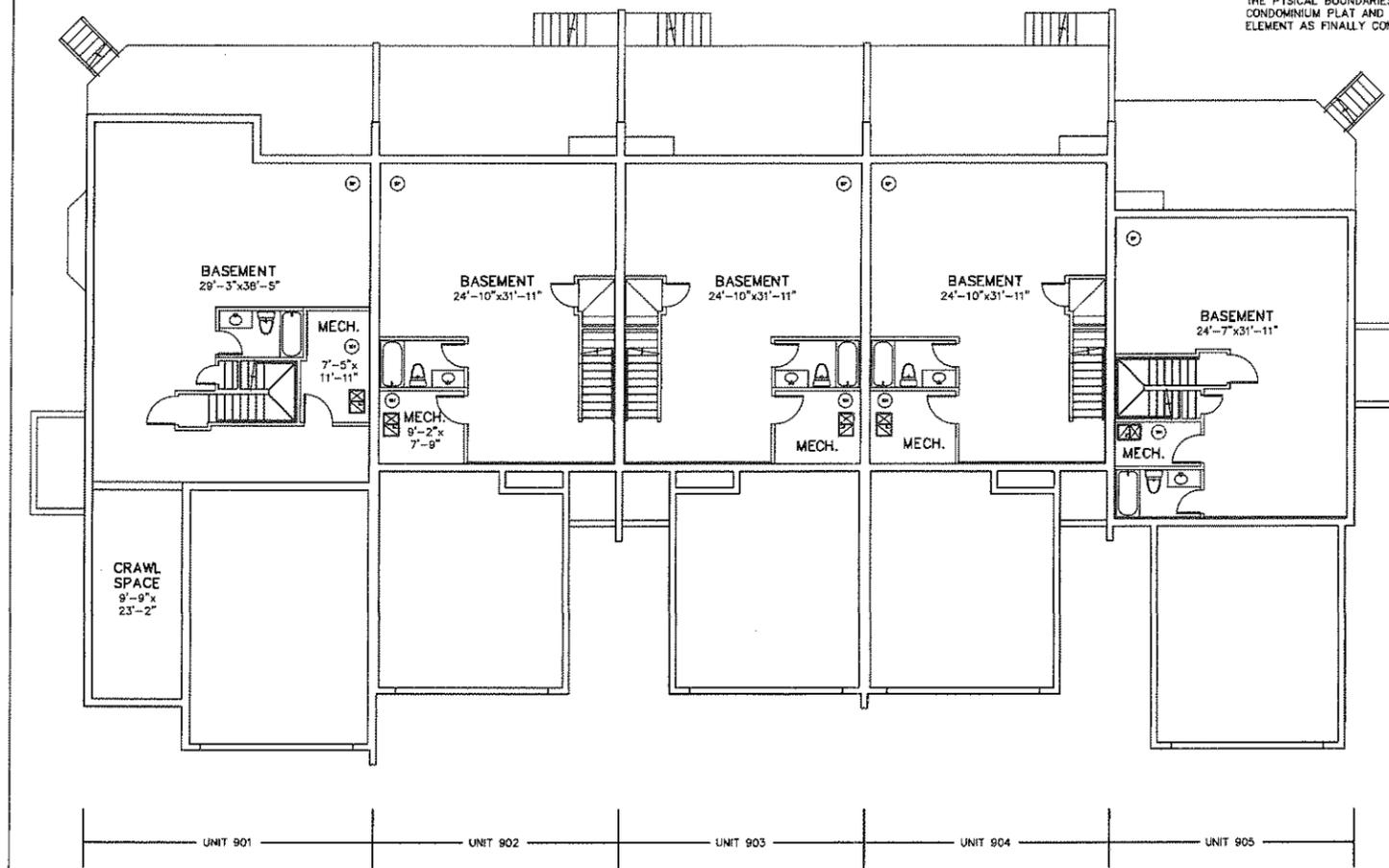
PROJ. NO. 62892013 | DATE: 02/03/2014 | SHEET: 2 OF 6

2/7/2014 X:\Projects\6289_2013\62892013.dwg (F:\Projects\6289_2013\62892013.dwg) SHEET 2

PRAIRIE WIND TOWNHOMES CONDOMINIUM ADDENDUM NO. 3

BEING PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 3863
 LOCATED IN PART OF THE NW 1/4, SW 1/4, AND SE 1/4 OF THE SW 1/4
 OF SECTION 32, TOWN 2 NDRTH, RANGE 18 EAST, CITY OF LAKE GENEVA,
 WALWORTH COUNTY, WISCONSIN

NOTE: THESE FLOOR PLANS HAVE BEEN PREPARED USING INFORMATION SHOWN ON THE ARCHITECTURAL PLANS FOR THIS BUILDING AND DO NOT REPRESENT MEASUREMENTS OF THE BUILDING IN PLACE. ANY PHYSICAL BOUNDARIES OF ANY UNIT OR COMMON ELEMENTS CONSTRUCTED OR RECONSTRUCTED IN SUBSTANTIAL CONFORMITY WITH THE CONDOMINIUM PLAT SHALL BE PRESUMED TO BE ITS BOUNDARIES, REGARDLESS OF THE SHIFTING, SETTLEMENT, OR LATERAL MOVEMENT OF ANY BUILDING AND REGARDLESS OF MINOR VARIATIONS BETWEEN THE PHYSICAL BOUNDARIES AS DESCRIBED IN THE DECLARATION OR SHOWN ON THE CONDOMINIUM PLAT AND THE ACTUAL PHYSICAL BOUNDARIES OF ANY SUCH UNIT OF COMMON ELEMENT AS FINALLY CONSTRUCTED.



DIAGRAMATIC FLOOR PLANS
BASEMENT
 SCALE: 1"=10'

LCE = LIMITED COMMON ELEMENT

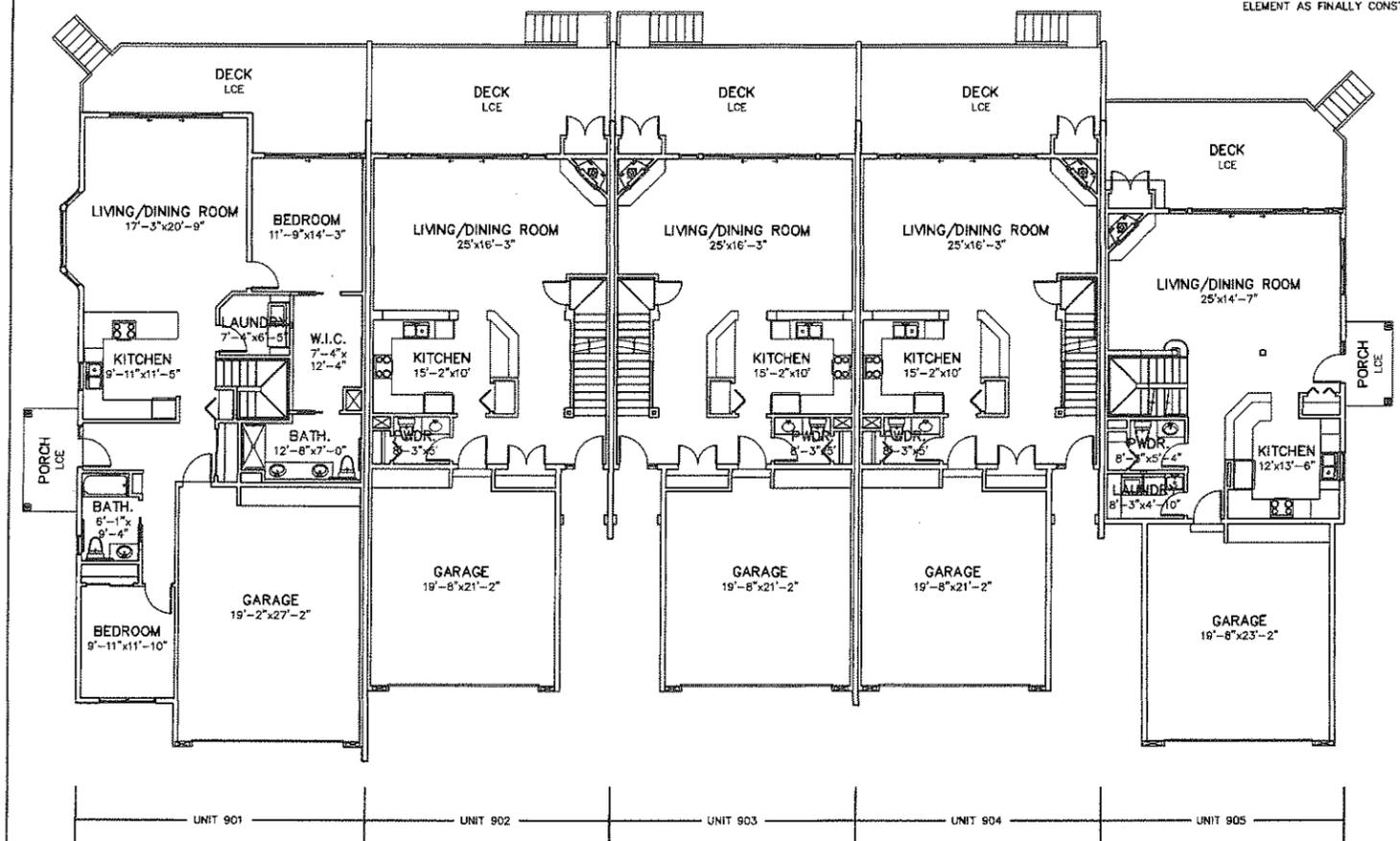
FARRIS, HANSEN & ASSOCIATES, INC.
 ENGINEERING - ARCHITECTURE - SURVEYING
 7 RIDGWAY COURT, PO BOX 437
 ELKHORN, WISCONSIN 53121
 PHONE: (262) 723-2098
 FAX: (262) 723-5886
 PROJ. NO. 62682013 | DATE: 02/03/2014 | SHEET: 3 OF 6

2/7/2014 X:\Projects\01000_0105_PrairieWindTownhomes\0105\DWG\03-DIAG.FLT

PRAIRIE WIND TOWNHOMES CONDOMINIUM ADDENDUM NO. 3

BEING PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 3663
 LOCATED IN PART OF THE NW 1/4, SW 1/4, AND SE 1/4 OF THE SW 1/4
 OF SECTION 32, TOWN 2 NORTH, RANGE 18 EAST, CITY OF LAKE GENEVA,
 WALWORTH COUNTY, WISCONSIN

NOTE: THESE FLOOR PLANS HAVE BEEN PREPARED USING INFORMATION SHOWN ON THE ARCHITECTURAL PLANS FOR THIS BUILDING AND DO NOT REPRESENT MEASUREMENTS OF THE BUILDING IN PLACE. ANY PHYSICAL BOUNDARIES OF ANY UNIT OR COMMON ELEMENTS CONSTRUCTED OR RECONSTRUCTED IN SUBSTANTIAL CONFORMITY WITH THE CONDOMINIUM PLAT SHALL BE PRESUMED TO BE ITS BOUNDARIES, REGARDLESS OF THE SHIFTING, SETTLEMENT, OR LATERAL MOVEMENT OF ANY BUILDING AND REGARDLESS OF MINOR VARIATIONS BETWEEN THE PHYSICAL BOUNDARIES AS DESCRIBED IN THE DECLARATION OR SHOWN ON THE CONDOMINIUM PLAT AND THE ACTUAL PHYSICAL BOUNDARIES OF ANY SUCH UNIT OF COMMON ELEMENT AS FINALLY CONSTRUCTED.



DIAGRAMATIC FLOOR PLANS
FIRST FLOOR
 SCALE: 1"=10'

LCE = LIMITED COMMON ELEMENT

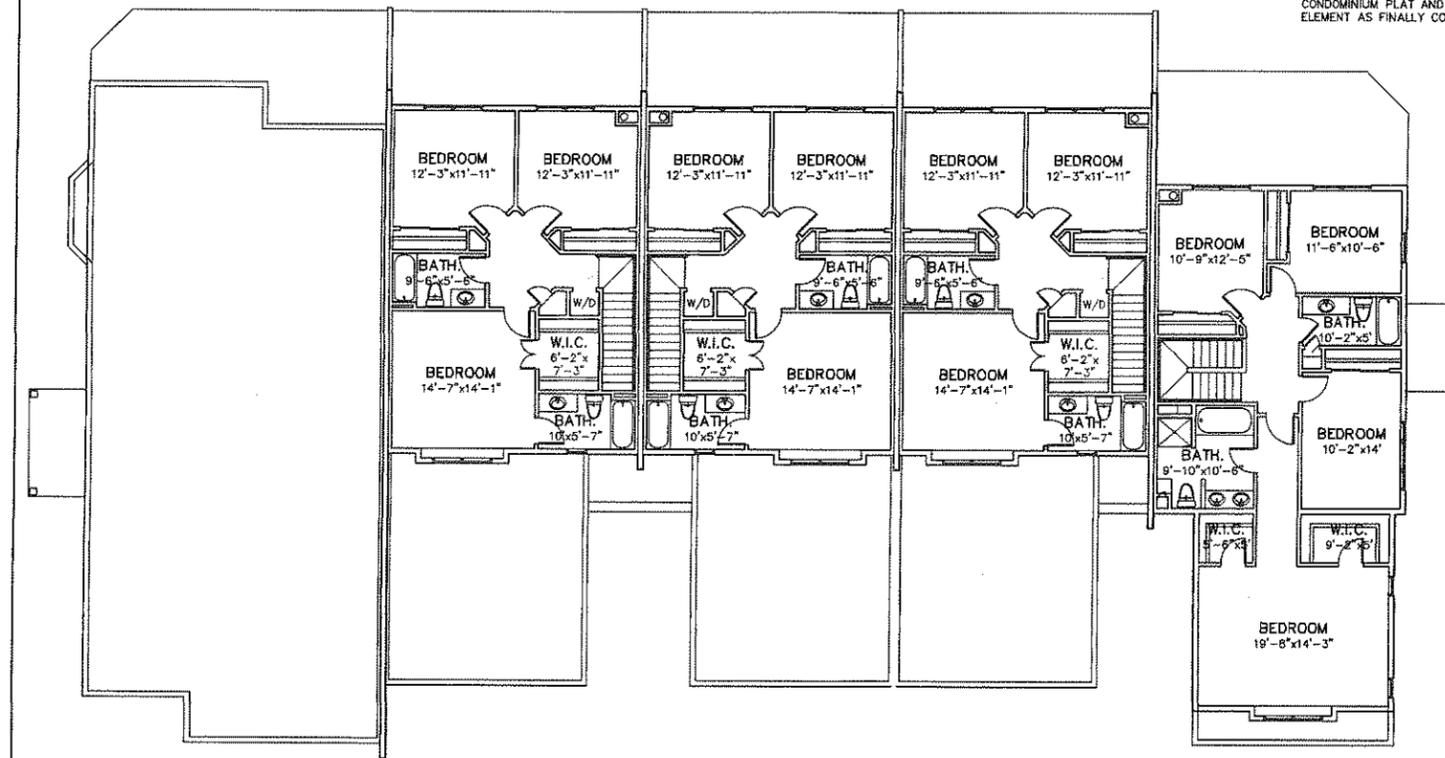
FARRIS, HANSEN & ASSOCIATES, INC.
 ENGINEERING - ARCHITECTURE - SURVEYING
 7 RIDGWAY COURT, PO BOX 437
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 PROJ. NO. 6269.2013 | DATE: 02/03/2014 | SHEET: 4 OF 6

2/7/2014 K:\Projects\6269.2013\DWG\6269.2013\6269.2013.dwg

PRAIRIE WIND TOWNHOMES CONDOMINIUM ADDENDUM NO. 3

BEING PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 3663
 LOCATED IN PART OF THE NW 1/4, SW 1/4, AND SE 1/4 OF THE SW 1/4
 OF SECTION 32, TOWN 2 NORTH, RANGE 18 EAST, CITY OF LAKE GENEVA,
 WALWORTH COUNTY, WISCONSIN

NOTE: THESE FLOOR PLANS HAVE BEEN PREPARED USING INFORMATION SHOWN ON THE ARCHITECTURAL PLANS FOR THIS BUILDING AND DO NOT REPRESENT MEASUREMENTS OF THE BUILDING IN PLACE. ANY PHYSICAL BOUNDARIES OF ANY UNIT OR COMMON ELEMENTS CONSTRUCTED OR RECONSTRUCTED IN SUBSTANTIAL CONFORMITY WITH THE CONDOMINIUM PLAT SHALL BE PRESUMED TO BE ITS BOUNDARIES, REGARDLESS OF THE SHIFTING, SETTLEMENT, OR LATERAL MOVEMENT OF ANY BUILDING AND REGARDLESS OF MINOR VARIATIONS BETWEEN THE PHYSICAL BOUNDARIES AS DESCRIBED IN THE DECLARATION OR SHOWN ON THE CONDOMINIUM PLAT AND THE ACTUAL PHYSICAL BOUNDARIES OF ANY SUCH UNIT OF COMMON ELEMENT AS FINALLY CONSTRUCTED.



DIAGRAMATIC FLOOR PLANS
SECOND FLOOR

SCALE: 1"=10'

LCE = LIMITED COMMON ELEMENT

FARRIS, HANSEN & ASSOCIATES, INC.
 ENGINEERING - ARCHITECTURE - SURVEYING
 7 RIDGWAY COURT, PO BOX 437
 ELKHORN, WISCONSIN 53121
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 FAX: (262) 723-5886
 PROJ. NO. 6269.2013 | DATE: 02/03/2014 | SHEET: 5 OF 6

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**PRAIRIE WIND TOWNHOMES CONDOMINIUM
EXHIBIT F
PROPERTY OWNERS WITHIN 300 FEET
OF PRAIRIE WIND - MAP & LIST**

See attached.

TaxKey	Owner1	Owner2	Address1	Address2	City	State	Zip
ZA197400001	ROBERT B JUREWICZ	JUDY M JUREWICZ	1201 E. TOWNLINE RD		LAKE GENEVA	WI	531473659
ZPRW 00001	ROBERT W BATES TRUST		7430 WASATCH BLVD	UNIT G1	COTTONWOOD HEIGHTS	UT	841210000
ZPRW 00002	BERNARD J NELS TRUST		3411 ASHLEY DR		GLENVIEW	IL	600250000
ZPRW 00003	NICHOLAS J HELMER		505 KEWAUNEE CT		PROSPECT HEIGHTS	IL	600700000
ZPRW 00004	WALTER D DENTON	LYNN A DENTON	N3161 CENTER ST		LAKE GENEVA	WI	531470000
ZPRW 00005	RYAN T BRADEN		1151 TOWNLINE RD	#105	LAKE GENEVA	WI	531470000
ZPRW 00006	SUSAN NOBLE		1151 TOWNLINE RD		LAKE GENEVA	WI	531470000
ZPRW 00007	BRETT J STANCZAK		530 S BOULDER RIDGE DR		LAKE GENEVA	WI	531470000
ZPRW 00008	WILLIAM KATSOOLIAS	MARIA KATSOOLIAS, ETAL	5285 MARDJETKO DR		HOFFMAN ESTATES	IL	601924139
ZPRW 00009	JANET YUNKER		1151 TOWNLINE RD	#203	LAKE GENEVA	WI	531470000
ZPRW 00010	SCOTT A FRICKE	KATHERINE D FRICKE	2330 N. BRIGHTON PLACE		ARLINGTON HEIGHTS	IL	600040000
ZPRW 00011	JENNIE A NAGODE		1909 91ST ST		PLEASANT PRAIRIE	WI	531580000
ZPRW 00012	DIANNE J PASSARELLA TRUST		1151 TOWNLINE RD, UT		LAKE GENEVA	WI	
ZPRW 00013	SHARON JOHNSON		206		LAKE GENEVA	WI	
ZPRW 00014	WILLIAM JOHNSON		123 SELWYN LN		BUFFALO GROVE	IL	600890000
ZPRW 00015	MARILYN H HEDBERG TRUST		123 SELWYN LN		BUFFALO GROVE	IL	600890000
ZPRW 00016	JASON D PENNING	C/O M&I WEALTH MANAGEMENT	401 N SEGOE RD 2N		MADISON	WI	537050000
ZPRW 00017	JOY L WILLIAMSON	RACHEL L PENNING	1151 E TOWNLINE RD	UNIT #304	LAKE GENEVA	WI	531470000
ZPRW 00018	WAYNE R GRIPMAN	JOSEPH ROTH	9718 E KAREN DR		SCOTTSDALE	AZ	852600000
ZPRW 00019	DONALD W HANLEY		7105 N. KENTON AVE		LINCOLNWOOD	IL	607120000
ZPRW 00020	KERRY CATES	EILEEN M HANLEY	6 S. BRUNER ST		HINSDALE	IL	605210000
ZPRW 00021	LEONARD R BURKE	MARY F BURKE	1151 TOWNLINE RD	UNIT 402	LAKE GENEVA	WI	531470000
ZPRW 00022	ROSA FAMILY TRUST		1441 RAMSEY CLOSE		ROCKFORD	IL	611070000
ZPRW 00023	SCOTT J RUDOLPH	AMY M WOJTALEWICZ	5032 N. MERRIMAC		CHICAGO	IL	606300000
ZPRW 00024	ALEXANDER KATSOOLIAS	DONNA KATSOOLIAS	3793 RAPTOR CT		COLGATE	WI	530170000
ZPRW 00025	LYNETTE A JACKSON		916 CHESWICK DR		GURNEE	IL	600310000
ZPRW 00026	FRANK CIARAMITA		1150 PARK DR	UNIT 501	LAKE GENEVA	WI	531470000
ZPRW 00027	MCMURR LLC		1150 PARK DR UNIT 502		LAKE GENEVA	WI	531470000
ZPRW 00028	KELLY A GREENBERG TRUST		414 N ORLEANS ST, STE		CHICAGO	IL	
ZPRW 00029	MCMURR LLC		3390 VIACASSIO		LAKE GENEVA	WI	531470000
ZPRW 00030	BRIAN D HECKERT	MARY HECKERT	414 N ORLEANS ST, STE		CHICAGO	IL	
ZPRW 00031	WILLIAM D MOTT	KENDRA L MOTT	610	#601	NASHVILLE	IL	622630000
			1341 W JEFFERSON DR		LAKE GENEVA	WI	531470000
			1150 PARK DR		LAKE GENEVA	WI	531470000

TaxKey	Owner1	Owner2	Address1	Address2	City	State	Zip
ZPRW 00032	VICTORIA MALONEY		1150 PARK DR	#602	LAKE GENEVA	WI	531470000
ZPRW 00033	RUTH M SOLIDAY		1150 PARK DR #603		LAKE GENEVA	WI	531470000
ZPRW 00034	KAREN A SMOLLER TRUST		1150 PARK DR	UNIT 604	LAKE GENEVA	WI	531470000
ZPRW 00035	JAIME A PEREZ		1150 PARK DR	#605	LAKE GENEVA	WI	531470000
ZPRW 00036	JAMES T MAFFIA	KIMBERLY B MAFFIA, ETAL	559 COLE		SOUTH ELGIN	IL	601770000
ZPRW 00037	SUSAN D WHITING		1430 N LAKE SHORE DR	10TH FLOOR	CHICAGO	IL	606100000
ZPRW 00038	KAITLIN M WILLE		1150 PARK DR #702		LAKE GENEVA	WI	531470000
ZPRW 00039	ROBERT A LAMBERT	DARLENE D LAMBERT	1230 EDGEWOOD DR		LAKE GENEVA	WI	531470000
ZPRW 00040	MICHAEL L PERONA	JEANNINE A PERONA	1115 W 6TH PLACE		MESA	AZ	852010000
ZPRW 00041	MCMURR LLC		414 N ORLEANS ST, STE 610		CHICAGO	IL	531470000
ZPRW 00042	HELENA M ADDAE	JONAS I ADDAE	1150 PARK DR	UNIT 706	LAKE GENEVA	WI	531470000
ZPRW 00043	MICHAEL P ZIDONIS	JOANNE I ZIDONIS	3645 S LOWE AVE		CHICAGO	IL	606090000
ZPRW 00044	RICHARD GREEN	FARIDA GREEN	1150 TOWNLINE RD #802		LAKE GENEVA	WI	531470000
ZPRW 00045	ELIZABETH J MELCHI		1150 PARK DR	#803	LAKE GENEVA	WI	531470000
ZPRW 00046	TODD J BROWN		N5792 DELANEY RD		DELANAV	WI	531150000
ZPRW 00047	MCMURR LLC		414 N ORLEANS ST, STE 610		CHICAGO	IL	531470000
ZPRW 00048	BARRY L MULLEN TRUST		1150 PARK DR	UNIT 806	LAKE GENEVA	WI	531470000
ZPRW 00054A	MCMURR I LLC		414 N ORLEANS ST, STE 610		CHICAGO	IL	531470000
ZSF 00258	SOUTHLAND FARMS LLC		875 TOWNLINE RD	SUITE 103	LAKE GENEVA	WI	531470000
ZSF 00259	SOUTHLAND FARMS LLC		875 TOWNLINE RD	SUITE 103	LAKE GENEVA	WI	531470000
ZSF 00260	SOUTHLAND FARMS LLC		875 TOWNLINE RD	SUITE 103	LAKE GENEVA	WI	531470000
ZSF 00261	SOUTHLAND FARMS LLC		875 TOWNLINE RD	SUITE 103	LAKE GENEVA	WI	531470000
ZSF 00262	SOUTHLAND FARMS LLC		875 TOWNLINE RD	SUITE 103	LAKE GENEVA	WI	531470000
ZSF 00263	SOUTHLAND FARMS LLC		875 TOWNLINE RD	SUITE 103	LAKE GENEVA	WI	531470000
ZSF 00264	SOUTHLAND FARMS LLC		875 TOWNLINE RD	SUITE 103	LAKE GENEVA	WI	531470000
ZSF 00284	SOUTHLAND FARMS LLC		875 TOWNLINE RD	SUITE 103	LAKE GENEVA	WI	531470000
ZSF 00285	SOUTHLAND FARMS LLC		875 TOWNLINE RD	SUITE 103	LAKE GENEVA	WI	531470000
ZSF 00294	SOUTHLAND FARMS LLC		875 TOWNLINE RD	SUITE 103	LAKE GENEVA	WI	531470000
ZSF 00300	SOUTHLAND FARMS LLC		875 TOWNLINE RD	SUITE 103	LAKE GENEVA	WI	531470000
ZSF 00301	SOUTHLAND FARMS LLC		875 TOWNLINE RD	SUITE 103	LAKE GENEVA	WI	531470000
ZSF 00302	SOUTHLAND FARMS LLC		875 TOWNLINE RD	SUITE 103	LAKE GENEVA	WI	531470000
ZSF 00303	SOUTHLAND FARMS LLC		875 TOWNLINE RD	SUITE 103	LAKE GENEVA	WI	531470000
ZSF 00304	SOUTHLAND FARMS LLC		875 TOWNLINE RD	SUITE 103	LAKE GENEVA	WI	531470000

TaxKey	Owner1	Owner2	Address1	Address2	City	State	Zip
ZSF 00305	SOUTHLAND FARMS LLC		875 TOWNLINE RD	SUITE 103	LAKE GENEVA	WI	531470000
ZSF 00323	SOUTHLAND FARMS HOMEOWNERS ASSOCIATION		875 TOWNLINE RD	SUITE 103	LAKE GENEVA	WI	531470000
ZSF 00324	SOUTHLAND FARMS HOMEOWNERS ASSOCIATION		875 TOWNLINE RD	SUITE 103	LAKE GENEVA	WI	531470000
ZSF 00325	SOUTHLAND FARMS HOMEOWNERS ASSOCIATION		875 TOWNLINE RD	SUITE 103	LAKE GENEVA	WI	531470000
ZSWP 00001	SOUTHWIND PRAIRIE II LLC		751 GENEVA PKWY		LAKE GENEVA	WI	531470000
ZSWP 00002	SOUTHWIND PRAIRIE II LLC		751 GENEVA PKWY		LAKE GENEVA	WI	531470000
ZSWP 00003	SOUTHWIND PRAIRIE II LLC		751 GENEVA PKWY		LAKE GENEVA	WI	531470000
ZSWP 00004	SOUTHWIND PRAIRIE II LLC		751 GENEVA PKWY		LAKE GENEVA	WI	531470000
ZSWP 00005	SOUTHWIND PRAIRIE II LLC		751 GENEVA PKWY		LAKE GENEVA	WI	531470000
ZSWP 00006	SOUTHWIND PRAIRIE II LLC		751 GENEVA PKWY		LAKE GENEVA	WI	531470000
ZSWP 00007	SOUTHWIND PRAIRIE II LLC		751 GENEVA PKWY		LAKE GENEVA	WI	531470000
ZSWP 00008	SOUTHWIND PRAIRIE II LLC		751 GENEVA PKWY		LAKE GENEVA	WI	531470000
ZSWP 00008A	SOUTHWIND PRAIRIE III LLC		751 GENEVA PKWY		LAKE GENEVA	WI	531470000
ZSWP 00008B	SOUTHWIND PRAIRIE III LLC		751 GENEVA PKWY		LAKE GENEVA	WI	531470000
ZSWP 00009	SOUTHWIND PRAIRIE II LLC		751 GENEVA PKWY		LAKE GENEVA	WI	531470000
ZSWP 00010	SOUTHWIND PRAIRIE II LLC		751 GENEVA PKWY		LAKE GENEVA	WI	531470000



Aerial

WALWORTH COUNTY, WISCONSIN



1 inch = 100 feet



Author:
Map Produced on: 10/01/14
Wisconsin State Plane Coordinate System, South Zone
Horizontal Datum: NAD83
Walworth County Information Technology Department
Land Information Division
Walworth County, Wisconsin 53191-1001
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All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the Walworth County Information Technology Department.

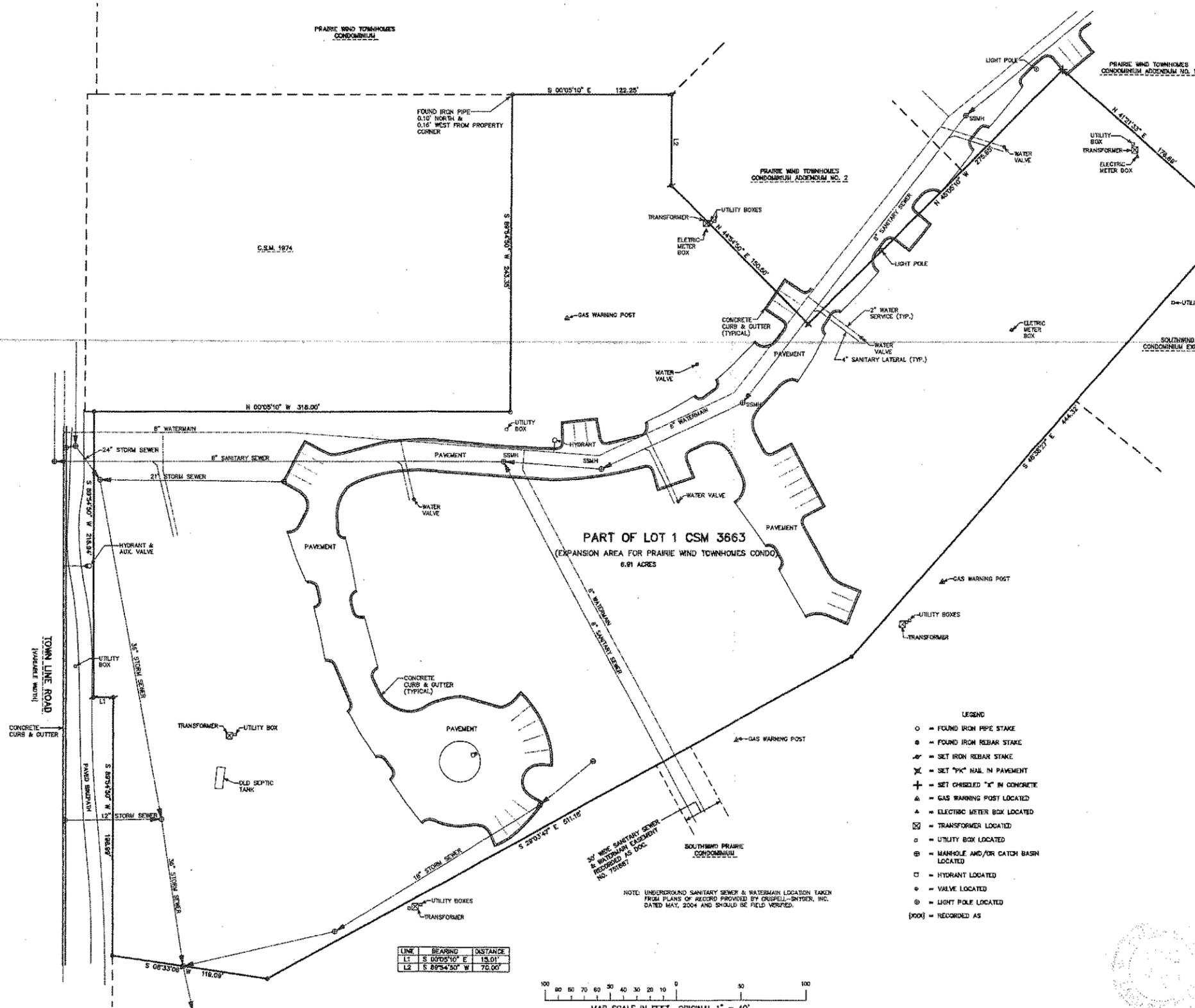
ASSIGNED N. LINE OF CSM 3663
N 00°56'02" W
ROTATE BEARINGS - 00°00'34"
TO ADJUST TO N. COORD. SYSTEM
SOUTH ZONE

TITLE SURVEY

PRAIRIE WIND TOWNHOMES CONDOMINIUM ADDENDUM NO. 2 EXPANSION AREA

BEING PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 3663 LOCATED IN
PART OF THE NW 1/4, SW 1/4 & SE 1/4 OF THE SW 1/4 OF SECTION 32,
TOWN 2 NORTH, RANGE 18 EAST, CITY OF LAKE GENEVA, WALWORTH COUNTY, WISCONSIN

Parcel 2:
1.6666 located in part of Lot 1 of CERTIFIED SURVEY MAP NO. 3663, recorded in Volume 22 on Page 16 as
Document No. 593854; located in part of the Northwest One-quarter (1/4) and Southeast
One-quarter (1/4) of the Northwest One-quarter (1/4) of Section Thirty-two (32), in Township Two (2) North, Range
Eighteen (18) East, in the City of Lake Geneva, Walworth County, Wisconsin, more particularly described as follows:
Beginning at the Southeast corner of said Lot 1 of Certified Survey Map No. 3663 at the Northern right-of-way of Towne
Line Road; thence South 89°54'59" West, 138.09 feet along the said Northern right-of-way line to an iron pipe stake;
thence continue South 00°05'10" East, 15.01 feet thence continue South 89°54'59" West, 218.56 feet to the East line of
Certified Survey Map No. 1974 (C.S.M. 1974); thence along said East line, North 00°05'10" West, 318.09 feet to the
Northwest corner of said C.S.M. 1974; thence South 89°54'59" West, 243.05 feet to the Northwest corner of said C.S.M.
1974; thence North 00°05'10" West, 122.25 feet thence North 89°54'59" East, 20.00 feet; thence North 44°54'59" East,
150.50 feet; thence North 45°05'10" West, 275.25 feet; thence West 41°21'33" East, 374.65 feet; thence North
41°21'33" East, 176.69 feet to the Nonboundary line of said C.S.M. 3663; thence along said Nonboundary line, South
48°24'21" East, 444.32 feet; thence continue, South 29°03'47" East, 511.18 feet; thence continue South 08°33'06" West,
119.09 feet to the point of beginning.
Said parcel also being sometimes identified as expansion area of Prairie Wind Townhomes Condominium Addendum No.
2.
Tax Key No. ZKRW 00054A
LEGAL DESCRIPTION FROM TITLE COMMITMENT



NOTES:
DECLARED CONDOMINIUM AREAS FOR PRAIRIE WIND TOWNHOMES CONTAIN EASEMENT RESERVATIONS AS DEFINED BELOW:

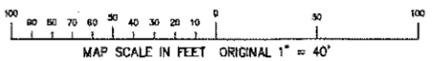
201
In a building public utility easement (201) reserved to the State of Wisconsin, the easement holder shall have the right to install, maintain, repair, replace, and remove any and all utility lines and appurtenances within the easement area for the purpose of providing utility service to the public.

202
Easement:
1. The easement holder shall have the right to install, maintain, repair, replace, and remove any and all utility lines and appurtenances within the easement area for the purpose of providing utility service to the public.
2. The easement holder shall have the right to install, maintain, repair, replace, and remove any and all utility lines and appurtenances within the easement area for the purpose of providing utility service to the public.
3. The easement holder shall have the right to install, maintain, repair, replace, and remove any and all utility lines and appurtenances within the easement area for the purpose of providing utility service to the public.
4. The easement holder shall have the right to install, maintain, repair, replace, and remove any and all utility lines and appurtenances within the easement area for the purpose of providing utility service to the public.
5. The easement holder shall have the right to install, maintain, repair, replace, and remove any and all utility lines and appurtenances within the easement area for the purpose of providing utility service to the public.
6. The easement holder shall have the right to install, maintain, repair, replace, and remove any and all utility lines and appurtenances within the easement area for the purpose of providing utility service to the public.
7. The easement holder shall have the right to install, maintain, repair, replace, and remove any and all utility lines and appurtenances within the easement area for the purpose of providing utility service to the public.
8. The easement holder shall have the right to install, maintain, repair, replace, and remove any and all utility lines and appurtenances within the easement area for the purpose of providing utility service to the public.
9. The easement holder shall have the right to install, maintain, repair, replace, and remove any and all utility lines and appurtenances within the easement area for the purpose of providing utility service to the public.
10. The easement holder shall have the right to install, maintain, repair, replace, and remove any and all utility lines and appurtenances within the easement area for the purpose of providing utility service to the public.

203
Easement:
1. The easement holder shall have the right to install, maintain, repair, replace, and remove any and all utility lines and appurtenances within the easement area for the purpose of providing utility service to the public.
2. The easement holder shall have the right to install, maintain, repair, replace, and remove any and all utility lines and appurtenances within the easement area for the purpose of providing utility service to the public.
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8. The easement holder shall have the right to install, maintain, repair, replace, and remove any and all utility lines and appurtenances within the easement area for the purpose of providing utility service to the public.
9. The easement holder shall have the right to install, maintain, repair, replace, and remove any and all utility lines and appurtenances within the easement area for the purpose of providing utility service to the public.
10. The easement holder shall have the right to install, maintain, repair, replace, and remove any and all utility lines and appurtenances within the easement area for the purpose of providing utility service to the public.

- LEGEND**
- = FOUND IRON PIPE STAKE
 - = FOUND IRON REBAR STAKE
 - ✦ = SET IRON REBAR STAKE
 - ✦ = SET "PK" NAIL IN PAVEMENT
 - ✦ = SET CHISELED "X" IN CONCRETE
 - ▲ = GAS WARNING POST LOCATED
 - ▲ = ELECTRIC METER BOX LOCATED
 - ☒ = TRANSFORMER LOCATED
 - = UTILITY BOX LOCATED
 - = MANHOLE AND/OR CATCH BASIN LOCATED
 - = HYDRANT LOCATED
 - = VALVE LOCATED
 - = LIGHT POLE LOCATED
 - (XXX) = RECORDED AS

LINE	BEARING	DISTANCE
L1	S 00°05'10" E	15.01'
L2	S 89°54'59" W	70.00'



EASEMENTS RECORDED IN VOLUME 625 OF DEEDS ON PAGE 544 AND 384 OF DEEDS ON PAGE 487 ARE FOR A TWENTY FOOT WIDE EASEMENT WHOSE SPECIFIC LOCATION IS NOT CLEARLY DESCRIBED (REFERENCES TO UTILITY LINES AS FIRST LAID OUT).
THE AWARD OF DAMAGES RECORDED IN VOLUME 576 OF DEEDS AT PAGE 325 DOES NOT DIRECTLY AFFECT THE SURVEYED PROPERTY.

NOTE: COPIES OF THIS MAP TO WHICH THE FOLLOWING CERTIFICATE WILL APPLY SHOW THE SURVEYOR'S ORIGINAL SEAL AND SIGNATURE IN RED INK. COPIES BY ANY OTHER MEANS MAY HAVE ALTERATIONS WHICH DO NOT REPRESENT THE SURVEYOR'S WORK PRODUCT.

I HEREBY CERTIFY THAT THE ABOVE DESCRIBED PROPERTY HAS BEEN SURVEYED UNDER MY DIRECTION 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 ENCROACHMENTS, IF ANY. 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 YEAR FROM THE DATE HEREOF.

DATED: DECEMBER 12, 2012
Peter S. Gordon
PETER S. GORDON



PRAIRIE WIND TOWNHOMES

WORK ORDERED BY:
SPECTRUM REAL ESTATE SERVICES
305 W. HURON ST., SUITE 810
CHICAGO, IL 60604

FARRIS, HANSEN & ASSOCIATES, INC.
ENGINEERING - ARCHITECTURE - SURVEYING
7 RIDGWAY COURT P.O. BOX 437
ELKHORN, WISCONSIN 53121
OFFICE: (262) 723-2098 FAX: (262) 723-0698

REVISIONS

PROJECT NO.
6269.2012
DATE
12/7/2012
SHEET NO.
1 OF 1

ZPRW 00054A 007-2927

**APPLICATION SUBMITTAL REQUIREMENTS
PD STEP 4: PRECISE IMPLEMENTATION PLAN (PIP)**

Prior to submitting the 25 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. After the effective date of the rezoning to PD/GDP, the Applicant may file an application for the proposed PIP with the Plan Commission. This submittal packet shall contain the following items, prior to its acceptance by the Zoning Administrator and placing the item on the Plan Commission agenda for PIP review.

See Exhibit D ____ (1) **A location map** of the subject property and its vicinity at 11" x 17", as depicted on a copy of the City of Lake Geneva Land Use Plan Map;

See Exhibit F ____ (2) **A map of the subject property** for which the PD is proposed:

- ____ Showing all lands within 300 feet of the boundaries of the subject property;
- ____ Referenced to a list of the names and addresses of the owners of all lands on said map as the same 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 clearly reproducible with a photocopier;
- ____ Map size of 11" by 17" and map scale not less than one inch equals 800 feet;
- ____ All lot dimensions of the subject property provided;
- ____ Graphic scale and north arrow provided.

See Exhibit A ____ (3) **A general written description** of proposed PIP including:

- ____ Specific project themes and images;
- ____ The specific mix of dwelling unit types and/or land uses;
- ____ Specific residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
- ____ The specific treatment of natural features;
- ____ The specific relationship to nearby properties and public streets.
- ____ A Statement of Rationale as to why PD zoning is proposed identifying perceived barriers in the form of requirements of standard zoning districts and opportunities for community betterment through the proposed PD zoning.
- ____ A complete list of zoning standards which will not be met by the proposed PIP and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed PIP and the location(s) in which they apply shall be identified. Essentially, the purpose of this listing shall

be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.

- See Exhibit C _____ (4)A Precise Implementation Plan Drawing at a minimum scale of 1"=100' (and reduced to 11" x 17") of the proposed project showing at least the following information in sufficient detail: *(See following page)*
- _____ A PIP site plan conforming to all requirements of Section 98-908(3). If the proposed PD is a group development (per Section 98-208) also provide a proposed preliminary plat or conceptual plat;
 - _____ Location of recreational and open space areas and facilities specifically describing those that are to be reserved or dedicated for public acquisition and use;
 - _____ Statistical data on minimum lot sizes in the development, the precise areas of all development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan Commission or City Council; and
 - _____ Notations relating the written information (3), above to specific areas on the GDP Drawing.
- See Exhibit A _____ (5)A landscaping plan for subject property, specifying the location, species, and installed size of all trees and shrubs. Include a chart which provides a cumulative total for each species, type and required location (foundation, yard, street, paved area or bufferyard) of all trees and shrubs.
- See Exhibit A _____ (6)A series of building elevations for the entire exterior of all buildings in the PD, including detailed notes as to the materials and colors proposed.
- See Exhibit A _____ (7)A general signage plan including all project identification signs, concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles), and group development signage themes which are proposed to vary from City standards or common practices.
- See Exhibit A _____ (8)A general outline of the intended organizational structure for a property owners association, if any; deed restrictions and provisions for private provision of common services, if any.
- See Exhibit A _____ (9)A written description which demonstrates the full consistency of the proposed PIP with the approved GDP.
- See Exhibit A _____ (10)A written description of any and all variations between the requirements of the applicable PD/GDP zoning district and the proposed PIP development; and,

See Exhibit A _____ (11) Proof of financing capability pertaining to construction and maintenance and operation of public works elements of the proposed development.

**FINAL APPLICATION PACKET INFORMATION
PD STEP 4: PRECISE IMPLEMENTATION PLAN (PIP)**

The process for review and approval of the PD shall be identical to that for conditional use permits per Section 98-905 of the Zoning Ordinance and (if land is to be divided) to that for preliminary and final plats of subdivision per the Municipal Code. All portions of an approved PD/PIP not fully developed within five years of final City Council approval shall expire, and no additional PD-based development shall be permitted. The City Council may extend this five years period by up to five additional years via a majority vote following a public hearing.

- _____ **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:** _____
- _____ **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:** _____

AGREEMENT OF 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. 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, but which are not paid, may be assigned by the City as a special assessment to the subject property. 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: Application for Precise Implementation Plan Amendment and Application for Land Division Review for Prairie Wind Townhomes Condominium

McMurr I, LLC, as applicant/petitioner for:

Name: McMurr I, LLC

Address: 351 W. Hubbard Street, # 610

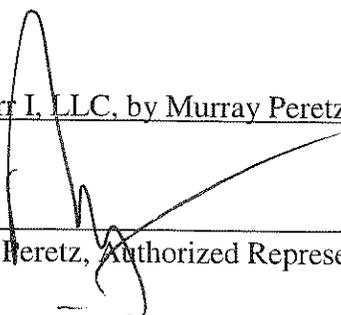
Chicago, IL 60654

Phone: 312-965-2807

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 normally 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 3 day of March, 2014.

Printed name of Applicant/Petitioner: McMurr I, LLC, by Murray Peretz

Signature of Applicant/Petitioner: 
Murray Peretz, Authorized Representative

City of Lake Geneva

APPLICATION FOR LAND DIVISION REVIEW

CERTIFIED SURVEY MAP or

SUBDIVISION PLAT

Condominium Addendum

NAME AND ADDRESS OF CURRENT OWNER:

McMurr II, LLC, Attn. Murray Peretz

351 W. Hubbard St., Suite 610

Chicago, IL 60654

TELEPHONE NUMBER OF CURRENT OWNER: 312-965-2807

NAME AND ADDRESS OF APPLICANT:

Same as Owner

TELEPHONE NUMBER OF APPLICANT: Same as Owner

NAME AND ADDRESS OF SURVEYOR:

Peter Gordon, Farris, Hansen & Associates, Inc.

7 Ridgway Court, P.O. Box 437

Elkhorn, WI 53121

TELEPHONE NUMBER OF SURVEYOR: 262-723-2098

SHORT STATEMENT DESCRIBING PURPOSE OF APPLICATION: Changing the number and the mix of the two-family and single-family dwellings in the first phase of the Summerhaven of Lake Geneva Condominium development, from thirty-four (34) units to twenty-nine (29), composed of fourteen (14) duplex units in seven (7) buildings, and fifteen (15) single-family units. Concurrently herewith, Owner is filing (i) an Application for Amendment to Precise Implementation Plan to approve the proposed change in the number and mix of the dwelling units, as well as certain other changes; and (ii) a Third Amendment to Declaration of Condominium for Summerhaven of Lake Geneva, to effect the change in the number and mix of dwellings, as well as to clarify the definition of "Unit" as a site condominium, among other things.

SUBMITTAL CHECKLIST

- X 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.
- X 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.
- X CITY OF LAKE GENEVA SIGNATURE BLOCK ON FACE OF CSM OR PLAT, PER STATE STATUTES.
- X PROVIDE 5 FULL SETS AND 20 11" x 17" COPIES OF CSM OR PLAT PRIOR TO PLACEMENT ON PLAN COMMISSION AGENDA.

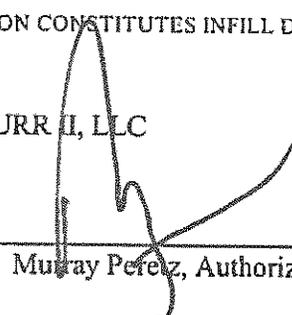
I AM AWARE THAT THE CITY OF LAKE GENEVA IS ACTIVELY ENGAGED IN THE REVIEW, APPROVAL OR DENIAL OF LAND DIVISIONS WITHIN ITS EXTRATERRITORIAL LAND DIVISION REVIEW AREA.

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 UNLESS THE CITY DETERMINES THAT A LAND DIVISION CONSTITUTES INFILL DEVELOPMENT.

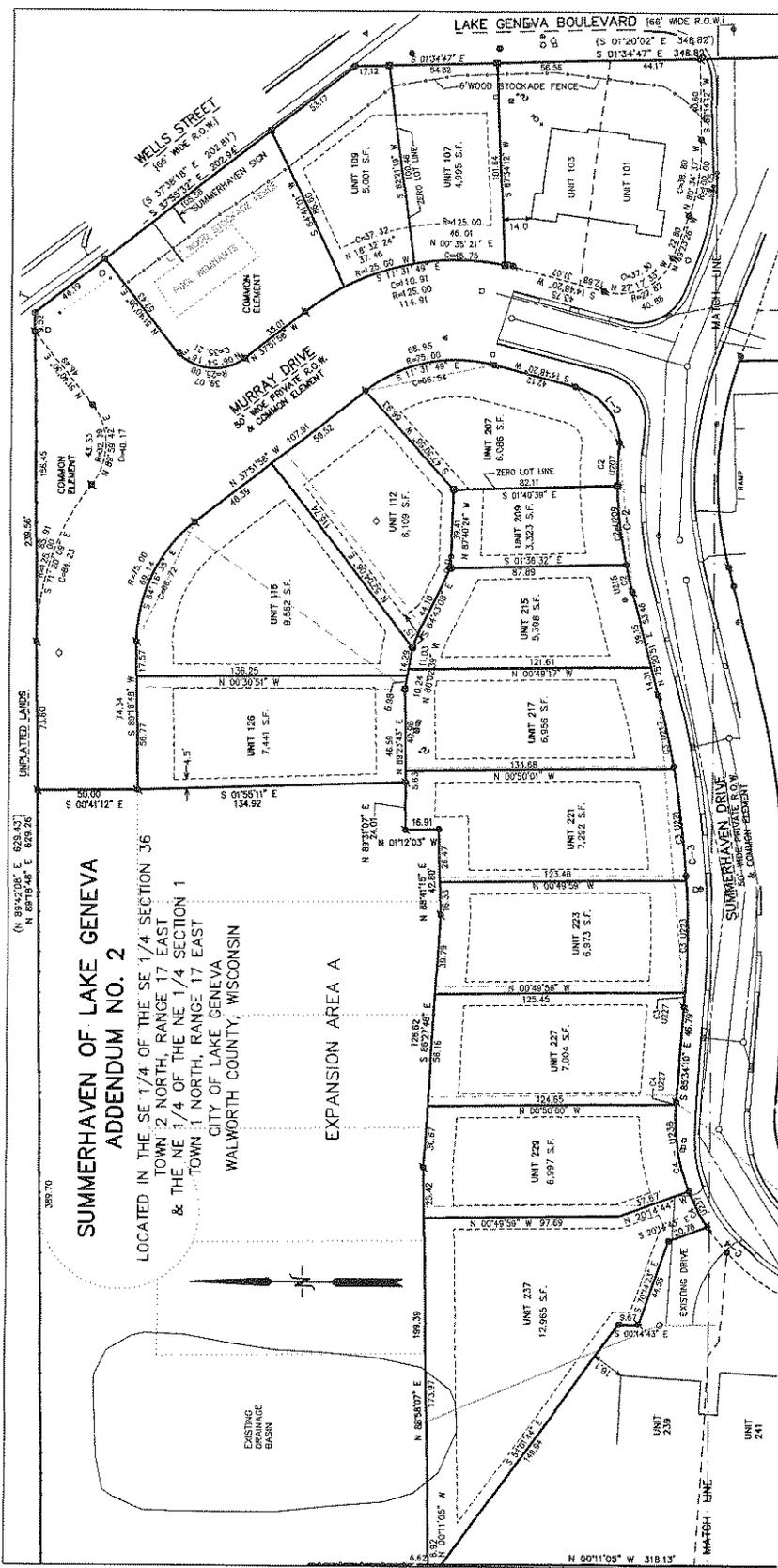
McMURR II, LLC

March 20, 2014

Date

By: 

Murray Perez, Authorized Representative



**SUMMERHAVEN OF LAKE GENEVA
ADDENDUM NO. 2**

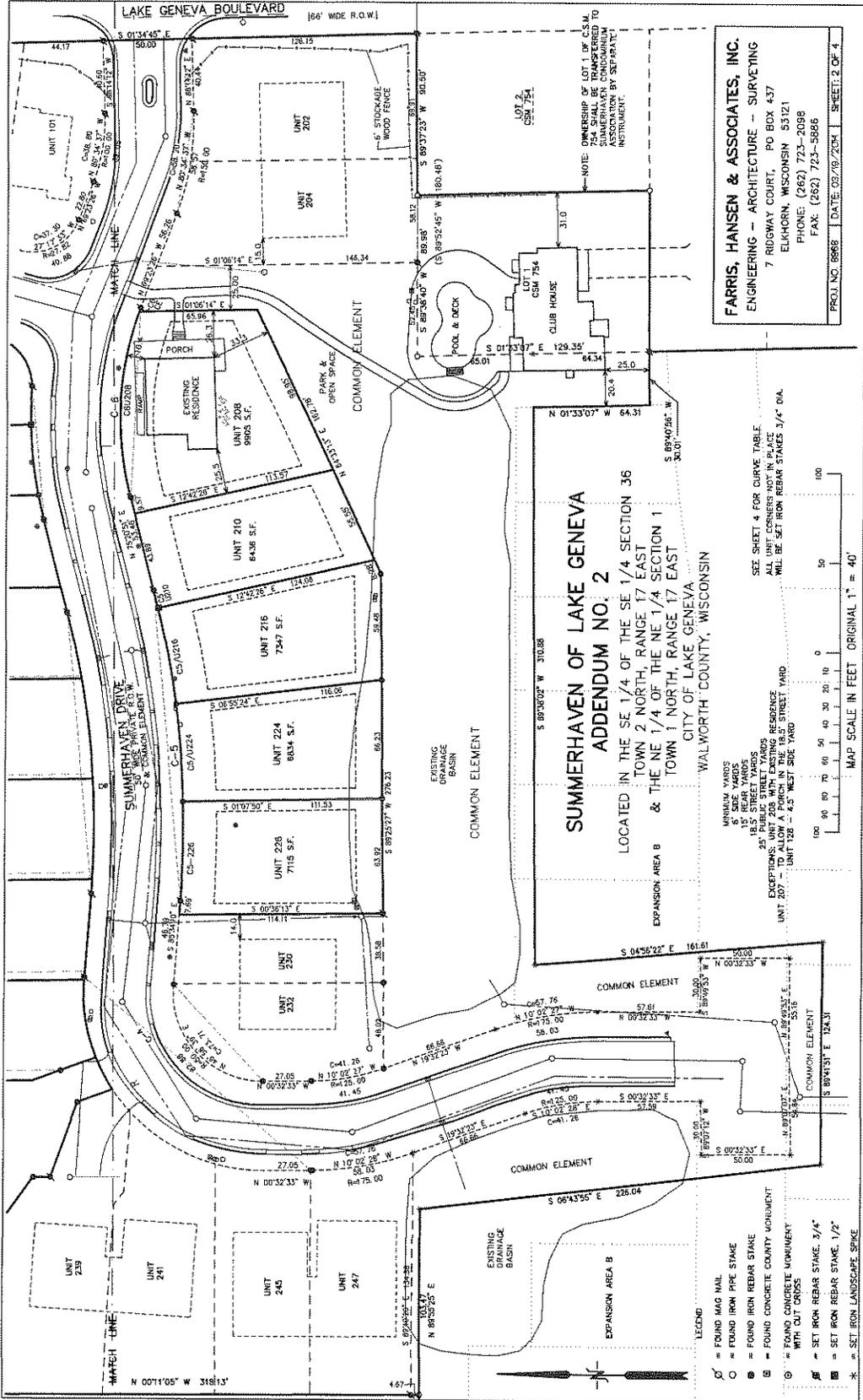
LOCATED IN THE SE 1/4 OF THE SE 1/4 SECTION 36
TOWN 2 NORTH, RANGE 17 EAST
& THE NE 1/4 OF THE NE 1/4 SECTION 1
TOWN 1 NORTH, RANGE 17 EAST
CITY OF LAKE GENEVA
WALWORTH COUNTY, WISCONSIN

EXPANSION AREA A

FARRIS, HANSEN & ASSOCIATES, INC.
ENGINEERING — ARCHITECTURE — SURVEYING
7 RIDGEWAY COURT, PO BOX 437
ELKHORN, WISCONSIN 53121
PHONE: (262) 723-2098
FAX: (262) 723-5666
PROJ. NO. 8868 | DATE: 02/12/2014 | SHEET: 3 OF 4

- LEGEND**
- = FOUND IRON PIPE STAKE
 - = FOUND IRON REBAR STAKE
 - ⊙ = FOUND CONCRETE COUNTY MONUMENT
 - ⊗ = FOUND CONCRETE MONUMENT WITH CUT CROSS
 - ⊠ = SET IRON REBAR STAKE, 3/4"
 - ⊡ = SET IRON REBAR STAKE, 1/2"
 - * = SET IRON LANDSCAPE SPIKE
- MINIMUM YARDS**
15 REAR YARDS
15 FRONT YARDS
15 SIDE YARDS
15 SIDE YARDS
- EXCEPTIONS:** UNIT 226 WITH EXISTING RESIDENCE
UNIT 207 — TO ALLOW A PORCH IN THE 18.5' STREET YARD
UNIT 128 — 4.5' WEST SIDE YARD
- MAP SCALE IN FEET ORIGINAL 1" = 40'**

SEE SHEET 4 FOR CURVE TABLE
ALL UNIT CORNERS NOT IN PLACE
WILL BE SET IRON REBAR STAKES 3/4" DIA.



FARRIS, HANSEN & ASSOCIATES, INC.
 ENGINEERING — ARCHITECTURE — SURVEYING
 7 REDWAY COURT, PO BOX 437
 ELKHORN, WISCONSIN 53121
 PHONE: (262) 723-2098
 FAX: (262) 723-5886

PROJ. NO. 8886 | DATE: 02/10/2006 | SHEET: 2 OF 4

**SUMMERHAVEN OF LAKE GENEVA
 ADDENDUM NO. 2**

LOCATED IN THE SE 1/4 OF THE SE 1/4 SECTION 36
 TOWN 2 NORTH, RANGE 17 EAST
 & THE NE 1/4 OF THE NE 1/4 SECTION 1
 TOWN 1 NORTH, RANGE 17 EAST
 CITY OF LAKE GENEVA
 WALWORTH COUNTY, WISCONSIN

MINIMUM YARDS
 15' REAR YARDS
 15' STREET YARDS
 24' SIDE YARDS
 EXCEPTIONS: UNIT 205 WITH EXISTING RESIDENCE
 UNIT 207 TO ALLOW A PORCH IN THE 18.5' STREET YARD
 UNIT 207 TO ALLOW A PORCH IN THE 18.5' STREET YARD
 WITH OUT CROSSES
 UNIT 207 TO ALLOW A PORCH IN THE 18.5' STREET YARD
 WITH OUT CROSSES



- LEGEND**
- = FOUND IRON NAIL
 - = FOUND IRON PIPE STAKE
 - = FOUND IRON REBAR STAKE
 - = FOUND CONCRETE COUNTY MONUMENT
 - = FOUND CONCRETE MONUMENT WITH CUT CROSS
 - = SET IRON REBAR STAKE 3/4"
 - = SET IRON REBAR STAKE 1/2"
 - = SET IRON LANDSCAPE SPIKE

SEE SHEET 4 FOR CURVE TABLE.
 ALL UNIT CORNERS NOT IN PLACE
 WILL BE SET IRON REBAR STAKES 3/4" DIA.

NOTE: OWNERSHIP OF LOT 1 OF C.S.M. 754 SHALL BE TRANSFERRED TO SUMMERHAVEN CONDOMINIUM INSTRUMENT BY 303 PARTIAL INSTRUMENT.

James P. Howe
354 Seymour Court
Elkhorn, WI 53121
jhowe@godfreylaw.com
262-723-3220 (office)
262-741-1527 (direct)
262-723-5121 (facsimile)

March 20, 2014

VIA HAND DELIVERY

Mr. Ken Robers, Zoning Administrator
City of Lake Geneva
626 Geneva Street
Lake Geneva, WI 53147

**RE: Amendment to PIP, Condo Declaration
Amendment and Plat Addendum for
Summerhaven of Lake Geneva Condominium**

Dear Ken:

Enclosed are five (5) copies of each of the following documents that have been prepared to amend the Precise Implementation Plan ("PIP") for the first phase of Summerhaven of Lake Geneva Condominium:

1. Amendment to Precise Implementation Plan, including Application for Precise Implementation Plan Amendment, Legal Description, Diagrammatic Floor Plans, Concept Plan, and List and Map of Property Owners Within 300 Feet, and Application Submittal Requirements;
2. Application for Land Division Review, including, without limitation, Condominium Plat Addendum No. 2, and Third Amendment to Condominium Declaration;
3. Full-size Condominium Plat Addendum No. 2 and Concept Plan;
4. Agreement of Services (one); and
5. My client's check in the amount of \$400.00 (one original), payable to the City of Lake Geneva, as payment of the fee for amendment to the PIP.

Mr. Ken Robers, Zoning Administrator
March 20, 2014
Page 2

The signed originals of the Application for Precise Implementation Plan Amendment, Application for Land Division Review, and Agreement of Services are being overnighted for delivery March 21, and will be delivered upon receipt.

Please review the enclosed with City Staff, and notify me of any question, comment, or change that you or Staff may have. If acceptable, I will prepare and deliver to the City twenty-five (25) sets of the Amendment to Precise Implementation Plan and the Application for Land Division Review.

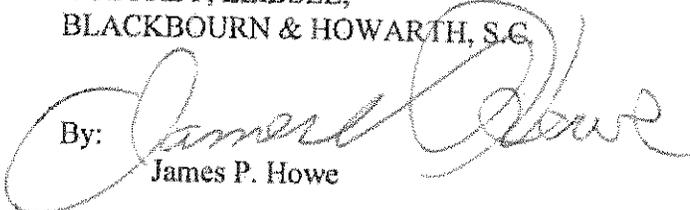
Please place the Amendment to Precise Implementation Plan on the agenda for the April 21, 2014, meeting of the Plan Commission (6:30 p.m.), for public hearing, review, and recommendation, and on the agenda for the April 28, 2014, meeting of the Common Council (7:00 p.m.) for discussion and possible action. Please also put the matter on the agenda for the April 21, 2014, City Staff meeting, at 4:00 p.m.

Please note that the Addendum to Condominium Plat No. 2 and the Third Amendment to the Condominium Declaration are offered as part of the amendment to the Precise Implementation Plan. The addendum and amendment effectuate the reduction in units under the PIP amendment, as well as other changes to clarify the definition of a "unit" and the resulting responsibilities for the unit owners and the condominium association.

If you have any questions or comments, please contact me.

Very truly yours,

GODFREY, LEIBSLE,
BLACKBOURN & HOWARTH, S.C.

By: 
James P. Howe

JPH:ldc
Enclosures

cc: Mr. Murray S. Peretz (via mail; w/enclosures)
Mr. Daniel McLean (via mail; w/enclosures)

MCMURR I LLC

1031

Date 03/17/14

2-444710

CITY OF LAKE GENEVA

FOR HOURS 1/00

\$ 40⁰⁰ ⁰⁰/₁₀₀

ALBANK

ALBANY BANK & TRUST COMPANY N.A.
2400 W. Lawrence Ave, Chicago, IL 60628

NOT VALID FOR LESS THAN \$500.00

Memo Summer hours

⑆00103⑆ ⑆071004446⑆ ⑆18⑈224⑆ ⑆11⑈

AGREEMENT OF 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. 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, but which are not paid, may be assigned by the City as a special assessment to the subject property. 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: Application for Precise Implementation Plan Amendment and Application for Land Division Review for Summerhaven of Lake Geneva Condominium.

McMurr II, LLC

, as applicant/petitioner for:

Name: McMurr II, LLC

Address: 351 W. Hubbard Street, # 610

Chicago, IL 60654

Phone: 312-965-2807

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 normally 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 20th day of March, 2014.

Printed name of Applicant/Petitioner: McMurr II, LLC, by Murray S. Peretz

Signature of Applicant/Petitioner: _____

Murray S. Peretz, Authorized Representative

SUMMERHAVEN

**AMENDMENT TO PRECISE
IMPLEMENTATION PLAN (PIP)**

**Applicant: McMurr II, LLC,
an Illinois limited liability company**

March 20, 2014

APPLICATION FOR PRECISE IMPLEMENTATION PLAN AMENDMENT
City of Lake Geneva

Site Address/Parcel No. and full Legal Description required (attach separate sheet if necessary):
750 Lake Geneva Blvd., Lake Geneva, WI. See Amendment to Precise
Implementation Plan attached hereto as Exhibit A and incorporated
herein.

Name and Address of Current Owner:

McMurr II, LLC, 351 W. Hubbard St., Suite 610, Chicago, IL 60654
Attn. Murray Peretz

Telephone No. of Current Owner including area code: 312-965-2807

Name and Address of Applicant:

Same as Owner

Telephone No. of Applicant including area code: Same as Owner

Proposed Use:

See Exhibit A.

Zoning District in which land is located: PD Planned Development

Names and Addresses of architect, professional engineer and contractor of project:

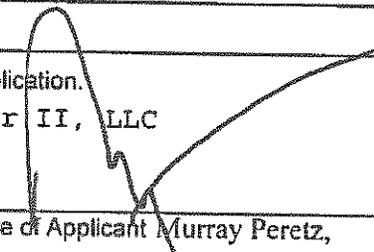
Engineer: Warren Hansen, Farris, Hansen & Associates, Inc.,
7 Ridgway Ct, Elkhorn, WI 53127, 262-723-2098

Short statement describing activities to take place on site:

See Exhibit A.

PIP Amendment fee \$400.00, payable upon filing application.

McMurr II, LLC



Signature of Applicant Murray Peretz,

Authorized Representative

**SUMMERHAVEN OF LAKE GENEVA CONDOMINIUM
EXHIBIT A
NARRATIVE**

The property described in the attached Exhibit B incorporated herein, approximately eight (8.0) acres, being Phase I (“Summerhaven”) of a three-phase project, is zoned by the City of Lake Geneva (“City”) as PD, Planned Development Zoning District. Ten (10) duplex units in five (5) buildings for Summerhaven have been constructed. The public infrastructure (municipal water and sanitary sewer mains) and the private infrastructure (storm water management system, private streets, and public utilities) have been installed to accommodate the thirty-seven (37) units originally approved for Summerhaven, as well as capacity for an additional forty-seven (47) units approved for the original second and third phases of the project. The deadlines for development pursuant to the General Development Plan (“GDP”) and the Precise Implementation Plan (“PIP”) for Summerhaven have been extended by the City through September 15, 2015.

The PD, Planned Development Zoning District, for the original second and third phases of the project has expired, and the City has rezoned the phases to TR-6, Two Family Zoning District. As the development of Summerhaven progresses, the contract purchaser of Summerhaven and the other two (2) phases, applicant, McMurr II, LLC, an Illinois limited liability company (“McMurr II”), plans to rezone the two (2) phases and add them to the PD, Planned Development Zoning District, for Summerhaven.

The land use and bulk regulations for Summerhaven have been flexed under the PD, Planned Development Zoning District, to permit, among other things:

- a. One-story and two-story duplexes, in addition to single-family homes;
- b. Maximum gross density of 5.45 dwelling units per acre;
- c. Fifty (50) foot-wide easements for the private streets (*Ordinance: 66-foot width*);
- d. Cul-de-sac length of five hundred (500) feet (*Ordinance maximum: 400 feet*);
- e. Interior street yard setbacks of twenty (20) feet from the back of the curb of the private street to the dwelling and garage (*Ordinance: 25 feet*);
- f. Minimum front and rear eave width of six (6) inches for side of gables (*Ordinance: 18 inches*); and
- g. Side of front porch to side of adjacent front porch of twelve (12) feet, minimum side yard of six (6) feet (*Ordinance: minimum dwelling unit separation of 12 feet, minimum side yard of 6 feet*).

McMurr II applies to amend the PIP for Summerhaven further to reduce the total number of approved, platted condominium dwelling units from the present thirty-four (34) to twenty-nine (29). The number of duplex units will be fourteen (14); i.e., the existing ten (10) duplex units in five (5) duplex buildings, and four (4) additional duplex units in two (2) new duplex buildings. The number of single-family condominium units will be reduced

from eighteen (18) to fifteen (15), including the existing single-family unit, Unit 208 (“Unit 208”).

The four (4) additional duplex units in two (2) duplex buildings will be in the same architectural style as the two-story duplex buildings neighboring them. The single-family buildings will be one (1) or (2) story buildings, with each of the one (1) story buildings not less than one thousand five hundred (1,500) square feet in area, excluding any basement, and will be in an architectural style that complements the Victorian theme established by the existing Summerhaven buildings. Diagrammatic floor plans of the proposed duplex and single-family units are attached hereto as Exhibit C and incorporated herein. The Summerhaven Concept Plan (Sheet 2 to Addendum No. 2 to Plat of Condominium), Amended PIP Plan, Site, Grading, Drainage and Erosion Control Plan, Specifications for Construction, Site Preparation, Drainage and Erosion Control, and Construction Details, are attached hereto as Exhibit D and incorporated herein.

Planned density in Summerhaven will be reduced from approximately 5.45 dwelling units per acre to approximately 3.625 dwelling units per acre, a lower density that will not threaten the viability of the Summerhaven community. The floor area ratio and the impervious surface ratio of Summerhaven will be reduced slightly by the four (4) unit reduction.

The reduction of five (5) units will not change the private street configuration, will not affect the existing storm water management plans, and will reduce the load on the municipal water and sewer mains already in place. Consequently, extensive re-engineering of the infrastructure will not be required.

Concurrently herewith, McMurr II is filing with the City a Summerhaven Condominium Addendum No. 2 (“Plat Addendum”) that reflects approved building setbacks under the Plat of Condominium, the GDP and the PIP, while making the changes in the unit numbers and the mix of units described above. With the Plat Addendum, McMurr II is also filing a Third Amendment to Declaration of Condominium for Summerhaven of Lake Geneva (“Declaration Amendment”), which will, among other things, clarify the definition of a “Unit” as a site condominium. The buildable area envelopes depicted on the Concept Plan, matching the apparent setbacks for buildings under prior approved condominium plats for Summerhaven, are also flexibility in setbacks requested under this amendment to the PIP.

McMurr II will not construct the pool in the location just south of the Wells Street entrance to Summerhaven, or use Unit 208 as a clubhouse for the unit owners. Rather, as the development of Summerhaven progresses, McMurr II plans to construct the swimming pool and a new community clubhouse in the location shown on the Concept Plan, being Lot 1 of Certified Survey Map No. 754 (“Pool/Clubhouse Lot”), as part of the final phase of development.

The Pool/Clubhouse Lot will be more centrally located in the Summerhaven community than the old pool location. The Pool/Clubhouse Lot and its improvements will not necessitate any changes to the existing neighboring drainage basin located to the south of proposed Units 208-232.

The Pool/Clubhouse Lot, after the completion of the construction of its pool, clubhouse, and related improvements, will be deeded to Summerhaven Condominium Owners Association, Inc. ("Association"), the condominium association for Summerhaven. Such ownership will avoid the logistical difficulty of adding the Pool/Clubhouse Lot and its improvements to the Summerhaven condominium, as it is not part of the declared area or the expansion area of the condominium. Ownership by the Association of the Pool/Clubhouse Lot and its improvements will better insulate Summerhaven and subsequent phase unit owners from liability in the operation of the pool and clubhouse. The post-conveyance operating expenses and capital costs of the Pool/Clubhouse Lot improvements will be a common expense of the Association, supportable by common and special assessments by the Association, in addition to fees that the Association may charge for some uses of the pool and clubhouse by unit owners of the Association.

McMurr II will operate its construction and sales offices for Summerhaven and any future phases in the two (2) duplex units, designated as Units 207 and 209 on the Plan, comprising the duplex condominium building to be constructed by McMurr II on the northwest corner of the intersection of Summerhaven Drive and Murray Drive, the two (2) private streets of Summerhaven.

A map of Summerhaven, showing all lands within three hundred (300) feet, and a list of the names and addresses of the owners of all lands on said map, indicating the current zoning of Summerhaven and its environs, and the jurisdiction, is attached as Exhibit E and incorporated herein.

Except as modified by this amendment to the PIP for Summerhaven, the PIP remains unchanged. The landscaping, signage, lighting, organizational structure, and the consistency of the PIP, as amended hereby, and the GDP, are not materially changed. Because all of the public infrastructure improvements for Summerhaven are installed, no proof of financing capability is presently needed. McMurr II will provide proof of financing capability, in the form of a letter of credit or other surety, for the construction of any additional public improvements, if the second and third phases of the project are rezoned and developed as part of the expanded PD, Planned Development Zoning District, for Summerhaven.

McMurr II believes that this amendment to the PIP will render Summerhaven a more viable and improved in-fill development for the City.

**SUMMERHAVEN OF LAKE GENEVA CONDOMINIUM
EXHIBIT B
LEGAL DESCRIPTION**

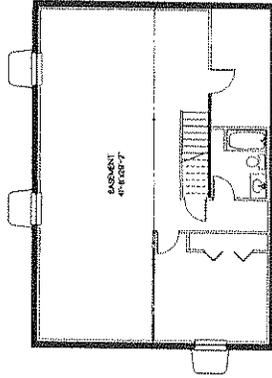
THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 36, TOWN 2 NORTH, RANGE 17 EAST, AND THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWN 1 NORTH, RANGE 17 EAST, CITY OF LAKE GENEVA, WALWORTH COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF CERTIFIED SURVEY MAP NO. 754, RECORDED AS DOCUMENT NO. 28944 OF WALWORTH COUNTY CERTIFIED SURVEYS, SAID POINT LOCATED S 89DEG 31MIN 36SEC W, 733.28 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 36 (T2N, R17E); THENCE S 01DEG 33MIN 07SEC E, ALONG THE WEST LINE OF SAID LOT 1 CSM 754, 65.01 FEET; THENCE S 89DEG 38MIN 02SEC W, 340.89 FEET; THENCE S 04DEG 56MIN 22SEC E, 161.61 FEET; THENCE N 89DEG 41MIN 51SEC W, 124.31 FEET; THENCE N 06DEG 43MIN 55SEC W, 226.04 FEET; THENCE S 89DEG 55MIN 25SEC W, 103.47 FEET; THENCE N 00DEG 11MIN 05SEC W, 311.51 FEET; THENCE N 88DEG 58MIN 07SEC E, 199.39 FEET; THENCE S 86DEG 27MIN 48SEC E, 126.62 FEET; THENCE N 88DEG 41MIN 15SEC E, 42.80 FEET; THENCE N 01DEG 12MIN 03SEC W, 16.91 FEET; THENCE N 89DEG 31MIN 07SEC E, 24.01 FEET; THENCE N 01DEG 55MIN 11SEC W, 134.92 FEET; THENCE N 00DEG 41MIN 12SEC W, 50.00 FEET; THENCE N 89DEG 18MIN 48SEC E, 239.56 FEET TO THE SOUTHWEST LINE OF WELLS STREET; THENCE S 37DEG 55MIN 32SEC E, ALONG WELLS STREET, 202.94 FEET TO THE WEST LINE OF LAKE GENEVA BOULEVARD; THENCE S 01DEG 34MIN 47SEC E, ALONG SAID BOULEVARD, 348.82 FEET TO THE NORTH LINE OF SAID CSM 754; THENCE S 89DEG 37MIN 23SEC W, 90.50 FEET; THENCE CONTINUE ALONG SAID CSM, S 89DEG 38MIN 40SEC W, 89.98 FEET TO THE POINT OF BEGINNING. CONTAINING 8.00 ACRES OF LAND MORE OR LESS. (End of legal description)

**SUMMERHAVEN OF LAKE GENEVA CONDOMINIUM
EXHIBIT C
DIAGRAMMATIC FLOOR PLANS FOR
DUPLEX AND SINGLE-FAMILY UNITS**

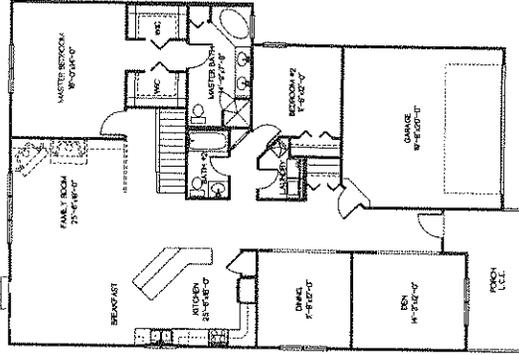
See attached.

SUMMERHAVEN CONDOMINIUM

SINGLE-FAMILY, ONE STORY
DIAGRAMMATIC FLOOR PLANS



BASEMENT FLOOR PLAN

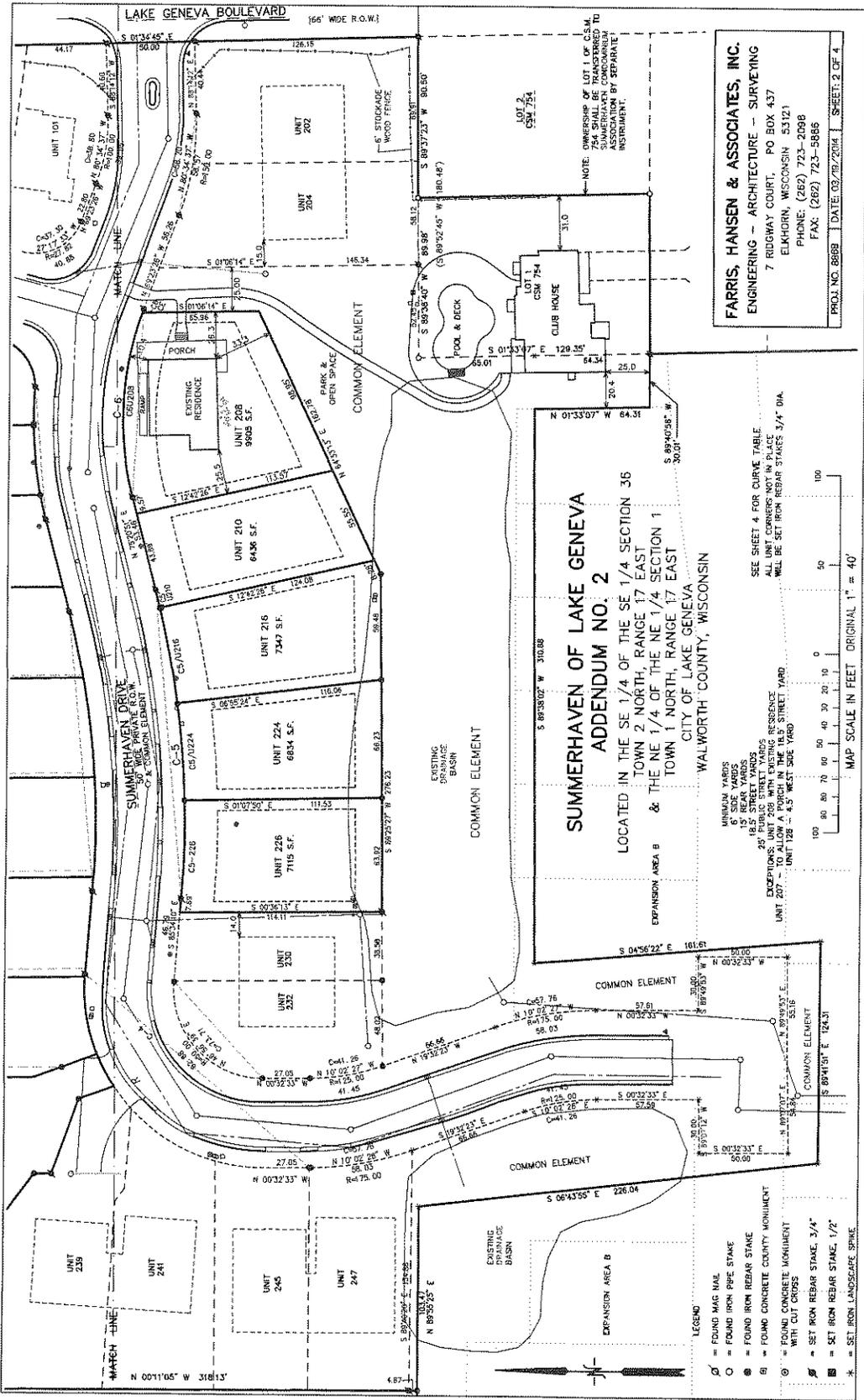


FIRST FLOOR PLAN

FARRIS, HANSEN & ASSOCIATES, INC.
ENGINEERING - ARCHITECTURE - SURVEYING
7 REDBANK COURT, PO BOX 437
ELMWOOD, MISSOURI 63121
PHONE: (314) 723-2088
FAX: (314) 722-5068
PROJ. NO. 8888 DATE: 07/25/97 SHEET 6 OF 7

**SUMMERHAVEN OF LAKE GENEVA CONDOMINIUM
EXHIBIT D
CONCEPT PLAN, PIP PLAN,
DRAINAGE & EROSION CONTROL PLAN,
SPECIFICATIONS & DETAILS**

See attached.



**SUMMERHAVEN OF LAKE GENEVA
ADDENDUM NO. 2**

LOCATED IN THE SE 1/4 OF THE SE 1/4 SECTION 36
TOWN 2 NORTH, RANGE 17 EAST
& THE NE 1/4 OF THE NE 1/4 SECTION 1
TOWN 1 NORTH, RANGE 17 EAST
CITY OF LAKE GENEVA
WALWORTH COUNTY, WISCONSIN

SEE SHEET 4 FOR CURVE TABLE
ALL UNIT CORNERS NOT IN PLACE
WILL BE SET FROM REBAR STAKES 3/4" DIA.

MINIMUM YARDS
15' REAR YARDS
18.5' STREET YARDS
EXCEPTIONS: UNIT 208 WITH EXISTING RESIDENCE
UNIT 207 - TO ALLOW A PORCH IN THE 18.5' STREET YARD
UNIT 226 - 4.5' WEST SIDE YARD

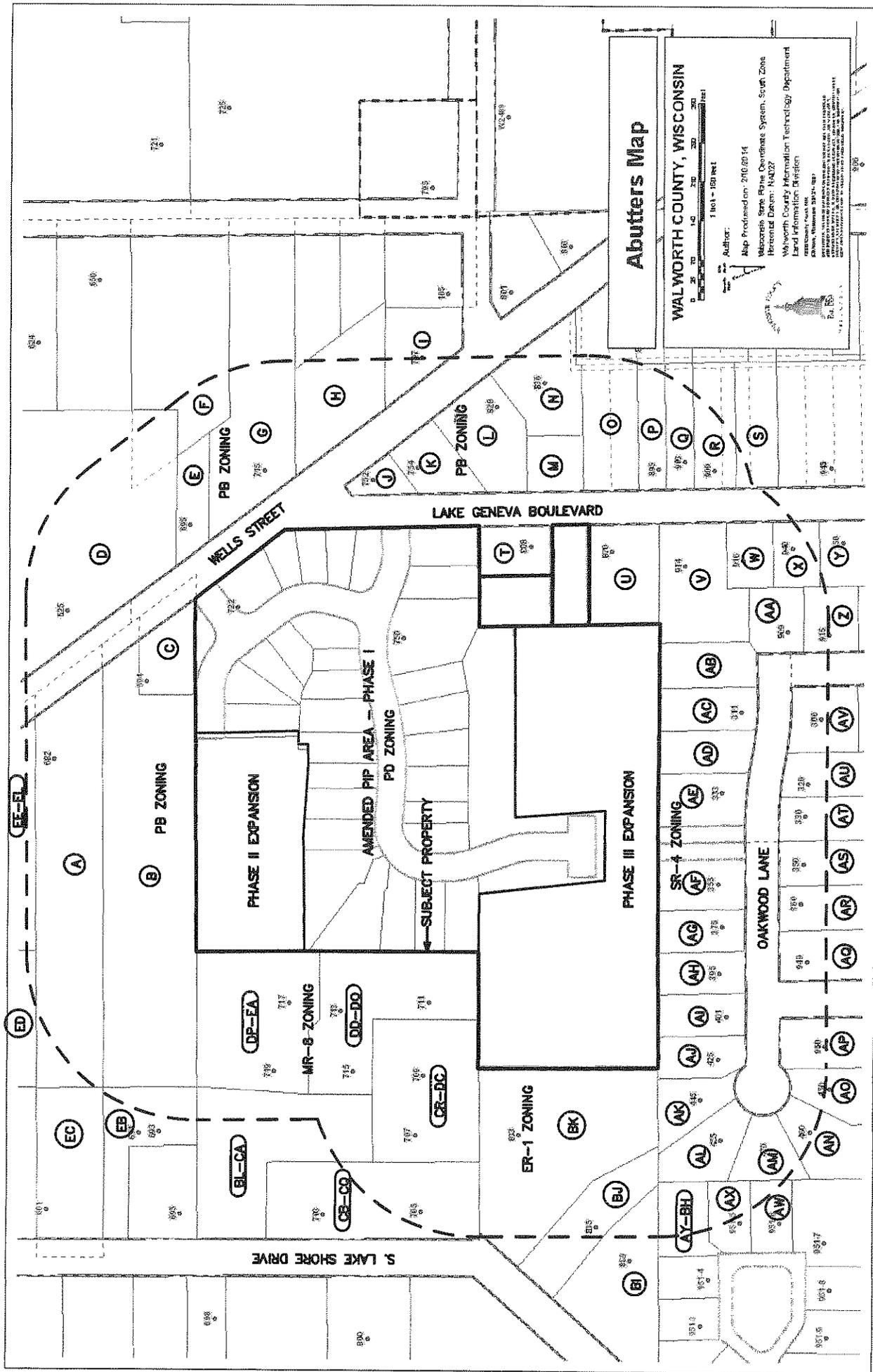
- LEGEND**
- = FOUND MAG NAIL
 - = FOUND IRON PIPE STAKE
 - = FOUND IRON REBAR STAKE
 - = FOUND CONCRETE COUNTY MONUMENT
 - = FOUND CONCRETE MONUMENT WITH CUT CROSS
 - = SET IRON REBAR STAKE, 3/4"
 - = SET IRON REBAR STAKE, 1/2"
 - = SET IRON LANDSCAPE SPIKE

FARRIS, HANSEN & ASSOCIATES, INC.
ENGINEERING - ARCHITECTURE - SURVEYING
7 RIDGWAY COURT, PO BOX 437
ELKHORN, WISCONSIN 53121
PHONE: (262) 723-2886
FAX: (262) 723-5886

PROJ. NO. 8868 DATE 03/19/2004 SHEET: 2 OF 4

MAP SCALE IN FEET ORIGINAL 1" = 40'

NOTE: OWNERSHIP OF LOT 1 OF C.S.M. 754 SHALL BE TRANSFERRED TO SUMMERHAVEN CORPORATION BY SEPARATE INSTRUMENT



Abutters Map

WALWORTH COUNTY, WISCONSIN

Scale: 1 inch = 160 feet

Author:
Map Produced: 2/10/2014
Wisconsin State Plane Coordinate System, South Zone
Horizontal Datum: NAD27
Walworth County Information Technology Department
Land Information Division
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WELLS STREET

LAKE GENEVA BOULEVARD

S. LAKE SHORE DRIVE

OAKWOOD LAKE

PHASE II EXPANSION

AMENDED PIP AREA - PHASE I

SUBJECT PROPERTY

PHASE III EXPANSION

PB ZONING

PB ZONING

PB ZONING

PD ZONING

SR-4 ZONING

ER-1 ZONING

MR-8 ZONING

DP-EA

DD-DD

BL-CA

CR-CA

CR-DC

AY-BH

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APPLICATION SUBMITTAL REQUIREMENTS
PD STEP 4: PRECISE IMPLEMENTATION PLAN (PIP)

Prior to submitting the 25 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. After the effective date of the rezoning to PD/GDP, the Applicant may file an application for the proposed PIP with the Plan Commission. This submittal packet shall contain the following items, prior to its acceptance by the Zoning Administrator and placing the item on the Plan Commission agenda for PIP review.

See Exhibit D _____ (1) A location map of the subject property and its vicinity at 11" x 17", as depicted on a copy of the City of Lake Geneva Land Use Plan Map;

See Exhibit E _____ (2) A map of the subject property for which the PD is proposed:
 _____ Showing all lands within 300 feet of the boundaries of the subject property;
 _____ Referenced to a list of the names and addresses of the owners of all lands on said map as the same 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 clearly reproducible with a photocopier;
 _____ Map size of 11" by 17" and map scale not less than one inch equals 800 feet;
 _____ All lot dimensions of the subject property provided;
 _____ Graphic scale and north arrow provided.

See Exhibit A _____ (3) A general written description of proposed PIP including:
 _____ Specific project themes and images;
 _____ The specific mix of dwelling unit types and/or land uses;
 _____ Specific residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
 _____ The specific treatment of natural features;
 _____ The specific relationship to nearby properties and public streets.
 _____ A Statement of Rationale as to why PD zoning is proposed identifying perceived barriers in the form of requirements of standard zoning districts and opportunities for community betterment through the proposed PD zoning.
 _____ A complete list of zoning standards which will not be met by the proposed PIP and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed PIP and the location(s) in which they apply shall be identified. Essentially, the purpose of this listing shall

be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.

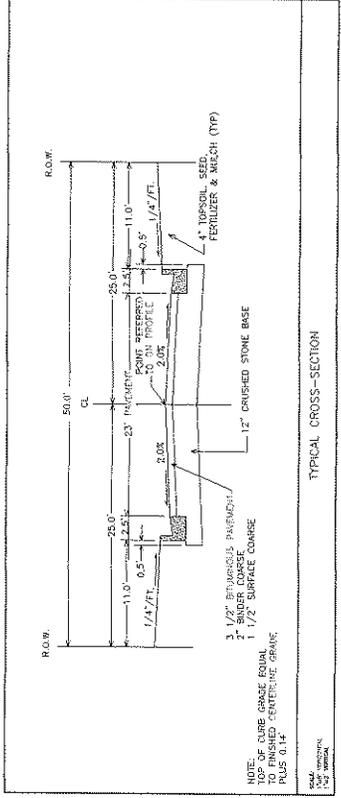
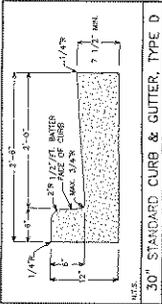
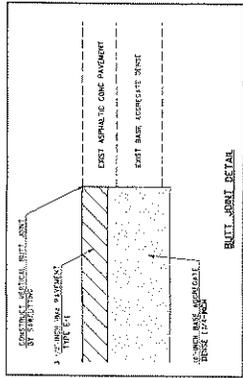
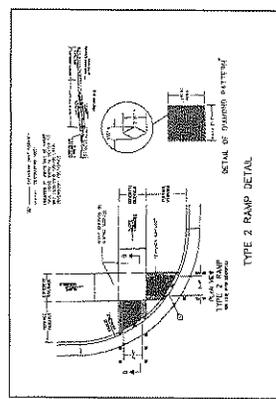
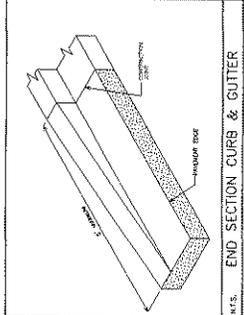
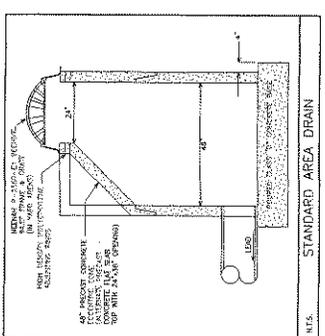
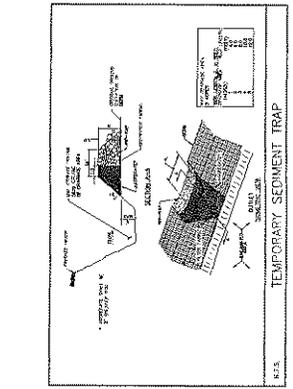
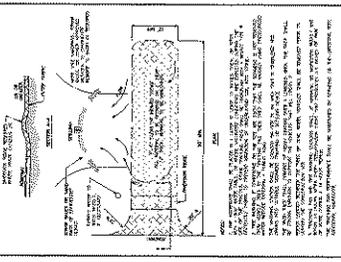
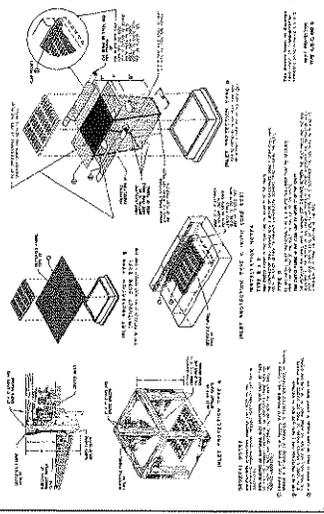
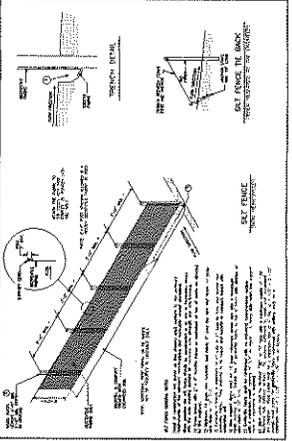
- See Exhibit D _____ (4) **A Precise Implementation Plan Drawing** at a minimum scale of 1"=100' (and reduced to 11" x 17") of the proposed project showing at least the following information in sufficient detail: *(See following page)*
- _____ A PIP site plan conforming to all requirements of Section 98-908(3). If the proposed PD is a group development (per Section 98-208) also provide a proposed preliminary plat or conceptual plat;
 - _____ Location of recreational and open space areas and facilities specifically describing those that are to be reserved or dedicated for public acquisition and use;
 - _____ Statistical data on minimum lot sizes in the development, the precise areas of all development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan Commission or City Council; and
 - _____ Notations relating the written information (3), above to specific areas on the GDP Drawing.
- See Exhibit A _____ (5) **A landscaping plan for subject property**, specifying the location, species, and installed size of all trees and shrubs. Include a chart which provides a cumulative total for each species, type and required location (foundation, yard, street, paved area or bufferyard) of all trees and shrubs.
- See Exhibit A _____ (6) **A series of building elevations** for the entire exterior of all buildings in the PD, including detailed notes as to the materials and colors proposed.
- See Exhibit A _____ (7) **A general signage plan** including all project identification signs, concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles), and group development signage themes which are proposed to vary from City standards or common practices.
- See Exhibit A _____ (8) **A general outline of the intended organizational structure** for a property owners association, if any; deed restrictions and provisions for private provision of common services, if any.
- See Exhibit A _____ (9) **A written description** which demonstrates the full consistency of the proposed PIP with the approved GDP.
- See Exhibit A _____ (10) **A written description** of any and all variations between the requirements of the applicable PD/GDP zoning district and the proposed PIP development; and,

See Exhibit A _____ (11) Proof of financing capability pertaining to construction and maintenance and operation of public works elements of the proposed development.

FINAL APPLICATION PACKET INFORMATION
PD STEP 4: PRECISE IMPLEMENTATION PLAN (PIP)

The process for review and approval of the PD shall be identical to that for conditional use permits per Section 98-905 of the Zoning Ordinance and (if land is to be divided) to that for preliminary and final plats of subdivision per the Municipal Code. All portions of an approved PD/PIP not fully developed within five years of final City Council approval shall expire, and no additional PD-based development shall be permitted. The City Council may extend this five years period by up to five additional years via a majority vote following a public hearing.

- _____ **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:** _____
- _____ **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:** _____



NOTE:
TOP OF CURB GRADE EQUAL
TO FINISH GRADE
PLUS 0.14'

TYPICAL CROSS-SECTION

DATE 03/20/2014
BY [Signature]

SITE, GRADING, DRAINAGE & EROSION CONTROL PLAN FOR PHASE I SUMMERHAVEN OF LAKE GENEVA ADDENDUM NO. 2

LOCATED IN THE NE 1/4 OF SECTION 1, TOWNSHIP 17 NORTH, RANGE 17 EAST,
IN THE CITY OF LAKE GENEVA, WISCONSIN COUNTY, WISCONSIN.

THIS PLAN IS TO BE
CONSIDERED A PART OF THE
SUBMITTED PLANS FOR THE
PROJECT AND SHALL BE
PROCESSED BY THE CITY ENGINEER
AS SUCH.

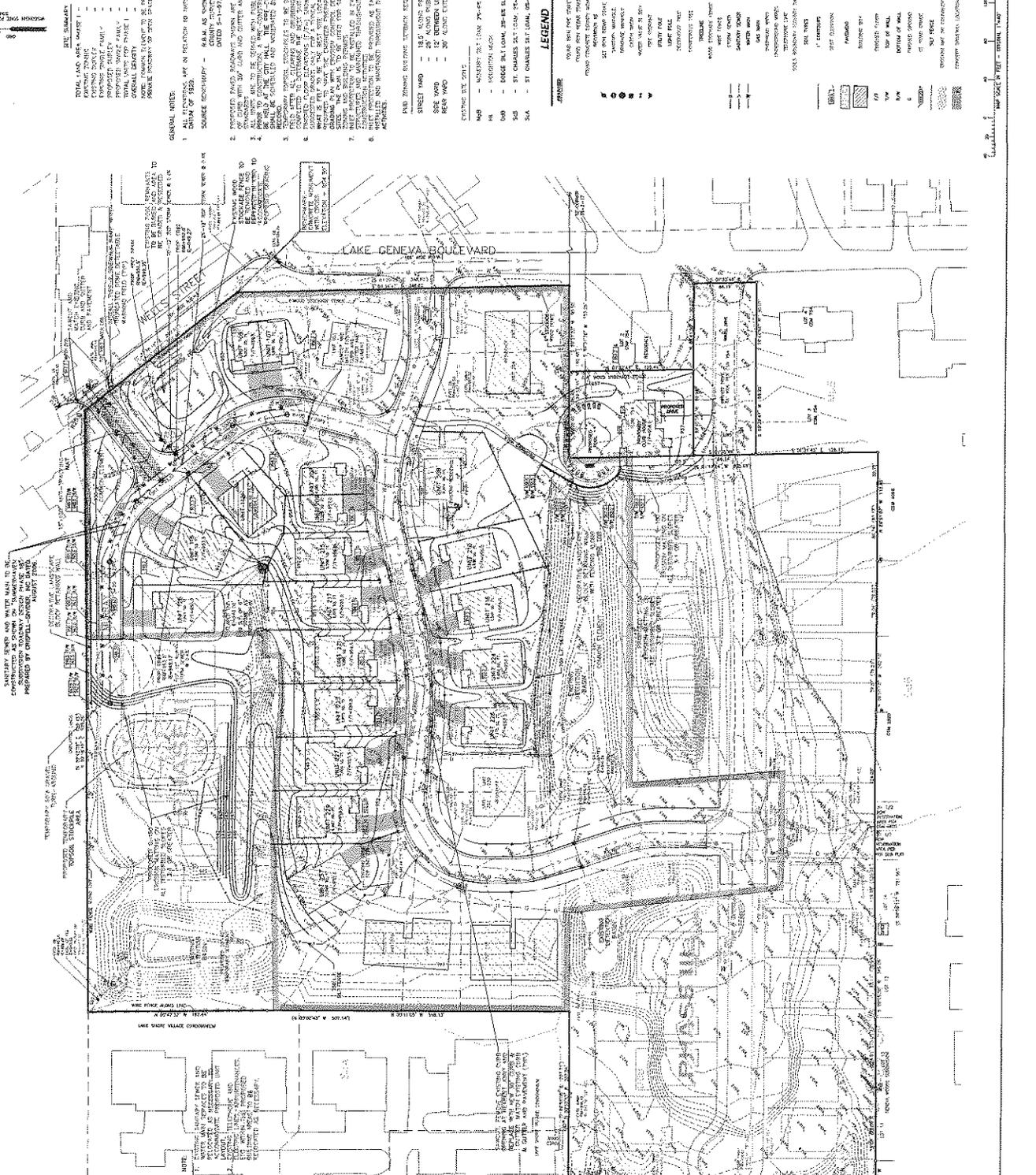
TEMPORARY EROSION CONTROL
MEASURES SHALL BE INSTALLED
IMMEDIATELY UPON THE
COMPLETION OF THE
FOUNDATION WORK AND
MAINTAINED THROUGHOUT THE
CONSTRUCTION PERIOD.

THE PROPOSED LANDSCAPE
DESIGN SHALL BE IN ACCORDANCE
WITH THE CITY ENGINEER'S
REQUIREMENTS AND SHALL
BE APPROVED BY THE CITY
ENGINEER PRIOR TO THE
START OF CONSTRUCTION.

NOTE:
1. ALL EXISTING UTILITIES SHALL
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AS NECESSARY TO
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CONSTRUCTION.
2. ALL EXISTING UTILITIES SHALL
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3. ALL EXISTING UTILITIES SHALL
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LAKE SIDE VILLAGE CHOCOLATES
LAKE GENEVA, WISCONSIN

LAKE GENEVA BOULEVARD



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WISCONSIN COUNTY OF LAKE GENEVA, WISCONSIN

HARRIS, HANSEN & ASSOCIATES, INC.

1000 W. WISCONSIN STREET
LAKE GENEVA, WISCONSIN 53151
TEL: (262) 723-2094 FAX: (262) 723-0989
WWW.FHASSOCIATES.COM

**THIRD AMENDMENT TO
DECLARATION OF CONDOMINIUM
FOR SUMMERHAVEN OF LAKE GENEVA**

Document Number

Document Name

Recording Area

Return to:

Ruben, Finsel & Ross, LLC
2801 Lakeside Drive
Suite 207
Bannockburn, IL 60015

Parcel Nos:

THIS THIRD AMENDMENT TO DECLARATION (“Third Amendment”) is made and entered into this _____ day of _____, 2014 by **SUMMERHAVEN CONDOMINIUM OWNER’S ASSOCIATION, INC.** (the “**Association**”), the undersigned **Unit Owners** and **Mortgagee** hereunder, and **MCMURR II, LLC**, an Illinois limited liability company (the “**Successor Declarant**”)

WITNESSETH:

WHEREAS, by Declaration of Condominium for Summerhaven of Lake Geneva dated March 28, 2007 and recorded in the Walworth County Register of Deeds on March 28, 2007 as Document Number 704378 (hereinafter, the “**Original Declaration**”), certain real estate was encumbered by the Declaration, which real estate is legally described on Exhibit A attached hereto and made a part hereof (the “**Condominium Property**”);

WHEREAS, the Declaration was previously amended by that certain First Amendment to Declaration of Condominium for Summerhaven of Lake Geneva recorded in the Walworth County Register of Deeds on September 10, 2008 (the “**First Amendment**”) and that certain Amendment No. 2 recorded in the Walworth County Register of Deeds on March 28, 2007 (the “**Second Amendment**”) (the Original Declaration, First Amendment and the Second Amendment are herein referred to as the “**Declaration**”); and

WHEREAS, Summerhaven, LLC, the original Declarant and developer of the Condominium Property (the “**Original Declarant**”) sold ten (10) of the Units comprising of a portion of the Condominium Property, more specifically known as Units 101, 103, 202, 204, 230, 232, 239, 241, 245 and 247 (the “**Sold Units**”).

WHEREAS, prior to the completion of the condominium project by the Original Declarant, First Bank of Highland Park, as the first mortgagee having an interest in the remaining Condominium Property

owned by the Original Declarant (i.e. not comprising of the Sold Units) (the "Remaining Property") and the expansion property owned by the Original Declarant and others and described on Exhibit C attached to the Original Declaration and legally described on Exhibit C attached hereto (the "Expansion Property"), foreclosed on and acquired title to the Remaining Property and the Expansion Property.

WHEREAS, FBHP has sold and conveyed the Remaining Property and the Expansion Property to Successor Declarant.

WHEREAS, Successor Declarant desires to develop the Remaining Property and the Expansion Property.

WHEREAS, the parties desire to amend the Declaration for the mutual benefit of the Association, the Successor Declarant and current and future owners of the Condominium Property, to provide for the further development of the Condominium Property and Expansion Property.

NOW, THEREFORE, the Association and Successor Declarant for the purposes set forth hereinabove, hereby agree to the following:

1. **Conflicts**. Wherever the terms and conditions of this Third Amendment conflict with the terms and conditions of the Declaration, the terms and conditions of this Third Amendment shall control and govern.

2. **Defined Terms**. Any capitalized terms used herein but not defined herein shall have the same meanings as ascribed to them in the Declaration. Notwithstanding the foregoing, the following defined terms are added to the Declaration, and to the extent such terms were previously defined in the Declaration, such previously defined terms and definitions shall be deemed deleted and replaced with the following:

"Committee" means the Architectural Review Committee of the Association, whose members shall be appointed pursuant to Article VIII, below.

"Condominium Plat" shall mean the Summerhaven Condominium Addendum No. 2 attached hereto Exhibit B.

"Dwelling" means a building intended for use for human habitation as a single-family residence.

"Improvements" mean all of the following, regardless of whether permanent or temporary in nature or usage: buildings; exterior lighting or electric fixtures; dish receivers; in-ground pools; screened or other type of porches, patios, decks, or gazebos; landscaping, plantings; and fences.

"Landscaping" means the initial landscaping installed on a Unit following construction, and includes, without limitation, all vegetation, plantings, trees, shrubs, ground cover, and all replacements thereof.

"Storm Water Management System" means the system for managing storm water flowing through or from the Common Elements designed and constructed by Declarant, as may be modified by the Association after the termination of Declarant control, as described in Section 7.02, below.

"Submissions" mean the plans, drawings, specifications, and other information more particularly described in Article VIII below and required to be submitted by a Unit

Owner to the Committee for approval prior to construction of any Improvements on a Unit.

“Unit” means the portion of the Property identified as a unit on the Condominium Plat, more particularly described in Article III of the Declaration (as amended hereby), which is intended for construction thereon of a single-family Dwelling. Collectively, the units identified on the Condominium Plat are the “Units”.

“Unit Owner” means the owner of a Unit. “Unit Owners” means collectively, the owners of the Units. Where a Unit is sold under a land contract, the purchaser (and not the vendor) is the Unit Owner.

3. **Exhibit B**, Exhibit B to the Original Declaration and Amended Exhibit B to the First Amendment are hereby deleted in their entirety and replaced with the Summerhaven Condominium Addendum No. 2 attached hereto **Exhibit B**. Any and all references in the Declaration, as amended hereby, to the Condominium Plat shall mean the Summerhaven Condominium Plat Addendum No. 2. The Summerhaven Condominium Plat Addendum No. 2 shall also, simultaneously with the recording of this Third Amendment, be recorded in the plat records of the Walworth County Register of Deeds.

4. **Second Amendment**. Paragraphs 7, 8, and 9 of the Second Amendment and the last paragraph on page 2 of the Second Amendment (which is misnumbered as paragraph 3) to the Declaration are hereby deleted in their entirety.

5. **Declarant**. Successor Declarant shall be deemed the “Declarant” and, except as otherwise stated herein, shall have all rights, powers and obligations of the Declarant under the Declaration as set forth in the Declaration as if Successor Declarant had received an assignment of the Declarant’s rights, power and obligations in accordance with 703.09(4) of the Wisconsin Statutes, including without limitation, the rights of Declarant to expand the Condominium as set forth in Article VI and the Declarant’s rights reserved in Article VIII, Article XIII, 15.02, and 15.06 of the Declaration. Notwithstanding the foregoing, the Successor Declarant shall be a member of the Association with all voting rights, as long as Successor Declarant is a Unit Owner with respect to the Remaining Property (or of any Expansion Property later added to the Condominium) or any portion thereof, but shall not have any of Declarant’s rights to control the Association under Article VII. The control of the Association shall remain vested in the Board of Directors, as more fully provided for in Article VII. Notwithstanding the foregoing, all matters relating to review and approval of Submissions and the repair, replacement, construction or reconstruction of Improvements and Landscaping shall be within the control of the Committee, as more fully set forth in Article VIII (as amended hereby).

6. **Identification of Units**. Section 3.01 of the Declaration, as amended, is deleted in its entirety and the following is inserted into its place:

“3.01. Identification of Units. The Condominium shall consist of twenty-nine (29) Units as identified on the Condominium Plat. The Condominium Plat shows the boundaries and dimensions of each Unit. The Units shall be identified as Units 101, 103, 107, 109, 112, 116, 126, 202, 204, 207, 208, 209, 210, 215, 217, 216, 221, 223, 224, 226, 227, 229, 230, 232, 237, 239, 241, 245, 247, as numbered on the Condominium Plat.”

7. **Description of a Unit – Section 3.02**. Section 3.02 is deleted in its entirety and replaced with the following:

“3.02. Description of a Unit. A “Unit” means the portion of the Property identified as a unit on the Condominium Plat, more particularly described in this Article III, below, which is intended for construction thereon of a single-family Dwelling.”

8. **Boundaries of a Unit – Section 3.03.** Section 3.03 is deleted in its entirety and replaced with the following:

“3.03. Boundaries of a Unit. Each Unit consists of a cubicle bounded on the sides by the perimeters shown on the Condominium Plat, bounded above by a horizontal plane fifty (50) feet above the ground level, and bounded below by a horizontal plane twenty (20) feet below ground level. The legal description of each Unit shall consist of the identifying number as specified in Section 3.01, above, and as set forth on the Condominium Plat. Each deed, lease, mortgage, or other instrument may legally describe a Unit by its identifying number as set forth in Section 3.01, above, and as shown on the Condominium Plat, and every such description shall be deemed good and sufficient for all purposes.”

9. **Description of Units – Section 3.04.** Section 3.04 is deleted in its entirety and replaced with the following:

“3.04. Building Areas. A building constructed within a Unit is referred to as a “Building”, and collectively with all other buildings within the Condominium, as “Buildings”). Within each Unit, an Owner may build only one Building, and such Building must be a Dwelling. All Buildings shall be constructed within the building areas (“Building Areas”) shown on the Condominium Plat. Duplex buildings shall be constructed on two (2) adjoining Units within the Building Areas delineated on the Condominium Plat as duplex Building Areas.”

10. **Common Elements- Section 4.01.** Section 4.01 is deleted in its entirety and replaced with the following:

“4.01. Common Elements. The common elements (collectively, “Common Elements”) include the following:

- (a) The portion of the Land containing Summerhaven Drive and Murray Drives delineated on the Condominium Plat;
- (b) The portion of the Land containing detention ponds and the Storm Water Management System for the Condominium;
- (c) Any public or private utility lines or components running through a Unit that serve more than one (1) Unit or another Unit;
- (d) Any common amenities or improvements granted or conveyed to the Association, such as a pool or clubhouse; and
- (e) Any other portion of the Land that is not part of a Unit as described above.”

11. **Limited Common Elements – Section 4.02.** Section 4.02 is deleted in its entirety and replaced with the following:

“4.02. Limited Common Elements. There are no limited common elements.”

12. **Percentage Interests – 5.01.** The Unit percentage interests, as of the date of recording this

Third Amendment are as shown in Exhibit Dattached hereto. Each Unit's percentage interest remains subject to change pursuant to the Declaration, including without limitation, Sections 5.01 and 6.03 of the Declaration.

13. **Maintenance, Repair and Replacement- Section 7.04.** Sections 7.04 (a), (b), and (c) are deleted in their entirety and replaced with the following:

“(a) **Common Elements.** The Association shall be responsible for the management and control of the Common Elements, shall maintain the same in good, clean, and attractive order and repair, and shall have an easement over the entire Condominium for the purpose of carrying out these responsibilities. In addition, the Association shall be responsible for the maintenance, repair and replacement of the private streets which constitute Common Elements, including clearing debris and snow. In addition, the Association shall be responsible for the maintenance, repair, and replacement of the storm sewer system serving the Condominium. The Association shall be responsible for repairing and replacing when necessary any Common Elements. In addition, the Association shall be responsible for clearing of snow from the driveways within the Units, and the cost of such snow removal will be a Common Expense (as defined in Section 7.05).

(b) **Units.** Each Unit Owner shall be responsible for the maintenance, repair, and replacement of all Improvements constructed within his or her Unit, including, without limitation, the interior and the exterior of the Dwelling thereon, the driveway from the Dwelling to Summerhaven Drive or Murray Drive (except for the clearing of snow which will be the responsibility of the Association), as the case may be, and all Landscaping in accordance with and subject to Section 7.16 hereof. Each Unit shall at all times be kept in good condition and repair. If any Unit, including, without limitation, Landscaping and the exterior of a Dwelling, or other Improvements ou the Unit, falls into disrepair so as to create a dangerous, unsafe, unsightly, or unattractive condition, or a condition that results in damage to any Common Elements or other Units, the Association, upon fifteen (15) days' prior written notice to the Unit Owner of such Unit, shall have the right to correct such condition or to restore the Unit to its condition existing prior to the disrepair, or the damage or destruction if such was the cause of the disrepair, and to enter into such Unit for the purpose of doing so, and the Unit Owner of such Unit shall promptly reimburse the Association for the cost thereof. Such cost shall be a Special Assessment and shall create a lien enforceable in the same manner as other Special Assessments as set forth in Section 7.12, below. The Unit Owner of the offending Unit shall be personally (jointly and severally) liable, and such Unit may be subject to a mechanic's lien, for all costs and expenses incurred by the Association in taking such corrective acts, plus all costs, including, without limitation, reasonable attorneys' fees and court costs, incurred in collecting the amounts due. All amounts due for such work shall be paid within ten (10) days after receipt of written demaud therefor, or the amounts may, at the option of the Association, be added to the amounts payable as Special Assessments under Section 7.12, below.

(c) **Damage Caused by Unit Owners.** To the extent (i) any cleaning, maintenance, repair, or replacement of any part of any Commou Elements or a Unit is required as a result of the negligent, reckless, or iutentional act or omission of any Unit Owner, tenant, or occupant of a Unit, or (ii) any cleaning, maintenance, repair, replacement, or restoration of any part of any Common Element or a Unit is required as a result of an alteration to a Unit by any Unit Owner, tenant, or occupant of a Unit, or the removal of any such alteration (regardless of whether the alteration was approved by the Committee, the Association or any other committee thereof), the Unit Owner that

committed the act or omission or that caused the alteration, or the Unit Owner of the Unit occupied by such tenant or occupant or responsible for such guest, contractor, agent, or invitee, shall pay the cost of such cleaning, maintenance, repair, replacement, and restoration.”

14. **Common Expenses – Section 7.05**. Section 7.05 is deleted in its entirety and replaced with the following:

“7.05 Common Expenses. All expenses incurred by the Association in connection with the management, maintenance, repair, and replacement of the Condominium, the maintenance of the Common Elements and the Units described in Section 7.04, above, and administration of the Association shall be deemed to be common expenses (collectively, “Common Expenses”), including, without limitation, expenses incurred for: insurance; landscaping and lawn care; snow shoveling and plowing; maintaining, repairing, and replacing the Storm Water Management System, Summerhaven Drive and Murray Drive, and other Improvements to the Common Elements; Common Elements lighting; utility services provided to the Common Elements; any common amenities or improvements granted or conveyed to the Association, such as a pool or clubhouse; and maintenance and management salaries and wages.”

15. **Reserves for Contingencies; Special Assessments – Section 7.07**. Section 7.07 (b) is deleted in its entirety.

16. **General Assessments/Reserve Funds – Section 7.11**. The last sentence of Section 7.11 is deleted in its entirety and the following is inserted in its place:

“For any year in which the Association is maintaining a statutory reserve account for the condominium under Section 703.163 of the Wisconsin Statutes, the Board shall include within the budget the amount of reserve funds to be collected for the ensuing year after considering:

1. The reserve funds then in the reserve account;
2. The estimated cost of repairing or replacing Common Elements, other than routine maintenance;
3. The estimated remaining useful life of the Common Elements, and
4. The approximate proportion of the estimated cost of repairing or replacing Common Elements that will be covered by the reserve account and the approximate proportion that will be funded by other means.

If the Association has established a statutory reserve account under Wis. Stat. § 703.163, payment of any reserve fund assessments against any Unit owned by Declarant may be deferred until the first conveyance of such Unit. Upon the first conveyance of a Unit by Declarant, the Declarant may collect from the Unit purchaser at the closing of such Unit, a sum equal to two (2) months’ of assessments for the reserve account.

17. **Management Services – Section 7.15**. For the sake of clarification, Section 7.15 of the Original Declaration was deleted by the Second Amendment thereto. The following paragraph is hereby added as a new Section to Article VII, as Section 7.15:

“7.15. Management Services. The Association shall have the right to enter into a management contract with a manager selected by the Association (“Manager”) under which services may be provided to the Unit Owners to create a community environment for the entire Condominium community. Such services may include, without limitation, provision of activity programs and landscaping services. Certain of such services may be available only on a fee-for-services basis by agreement between the Manager and individual Unit Owners. All amounts payable by the Association to the Manager under the management contract shall be chargeable to the Unit Owners as a Common Expense. The management contract shall be subject to termination by the Association under Wis. Stat. § 703.35.”

18. **Landscaping maintenance.** For the sake of clarification, Section 7.16 of the Original Declaration was deleted by the Second Amendment thereto. The following paragraph is hereby added as a new Section to Article VII, as Section 7.16:

“7.16. Landscaping Maintenance License. To assure the proper care, health, maintenance, and appearance of the landscaping of the Units, the Association shall contract with the contractor that maintains the Common Elements from time to time to treat lawns with fertilizer and herbicides, mow lawns, and remove fallen leaves (but not to plant, trim, remove, or replace flowers, trees, hedges, or bushes) from each of the Units regularly during the period beginning April 1 of each year and ending November 30 of each year (collectively, “Lawn Maintenance”), unless such Unit is under construction during such period. Consequently, Declarant hereby reserves to the Association and said contractor, their respective employees, contractors, and agents, an irrevocable license over the landscaped area of each Unit to perform Lawn Maintenance at such time or times as the Association may direct. The contractor shall bill and collect from each Unit Owner regularly for the Lawn Maintenance provided to such Unit Owner’s Unit, and shall have all rights and remedies provided by statute, at law, or in equity, plus all costs, including, without limitation, reasonable attorneys’ fees and court costs, incurred in collecting the amounts due. A Unit Owner may opt out of Lawn Maintenance of his or her Unit by thirty (30) days’ advance written notice thereof to the Association and the contractor each season, but shall be responsible to arrange the performance of such Lawn Maintenance to the satisfaction of the Association, which, if not reasonably satisfied, may order the contractor to perform the Lawn Maintenance on such Unit pursuant to Section 7.04(b), above.”

7.17: 19. **Duplex Units.** The following shall be added as a new Section to Article VII, as Section

“7.17. Duplex Units. The cost of maintaining, repairing, and replacing the roof covering duplex buildings within the duplex Units and the common wall between the duplex buildings shall be shared equally by the Unit Owners of the Units sharing such roof and common wall. No major repair or replacement of the roof, the common wall, or any portions of either, shall be made without the agreement of both Unit Owners; provided, however, that minor repairs not affecting the appearance of the roof shall be made by the owner of the Unit whose roof requires such repairs. Damage to one side of the common wall not affecting the other side shall be repaired by the Owner of the Unit on whose side the damage has occurred. The exterior of the duplex building comprised of the two (2) Units shall be maintained, decorated, and repaired so as to retain a uniform appearance of both Units.

Should the Unit Owners whose Units comprise a duplex Dwelling be unable to

agree upon the necessity of a repair or the cost of a proposed repair to the common elements, either Unit Owner may seek a determination as to the necessity of the repair or the reasonableness of the proposed repair expense in an arbitration proceeding under Wis. Stat. ch. 788. Acceptance of a conveyance of a Unit in a duplex building of the Condominium shall constitute agreement by the Unit Owner to submit such disputes to arbitration as provided herein.

Any dispute submitted for arbitration shall be decided by a panel of three arbitrators who shall be selected as follows: Each Unit Owner shall appoint one arbitrator. The two arbitrators chosen by the Unit Owners shall then select a third arbitrator who shall serve as chairperson of the arbitration panel.

All arbitration proceedings shall be held in Walworth or Milwaukee County, Wisconsin. Except as provided for herein, the arbitration shall be governed by the commercial rules of the American Arbitration Association.

The expense of the arbitration shall be shared equally by the Unit Owners. The award of the arbitrators shall be final and binding upon the parties and may be entered as a judgment in any state or federal court.”

20. **Alterations and Use Restrictions – Article VIII.** Article VIII is deleted in its entirety and replaced with the following:

**“ARTICLE VIII
ARCHITECTURAL CONTROL, DESIGN, ALTERATIONS,
COVENANTS AND USE RESTRICTIONS, AND OTHER STANDARDS**

8.01 Architectural Review Committee and Construction and Design Standards.

(a) **Purpose.** The Committee is hereby established for the purpose of providing and monitoring architectural controls consistent with the purpose of this Declaration and for addressing natural resources stewardship issues on each Unit. The Committee shall be composed of not less than three (3) members.

(b) **Membership.** Declarant shall appoint the initial three (3) members of the Committee. The initial three (3) members named by Declarant are:

Daniel E. McLean
Murray Peretz
Gerald Holmberg

In the event of any vacancy on the Committee, Declarant shall appoint a new member to fill the vacancy. Any provision of this Declaration to the contrary notwithstanding, the date on which all of the Units have been conveyed to Unit Owners other than Declarant or entities controlled by Declarant, the two of the three Committee members shall, within thirty (30) days thereafter, resign from the Committee. Thereafter, the Board shall elect two of the members to a term of one year each, and fill vacancies on the Committee from among the Association members. At the next annual meeting of the Association, an election shall be held to name new members of the Committee. One (1) Committee member shall be elected for a one (1) year term; one (1) member of the Committee shall be elected for a two (2) year term, and one (1) member of the

Committee shall be elected for a three (3) year term. Therefore, in succeeding years, at least one (1) position on the Committee shall be vacant. The Association shall hold an election at its annual meeting to fill that vacancy.

(c) **Submissions Required.** A Unit Owner desiring to construct or place any Dwelling or other Improvements upon a Unit shall deliver the Submissions to the Committee for its consideration pursuant to this Article VIII.

(d) **Standards.** To insure that the overall beauty of the Summerhaven Condominium is preserved and enhanced, the Committee shall require, and approve or disapprove, the Submissions for all Improvements on the Units to be constructed, repaired, reconstructed or replaced prior to the construction, repair, reconstruction or replacement of such Improvements. A complete set of the Submissions shall be presented to the Committee prior to commencing any clearing, grading, or construction of a Building of any Unit. The Submissions must include a complete set of the proposed plans and specifications for the Improvements, with, in addition to any other information reasonably requested by the Committee, architectural renderings (depicting the exterior elevations of all sides, materials, colors and dimensions), a foundation plan and an overall site plan for the Unit. The architectural design, style and integrity of Improvements to be constructed must be in compliance with the architectural design, style and integrity of the existing Units already constructed at the time such Unit Owner makes its Submissions to the Committee. Buildings may be one or two story single family residences and shall not exceed the maximum height limitations imposed by the City of Lake Geneva building and/or zoning codes. In addition, Buildings shall not be constructed outside of the Buildings Areas shown on the Condominium Plat. The minimum Building size shall be fifteen thousand (1,500) square feet of living area above-grade, which does not include basements, walk-out basements, garages, porches, decks, patios, porches, attics, or crawlspaces. The Committee will review and provide a written approval or disapproval the Submissions within thirty (30) days after receipt of both a written request from a Unit Owner and complete Submissions. If the Committee disapproves of a Unit Owner's Submissions, the Committee will set forth in reasonable detail the items which are disapproved and make suggested corrections and revisions. If the Unit Owner makes the Committee's suggested corrections or revisions and resubmits the Submissions to the Committee, the Committee will review the revised Submissions and provide its approval or disapproval within thirty (30) days from receipt of the revised Submissions; provided, the Committee shall not unreasonably withhold or condition its approval of the revised Submissions if the Unit Owner makes all of the Committee's suggested corrections or revisions. Notwithstanding anything herein to the contrary, the Committee shall have the right to reject any plans and specifications submitted pursuant this Article VIII, that in the sole opinion of a majority of its members or the representative of the Committee:

- i. Are not in conformity with the requirements or restrictions in this Declaration or are not in conformity with the purposes of this Declaration generally; or
- ii. Are not desirable for aesthetic reasons; or
- iii. Are not in harmony with the surrounding Units or Common Elements; or
- iv. Have exterior lighting, exterior signs, or other exterior structures, fencing, or landscaping which are not desirable for aesthetic reasons.

By way of example, the Committee may consider the height, space, color, materials, trash disposal areas, attached garages, drives, walks, decks, patios, pools, fencing, landscaping, grading, and drainage of the proposed improvements and the use of the Unit.

(e) **Required Governmental Permits.** No Improvements shall be constructed without the Unit Owner first obtaining any required zoning permit and building permit from the City. No Dwelling shall be occupied unless the Submissions therefor have been approved by the Committee and the Dwelling has been constructed consistent with the approved Submissions therefor.

8.02 Unit Alterations. One express purpose of this Declaration is to help assure that the Condominium will become and remain an attractive community; to preserve and maintain its natural beauty and ecological system and natural resources; to ensure the most appropriate development and improvement of each Unit; to guard against the erection of poorly designed or proportioned structures; to achieve harmonious use of materials and color schemes; and to encourage and secure the erection of attractive Dwellings and other Improvements on each Unit. To that end, no Dwelling, other Improvements, or Landscaping shall be erected, placed, altered, or planted on any Unit until the Submissions therefor have been approved in writing by the Committee in accordance with this Article VIII.

8.03 Commencement and Completion of Construction. The Unit Owner shall begin the construction of the Dwelling on his or her Unit within two (2) years after the date of the closing of the purchase of such Unit by such Unit Owner. If such construction is not timely begun, Declarant shall have the option, but not the obligation, to repurchase such Unit from such Unit Owner at the same price for which such Unit was sold by Declarant, and on the same material terms and conditions as the contract of sale for the Unit by Declarant, but with Declarant as buyer and such Unit Owner as seller, to be exercised by written notice thereof from Declarant to such Unit Owner given within ninety (90) days after said second anniversary date, and closed within sixty (60) days after the date of such notice of the exercise of the option. All construction, except the driveway, must be completed within one (1) year after the start of such construction. No Dwelling shall be occupied or used until the same is completed. When completed all constructed Improvements and Landscaping shall comply with the Submissions as approved by the Committee unless changes are approved in writing by the Committee.

8.04 Deemed Compliance. After the expiration of one (1) year from the date of its completion, any building or other structure built or erected shall be deemed to comply with the provisions of this Declaration unless written notice shall have been given to the Unit Owner specifying the nature of the violation and demanding its removal or abatement. Invalidation of any one (1) of the restrictions, protections, and covenants herein contained shall in no manner affect any of the other provisions hereof, all of which shall be deemed to remain in full force and effect. No such deemed compliance under this Section 8.04 shall be deemed to limit or impair, in any way, the authority of the City of Lake Geneva to enforce any ordinance, regulation, or condition pertaining to the Improvements on the subject Unit.

8.05. Use and Occupancy Restrictions. The Units and Common Elements shall be occupied and used as follows:

(a) No owner shall, by deed, plat, or otherwise, subdivide or in any other

manner cause his Unit to be separated, divided, or reconfigured into any tract or parcel different from the whole Unit as shown on the Condominium Plat.

(b) No part of the Property shall be used for other than housing and related common purposes for which the Property was designed. Each residence located on a Unit shall be located within a designated Unit area and shall be used and remain as a single-family dwelling, and shall be used for no other purposes. For purposes of the definition of "single-family," the same shall mean, for the terms and conditions of this Declaration, that no more than three (3) people unrelated by blood or marriage shall comprise a "single family," and any more than said three (3) persons unrelated by blood or marriage living in any dwelling situated on any Unit shall be violative of the terms and conditions of this Declaration.

(c) No Unit Owner shall rent or lease a Unit for a time and period shorter than one hundred twenty (120) days.

(d) There shall be no obstruction of the Common Elements, nor shall anything be stored, parked, or placed in the Common Elements, such as bicycles, motor vehicles, motor cycles, or other personal property, without the prior written consent of the Association first having been obtained, except as expressly permitted herein.

(e) Each Unit Owner shall be responsible for maintenance, decoration, and upkeep of his individual Unit.

(f) The Association has the right to establish the speed limit for private roads within the Condominium.

(g) Nothing shall be done or kept in any Unit or on the Common Elements which will increase the rate of insurance applicable for residential use without the prior written consent of the Association. No Unit Owner shall permit anything to be done or kept in his Unit or upon the Common Elements which will result in the cancellation of insurance or which would be in violation of any law. No waste shall be committed in the Common Elements.

(h) Each Unit Owner shall be responsible for his own insurance on his Unit, and decorating, furnishings, and personal property therein, and his personal property stored elsewhere on the Property, and his personal liability to the extent not covered by the fire and liability insurance for all the Unit Owners obtained by the Association as hereinbefore provided.

(i) No animals, rabbits, livestock, fowl, or poultry of any kind shall be raised, bred, or kept in any Unit or in the Common Elements, except that dogs, cats, or other household pets may be kept in Units, subject to rules and regulations adopted by the Association, provided that they are not kept, bred, or maintained for any commercial purpose. Further provided, however, that no Unit Owner may have more than two (2) household pets of any kind permanently reside in his/her Unit. Any pet causing or creating a nuisance or unreasonable disturbance shall be permanently removed from the Property upon five (5) days written notice from the Association. No dogs, cats, or other pets permitted under the terms and conditions of this Declaration shall be allowed off any Unit in the Condominium, unless said dog or pet is on a leash accompanied by a Unit Owner or other person in charge of such pet.

(j) No noxious or offensive activity shall be carried on in any Unit, nor shall

anything be done therein, either willfully or negligently, which may be or become an annoyance or nuisance to the other Unit Owners or any occupants.

(k) Nothing shall be done in any Unit or in, on, or to the Common Elements which will impair the structural integrity of any utility installations.

(l) No clothes lines shall be maintained on the Units, and no clothes, sheets, blankets, or laundry of any kind or other articles shall be hung out or exposed on any part of the Common Elements or the Units. The Common Elements and Units shall be kept free and clear of rubbish, debris, and other unsightly materials.

(m) No industry, business, trade occupation, or profession of any kind, commercial, religious, educational, or otherwise, designated for profit, altruism, exploration, or otherwise, shall be conducted, maintained, or permitted in any Unit.

(n) Quiet hours in the Condominium shall be maintained from the hours of 11:00 p.m. to 7:00 a.m., and any noise or disturbance may be abated by Declarant or the Association.

(o) None of Summerhaven Drive or Murray Drive, and no Unit shall be used for storage or long-term parking of any recreational vehicle, including, without limitation, boats, campers, trailers, and motor homes or any other items for a period in excess of 24 hours, unless such vehicle or item is completely located within the garage on the Unit. No truck, except a van, mini-van, or pickup truck for personal use of a Unit Owner, shall be parked on Summerhaven Drive or Murray Drive, or on a Unit outside of the garage other than for the delivery of materials, except during construction or remodeling periods. No vehicles shall be parked on any yard at any time.

(p) No Unit Owner shall block, obstruct or change the Storm Water Management System. Furthermore, the storm water detention areas shall remain unobstructed and undisturbed by Unit Owners.

(q) External lighting shall be permitted outside of the Units, but said lighting shall not be in excess of the lighting provided by a single one hundred (100) watt light bulb in the front and rear of each Unit and not within the side yards of any such Unit.

(r) There shall be no cutting, severance, or destruction of permanent trees within the Units or the Common Elements, except within the designated Unit Areas for construction of a residence, without the prior written consent of Declarant or the Association.

(s) No time-sharing or integral ownership shall be allowed as a mode of ownership or use of the Units in the Condominium. In addition, if a Unit is owned by a corporation or partnership, the restrictions contained in subsection 2, above, shall apply, and no more than three (3) unrelated persons may occupy any dwelling unit on any Unit at any time.

(t) No signs of any kind shall be displayed to the public view on any Unit, except one (1) professional sign of not more than one (1) square foot in area or a sign of not more than five (5) square feet in area advertising the property for sale or rent or signs used by a building contractor. Declarant may utilize signs, banners, or other marketing tools of a size and quantity in conformance within the City of Lake Geneva zoning ordinance to advertise during the construction and sales period. Declarant reserves the

right to erect signs, gates or other entryway features (and surrounding landscaping) at the entrances to the Condominium.

(u) No firewood or wood pile shall be kept outside a Dwelling or accessory structure.

(v) No structure of a temporary character, mobile home, trailer, tent, garage, or other accessory building shall be used at any time as a Dwelling.

(w) Vegetable gardens shall be located only in the rear yard of a Unit, and shall be limited in size to not more than twenty percent (20%) of the area of such rear yard.

8.06 Driveways. All driveways shall connect directly to Summerhaven Drive or Murray Drive, as the case may be. Each driveway shall be paved with a hard surface material within one (1) year after the substantial completion of the construction of the Dwelling it serves. Driveways may be surfaced with permeable pavements (including brick) that generate less storm water runoff than asphalt or concrete driveways. In its discretion, the Committee may authorize construction of a driveway by use of any other ecologically sound hard pack surface materials which are consistent with the terms, conditions, and provisions of this Declaration.

8.07 Pools, Therapy Pools, Spas. There shall be no swimming pools on a Unit. Any therapy pools and spas (including hot tubs) shall address the relationship between indoor and outdoor features, setbacks, wind, sun, and the Unit's terrain. No swimming pools shall be allowed. Hot tubs and the like no larger than one hundred (100) square feet are allowed and may be above ground.

8.08 Utilities. All electric distribution lines, all telephone lines from which Units are individually served, and all community antenna television cables installed within the Condominium shall be underground, except that associated equipment and facilities which are equipment to underground electric and communication systems, such as, but not limited to, substations, pad-mounted transformers, switches, and above-ground pedestal-mounted terminal boxes, may be located above ground level.

8.09 Miscellaneous Structures. Children's outdoor playground equipment and play structures shall be allowed on a Unit, provided that any part of such equipment or structure that is an enclosure must be approved in writing by the Committee prior to installation. These structures may be subject to City of Lake Geneva zoning restrictions. Dog kennels are prohibited.

8.10 Mail Boxes. The Committee shall control the selection and construction of all mailboxes for residences within the Condominium. Community standard mailboxes are the only style that is approved for use in the Condominium, and the purchase, installation, and maintenance thereof shall be the sole responsibility of the Unit Owner. The mailbox location shall be as directed by the local postmaster. Contact the Committee for proper height, post style, and sizes of mail boxes to be used.

8.11 Walls, Fences, and Hedges. The use of fences is discouraged. Any use of walls, fences, or hedges shall be compatible with the surrounding environment and the conservation theme of the Summerhaven Condominium, shall not block natural views, and shall serve only landscaping, security, or privacy purposes. Fences, walls, or hedges shall not be used to define Unit perimeter boundaries. If the Unit Owner desires some

screening of the residence, natural bushes or shrubs shall be used. All walls, fences, and hedges must be approved by the Committee prior to their installation. Chain link fencing shall not be permitted on any Unit. Maximum height for walls and fences is six (6) feet, excepting any front or street yard where fences may not exceed thirty (30) inches in height, subject to City of Lake Geneva zoning standards. Retaining walls which attach to the residence shall utilize the same materials that the wall comes in contact with.

8.12 Antennas. No mast-type antenna may be mounted or installed on any roof. One (1) satellite dish of thirty (30) inches in diameter or smaller shall be allowed on a Unit, and shall be placed to the extent feasible in a location that is not visible from Summerhaven Drive or Murray Drive on which the Unit fronts, as the case may be, while still permitting reception of an acceptable quality signal.

8.13 Air Conditioning Equipment. No window air conditioning equipment shall be installed. All central air conditioning equipment shall be shielded, to minimize noise for adjacent Unit Owners. There shall be no installation of air conditioning equipment on the roof of a Dwelling without the prior approval of the Committee.

8.14 Fuel Tanks. No exposed tank for the storage of fuel or any other purpose shall be maintained.

8.15 Landscaping and Landscape Plans. To insure that the overall beauty of the Summerhaven Condominium is preserved and enhanced, the Committee shall require, and approve or disapprove, landscape plans for individual Units.

(a) The Summerhaven Condominium has been designed utilizing the natural elements as much as possible. It is the intent of the Committee to maintain this landscape integrity. The determining factor of good landscape design shall always be the architecture and location of the residence. The Committee will take into account the various relationships between the home, the site, and adjacent homes, views, prevailing breeze, and other amenities in making decisions regarding specific landscape plans.

(b) The Committee may recommend the use of plant material that will create a manicured, garden-like atmosphere.

(c) Fundamental to the design criteria is the need for gardens and lawns to harmonize with the natural beauty of the community. Unit Owners will be encouraged by the Committee to landscape their home sites with plant material which is indigenous to the existing area.

8.17 Drainage Plans. Declarant, the City of Lake Geneva, or its respective agents, employees, or independent contractors, shall have the right to enter upon any Unit, at any time, for purposes of inspection, maintenance, and correction of any drainage condition, at the expense of the Unit Owner. Each Unit Owner, at the time of Building construction, shall be responsible for grading his or her Unit so as to direct drainage toward the private streets and to prevent an increase in drainage onto neighboring Units or property, and in accordance with the approved stormwater drainage plans for the Condominium. Each Unit Owner shall consult with the adjacent Unit Owners to determine the best manner in which to grade their common Unit boundary lines. Declarant, the Committee, and the City of Lake Geneva, shall have no responsibility for establishing Unit boundary line grades due to varying terrain and drainage conditions on each Unit following home construction. The services of a professional engineer may be required to design a proper grading plan for any Unit, the cost of which shall be paid by

the Unit Owner.

8.18 Erosion Control. Each Unit Owner, from the time construction on his or her Unit has commenced, shall be responsible for installing and maintaining erosion control measures until such time as a lawn or other plantings sufficient to prevent erosion has been established on the Unit. These measures include, without limitation: installation of silt fence, hay or straw bales and ditch checks; construction of an anti-tracking stone pad; street cleaning following precipitation events or in the event of tracking of mud on streets by any vehicle leaving the Unit; and sodding or seeding and mulching lawn areas. Steep slopes may require installation of straw mat, jute mat or other materials designed to stabilize steep and highly erodible areas. Any areas where erosion control measures have been compromised by weather, construction or any other event shall be repaired within seven days of damage. Erosion control measures must be inspected and any necessary maintenance or repairs made after every rainfall exceeding ½-inch, and at least once per week. Failure to comply with these requirements may result in sanctions against the Unit Owner by the City of Lake Geneva, the Wisconsin Department of Commerce, and/or the Wisconsin Department of Natural Resources. All erosion control measures must be installed and maintained according to the Declaration and the standards and specifications set forth in Wisconsin Construction Site Best Management Practices Handbook and/or local ordinances.

8.19 Restoration. If a Unit Owner or his or her contractors disturb neighboring Units or other Condominium property during construction or grading, all disturbed areas shall be immediately restored by the Unit Owner to their original grade with vegetation of like kind. If any material is deposited onto a street or neighboring Unit or other Condominium property, the Unit Owner of the Unit from which the material came shall be responsible for removing such material and restoring the street, Unit or other Condominium property to its original condition.

8.20 Contractors and Service Personnel. Unit Owners will (or will cause their respective contractors to) adhere to the General Rules for all Summerhaven Contractors and Service Personnel attached hereto as Exhibit E.

8.20 Negligence of an Owner. If due to the negligent act or omission of a Unit Owner, or member of such Unit Owner's family, or household pet, or of a guest or other authorized occupant or visitor of such Unit Owner, damage shall be caused to the Common Elements or to a Unit or Units owned by others, or maintenance, repairs or replacements shall be required which would otherwise be at the common expense, then such Unit Owner shall pay for such damage and such maintenance, repairs and replacements as may be determined by the Board or the Committee (if applicable).

8.21 Sales Office. Declarant reserves the right to install, construct and maintain model units, sales offices (which may be temporary structures such as trailers) on any of the Units owned by Declarant and within any of the Common Elements of the Property.

8.22 Declarant's Right to make Changes. Declarant hereby reserves the right to change the number of Units within the Condominium Plat, to change the location of the Building Areas shown on the Condominium Plat, and the configuration of the Common Elements; provided however, in no event shall there be any change to Units that prior to the date of such change, have been sold by Declarant (or any successor Declarant). Further, in the event of any of the foregoing changes that are materially different than the Units, Building Areas or Common Elements shown on the Condominium Plat, Declarant will file

an amendment to the Condominium Plat showing the actual location of the Units, Building Areas and Common Elements so changed.

8.23 Construction and Conveyance of Pool and Clubhouse. Declarant shall construct on the Property, or on other Property owned by Declarant certain common facilities for the common use and benefit of the Unit Owners, their tenants and invitees, subject to reasonable Rules and Regulations of the Association, which will include a small swimming pool and a one story building adjacent thereto, consisting of approximately 1000square feet, containing separate women's and men's bathrooms and a meeting room (collectively, "Pool Facilities"). Upon the completion of construction of the Pool Facilities, the Declarant will convey the Pool Facilities to the Association. Upon conveyance of the Pool Facilities to the Association, the maintenance, repair and replacement of the Pool Facilities shall be the responsibility of the Association."

21. **Reconstructions or Repair in the event of Damage or Destruction, Approval of Plans and Specifications – Section 10.02.** Section 10.02 is deleted in its entirety and replaced with the following:

10.02. Plans and Specifications. Any reconstruction or repair shall, as far as practicable, be made in accordance with the maps, plans and specifications used in the original construction of the damaged Common Elements, unless the Committee approves and authorizes a variance from the original construction of the Common Elements. If such a variance is so approved and authorized, and if such variance would constitute a material deviation in the location, dimensions or nature of the Common Elements as shown on the Condominium Plat, then an amendment to this Declaration or the Condominium Plat setting forth any such variance, as the case may require, shall be recorded by the Association."

22. **Damage or Destruction of Unit – Section 10.07.** The following is added to Section 10.07, as the last sentence thereof: "Notwithstanding anything contained herein to the contrary, in any event, plans and specifications for repair, replacement, reconstruction or rebuilding of any Improvements or Landscaping located within a Unit shall be subject to the prior approval of the Committee, in accordance with Article VIII above".

23. **Condemnation, Plans and Specifications – Section 11.03.** Section 11.03 of the Declaration is deleted in its entirety and replaced with the following:

"11.03. Plans and Specifications for Common Elements. Any reconstruction shall, as far as practicable, be made in accordance with the maps, plans and specifications used in the original construction of the damaged Common Elements, unless the Committee approves and authorizes a variance from the original construction of the Common Elements. If such a variance is so approved and authorized, and if such variance would constitute a material deviation in the location, dimensions or nature of the Common Elements as shown on the Condominium Plat, then an amendment to this Declaration or the Condominium Plat setting forth any such variance, as the case may require, shall be recorded by the Association."

24. **Section 15.04 Notices:** Notices to the Successor Declarant, as Declarant, shall not be sent to the resident agent specified in Section 15.06, but rather, shall be sent to:

25. **Section 15.07.Resident Agent:** The name and address of the resident agent under Section 703.23 of the Wisconsin Statutes is hereby changed to _____, having an address of _____.

26. **Counterparts.** This Third Amendment and all of the consent pages attached hereto may be executed in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

27. **Ratification of Declaration.** The parties acknowledge and agree that except as expressly modified by this Third Amendment, the Original Declaration, First Amendment and Second Amendment remain in full force and effect and are hereby ratified in all respects.

[SIGNATURES APPEAR ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the undersigned have executed this Third Amendment as of the day and date first above written.

Association:

**SUMMERHAVENCONDOMINIUM OWNERS
ASSOCIATION, INC.**

By: _____

Name: _____

Its: President

Successor Declarant:

MCMURR II, LLC,
an Illinois limited liability company

By: _____

Name: Murray Peretz

Title: Manager

CONSENT OF THE UNIT OWNERS
(WHO TOGETHER HOLD AT LEAST TWO-THIRDS (2/3) INTEREST)

The undersigned Unit Owners do hereby consent to the foregoing Third Amendment, and all of the terms and conditions contained therein, and agree that their interest in the Condominium Property (as defined therein), and in the Common Elements, shall be subject to the terms and conditions thereof.

Unit Owner of Unit ____: SUBSCRIBED and SWORN to before me this
_____ day of _____, 2014.

Name: _____

Notary Public

Unit Owner of Unit ____: SUBSCRIBED and SWORN to before me this
_____ day of _____, 2014.

Name: _____

Notary Public

Unit Owner of Unit ____: SUBSCRIBED and SWORN to before me this
_____ day of _____, 2014.

Name: _____

Notary Public

Unit Owner of Unit ____: SUBSCRIBED and SWORN to before me this
_____ day of _____, 2014.

Name: _____

Notary Public

Unit Owner of Unit ____: SUBSCRIBED and SWORN to before me this
_____ day of _____, 2014.

Name: _____

Notary Public

Unit Owner of Unit ____: SUBSCRIBED and SWORN to before me this
_____ day of _____, 2014.

Name: _____

Notary Public

Unit Owner of Unit ____:

Name: _____

SUBSCRIBED and SWORN to before me this
_____ day of _____, 2014.

Notary Public

Unit Owner of Unit ____:

Name: _____

SUBSCRIBED and SWORN to before me this
_____ day of _____, 2014.

Notary Public

Unit Owner of Unit ____:

Name: _____

SUBSCRIBED and SWORN to before me this
_____ day of _____, 2014.

Notary Public

Unit Owner of Unit ____:

Name: _____

SUBSCRIBED and SWORN to before me this
_____ day of _____, 2014.

Notary Public

CONSENT OF THE MORTGAGEES
(OF THE OWNERS WHO TOGETHER HOLD AT LEAST TWO-THIRDS (2/3) INTEREST)

The undersigned mortgagee(s) do hereby consent to the foregoing Third Amendment, and all of the terms and conditions contained therein, and agree that their interest in the Condominium Property (as defined therein), and in the Common Elements, shall be subject to the terms and conditions thereof.

Mortgagee of Unit ____: SUBSCRIBED and SWORN to before me this
_____ day of _____, 2014.

Name: _____

Notary Public

Mortgagee of Unit ____: SUBSCRIBED and SWORN to before me this
_____ day of _____, 2014.

Name: _____

Notary Public

Mortgagee of Unit ____: SUBSCRIBED and SWORN to before me this
_____ day of _____, 2014.

Name: _____

Notary Public

Mortgagee of Unit ____: SUBSCRIBED and SWORN to before me this
_____ day of _____, 2014.

Name: _____

Notary Public

Mortgagee of Unit ____: SUBSCRIBED and SWORN to before me this
_____ day of _____, 2014.

Name: _____

Notary Public

Mortgagee of Unit ____: SUBSCRIBED and SWORN to before me this
_____ day of _____, 2014.

Name: _____

Notary Public

Mortgagee of Unit ____:

Name: _____

SUBSCRIBED and SWORN to before me this
_____ day of _____, 2014.

Notary Public

Mortgagee of Unit ____:

Name: _____

SUBSCRIBED and SWORN to before me this
_____ day of _____, 2014.

Notary Public

Mortgagee of Unit ____:

Name: _____

SUBSCRIBED and SWORN to before me this
_____ day of _____, 2014.

Notary Public

Mortgagee of Unit ____:

Name: _____

SUBSCRIBED and SWORN to before me this
_____ day of _____, 2014.

Notary Public

EXHIBIT "A"

LEGAL DESCRIPTION OF CONDOMINIUM PROPERTY

EXHIBIT "B"

SUMMERHAVE CONDOMINIUM PLAT ADDENDUM NO.2

EXHIBIT C
EXPANSION PROPERTY

EXHIBIT D
PERCENTAGE INTERESTS

EXHIBIT E

GENERAL RULES FOR ALL SUMMERHAVEN CONTRACTORS AND SERVICE PERSONNEL

1. Construction activity shall be performed during the hours of 6:30 a.m. through 6:00 p.m., Monday through Saturday only, excluding holidays.
2. Contractors shall keep their job sites as neat and clean as possible. Trash and discarded materials shall be contained in roll-off containers until removed. There shall be no stockpiling or dumping on adjacent Units or on streets. Trash not removed may be removed by Declarant and billed to the responsible contractor or subcontractor.
3. Contractors shall use only the utilities provided on the immediate Unit on which they are working.
4. Any damage to streets, the Storm Water Management System of the Condominium, street lights, street markers, post lamps, mailboxes, walls, and other property shall be repaired by the responsible Unit Owner, and such costs billed to the responsible contractor or Unit Owner or taken from any damage deposit.
5. Contractors shall adhere to any speed limits established by the Association or the municipality for construction vehicles, including light trucks and autos.
6. There shall be no washing of any truck on the streets. Any concrete delivery truck washed out must be on the construction site.
7. Operators of vehicles shall not spill any damaging materials while within Summerhaven. If spillage of a load occurs, operators are responsible for cleaning up. Clean-ups done by contractors retained by Declarant shall be billed to the responsible party. Please report any spills as soon as possible.
8. If any telephone, cable television (if any), natural gas, electrical, water, septic, or other utility lines are cut, it is the contractor's responsibility to report the accident to the utility company and affected Unit Owners within thirty (30) minutes.
9. All personnel working in Summerhaven are to keep all areas in which they work or travel free of discarded materials such as lunch bags and odd materials. Objects shall not be thrown out of cars and trucks. Stockpiling of any materials on adjacent Units is not allowed.
10. Loud radios or noise shall not be allowed within Summerhaven. This is distracting and discomforting to Unit Owners. Normal radio levels are acceptable. Do not mount speakers on vehicles or outside of homes under construction. Remember that sound travels a long way on a windy day.
11. No vehicles (trucks, vans, cars, etc.) may be left in the subdivision overnight. Construction equipment may be left on the Unit while needed, but shall not be kept on the street.
12. Contractor personnel shall not bring pets into Summerhaven.
13. Job site signs may not exceed ten (10) square feet in size.
14. The housing project must be completed within one year from the start of construction, including basic landscaping. "Basic landscaping" is defined as seeding or sodding of all areas disturbed by construction of improvements. All driveways shall be paved within one year from the start of construction.



STOP-N-GO OF MADISON, INC. * ROCKFORD STOP-N-GO, INC.
2934 Fish Hatchery Road, Madison, WI 53713-3175
Phone: (608) 271-4433 * Fax: (608) 271-1222
www.stop-n-go.com

March 6, 2014

Dear Sir/Madam:

We are applying for a conditional use permit to change the existing manual price sign to an LED price sign. This change will enhance the area around it by creating a modern look and feel that many residents are accustomed to seeing in Lake Geneva.

In addition we will also be installing 3 to 4 spirea bushes, with edging and landscaping stone, at the base of the sign. This improvement will beautify the area by bringing in more greenery, which will add more color to the landscape.

Sincerely,

A handwritten signature in cursive script, appearing to read "Andrew J. Bowman".

Andrew J. Bowman

President

Stop-N-Go of Madison, Inc.

OUR MISSION
100% CUSTOMER SATISFACTION...EVERY STORE...EVERY TIME

APPLICATION FOR CONDITIONAL USE

City of Lake Geneva

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

Stop-N-Go #265, 896 Wells St, Lake Geneva, WI 53147

Tax Key: ZBL 00008

NAME AND ADDRESS OF CURRENT OWNER:

Stop-N-Go of Madison, Inc.

2934 Fish Hatchery Rd, Madison, WI 53713

TELEPHONE NUMBER OF CURRENT OWNER: 608-271-4433

NAME AND ADDRESS OF APPLICANT:

Stop-N-Go of Madison, Inc.

2934 Fish Hatchery Rd, Madison, WI 53713

TELEPHONE NUMBER OF APPLICANT: 608-271-4433

PROPOSED CONDITIONAL USE:

Refresh the existing pole sign by planting spirea bushes at the base and by installing an electronic message board to display gas prices.

ZONING DISTRICT IN WHICH LAND IS LOCATED: PB

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

Signs: ColorTech of Wisconsin, 1011 Ashwaubenon St, Green Bay, WI 54304

Landscaping: Ballweg Landscaping, 231 Chateau Dr, Cottage Grove, WI 53527

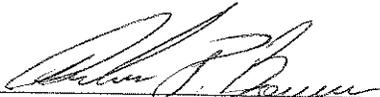
SHORT STATEMENT DESCRIBING ACTIVITIES TO BE CARRIED ON AT SITE:

Plant spirea bushes at the base of the pole sign and install an electronic message board to display LED gas prices.

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

3/6/14

DATE



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:

Andrew J. Bowman

, as applicant/petitioner for:

Name:

Stop-N-Go of Madison, Inc.

Address:

2934 Fish Hatchery Rd

Madison, WI 53713

Phone:

608-271-4433

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 6th day of March, 2014.

Andrew J. Bowman

Printed name of Applicant/Petitioner

Andrew J. Bowman

Signature of Applicant/Petitioner

**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;
- _____ (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 enhancement of the price sign to LED makes for a crisper image. The addition of landscaping at the base of the sign beautifies it and keeps with the consistency of the city image.

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 changes will beautify the pole sign to keep the consistency of the city image.

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?

Remains the same.

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. The proposed conditional use will not add any undue stress to the police and fire departments.

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.

IV.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: _____

____ 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: _____

Existing Price Sign



ColorTech

Signs & Graphics



10000 S. 10th Ave.

Commerce, MO 64601

Phone: (660) 335-1111

Fax: (660) 335-1111

Website: www.colortech.com

REVISIONS

1. Initial design and construction of the sign system. The sign system was designed and constructed in accordance with the requirements of the American Society of Mechanical Engineers (ASME) and the International Brotherhood of Teamsters (IBT). The sign system was installed in accordance with the requirements of the American Society of Mechanical Engineers (ASME) and the International Brotherhood of Teamsters (IBT). The sign system was installed in accordance with the requirements of the American Society of Mechanical Engineers (ASME) and the International Brotherhood of Teamsters (IBT).





ALEXANDRA A CLAPMAN
903 S WELLS ST
LAKE GENEVA, WI 53147

E & L SCHWINN TRUST
W2766 HOSPITAL RD
ELKHORN, WI 53121

SPIEGELHOFF BROTHERS LLC
W3786 LOCUST DR
LAKE GENEVA, WI

DAVID HEIDENREICH
PATRICIA L HEIDENREICH
794 S WELLS ST
LAKE GENEVA, WI 53147

MICHAEL NIELSEN
VICTORIA NIELSEN
836 WELLS ST
LAKE GENEVA, WI 53147

RITA M POPELKA
1075 LAKE GENEVA BLVD
LAKE GENEVA, WI 53147

CUMMINGS LIMITED PARTNERSHIP
1315 S 41ST ST
MANITOWOC, WI 54220-7700

BERDINA HANSEN TRUST
MARTIN HANSEN JR TRUST
1021 WISCONSIN ST
LAKE GENEVA, WI 53147

BERDINA HANSEN TRUST
MARTIN HANSEN JR TRUST
1021 WISCONSIN ST
LAKE GENEVA, WI 53147

MARK A HANSEN
TRUDY L HANSEN
916 MOBILE ST
LAKE GENEVA, WI 53147

BEATRICE DALE
BOX 362
LAKE GENEVA, WI 53147

ERIC J KLUG
MARC J KLUG
945 LAKE GENEVA BLVD
LAKE GENEVA, WI 53147

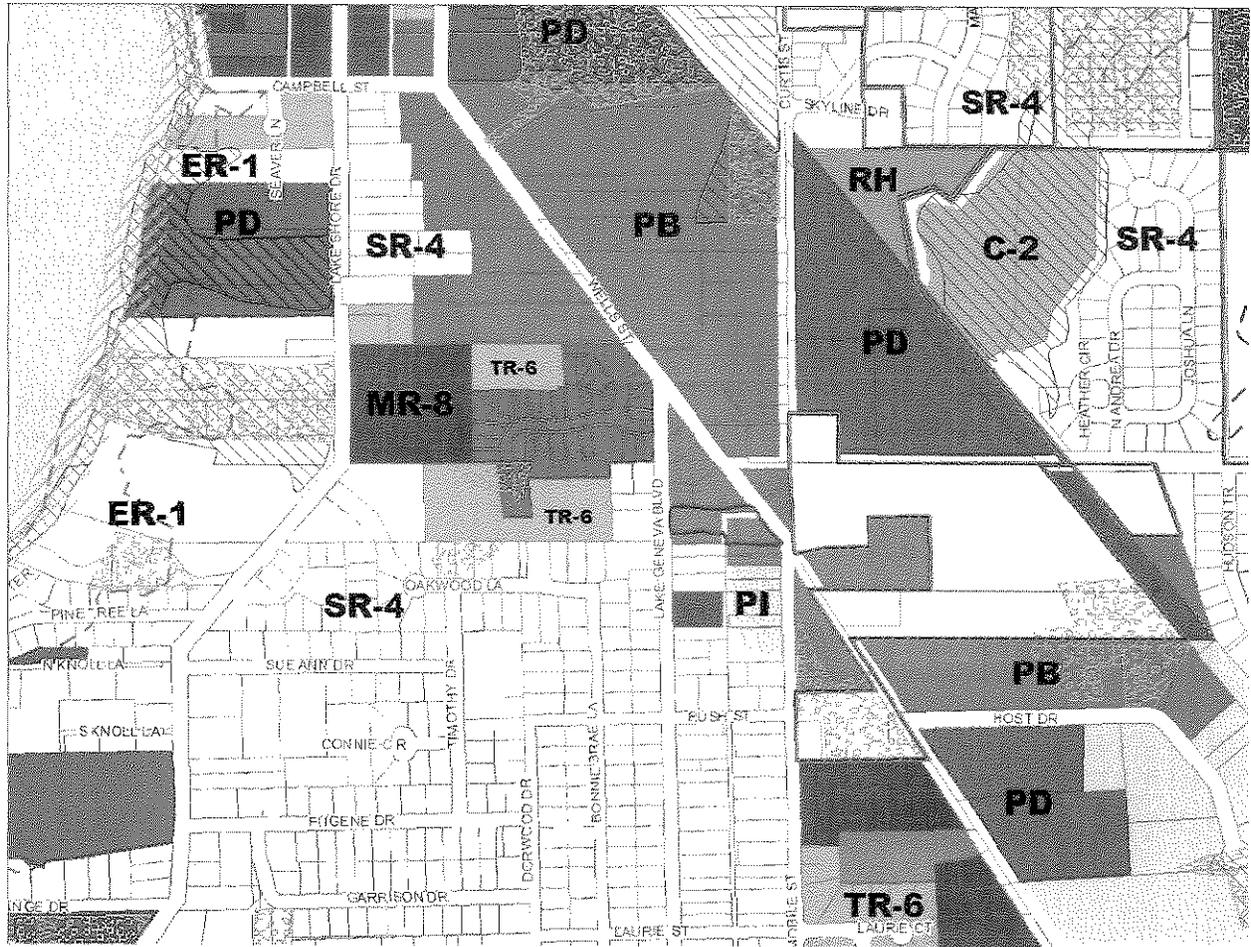
JEAN-PAUL MEYER
2319 S. HIDDEN TRAIL BLVD
SPRING GROVE, IL 60081

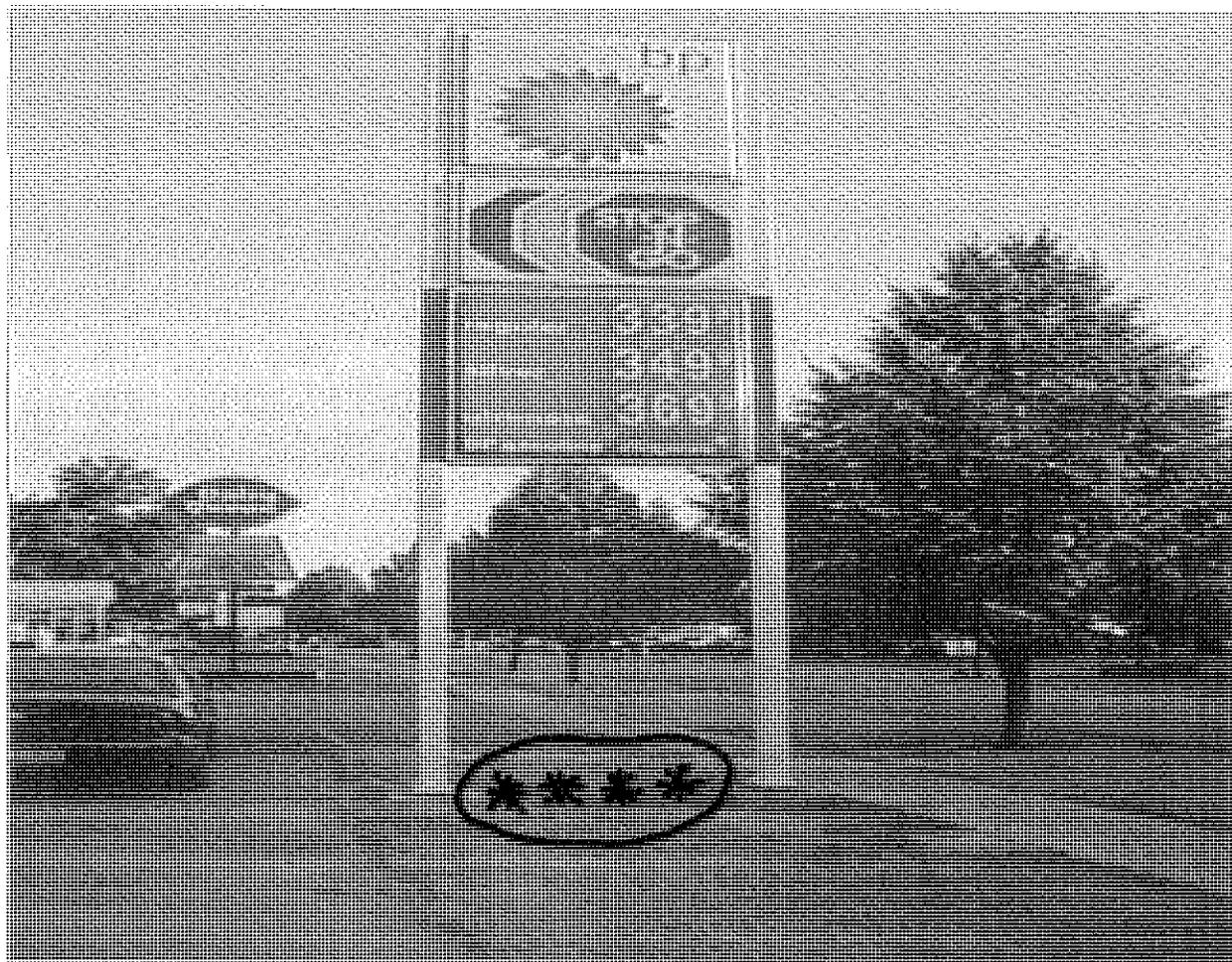
CHRISTOPHER J WINTERS
HEATHER N WINTERS
909 LAKE GENEVA BLVD
LAKE GENEVA, WI 53147

CHRISTOPHER J KLOCKAU
KAREN A KLOCKAU
4310 83RD AVE CT
MILAN, IL 61264

GAIL R LOCKE TRUST
5628 N KOLMAR AVE
CHICAGO, IL 60646

ALEXANDRA A CLAPMAN
903 S WELLS ST
LAKE GENEVA, WI 53147





Spirea Bush



APPLICATION FOR CONDITIONAL USE

City of Lake Geneva

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

848 w. main Street, Lake Geneva, WI 53147

See Attached Warranty Deed

NAME AND ADDRESS OF CURRENT OWNER:

Mike Kocourek, 880 S. Lake Shore Drive, Lake Geneva, WI 53147

TELEPHONE NUMBER OF CURRENT OWNER: (847) 215-3455

NAME AND ADDRESS OF APPLICANT:

Phillip Bona, 11749 East Beach Drive, Lake Geneva, WI 53147

TELEPHONE NUMBER OF APPLICANT: (708) 921-5041

PROPOSED CONDITIONAL USE:

Commercial Indoor Entertainment - Unique Counter Service Italian Dining with
a made to order flare

ZONING DISTRICT IN WHICH LAND IS LOCATED: Central Business

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

Ajanian Construction, P.O. Box 1221, Lake Geneva, WI 53147 (262) 248-9421

SHORT STATEMENT DESCRIBING ACTIVITIES TO BE CARRIED ON AT SITE:

Counter Service Italian Dining with Beer and Wine offerings

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

DATE

3-18-2014

SIGNATURE OF APPLICANT



**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?

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 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: _____
- ____ 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: _____

**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

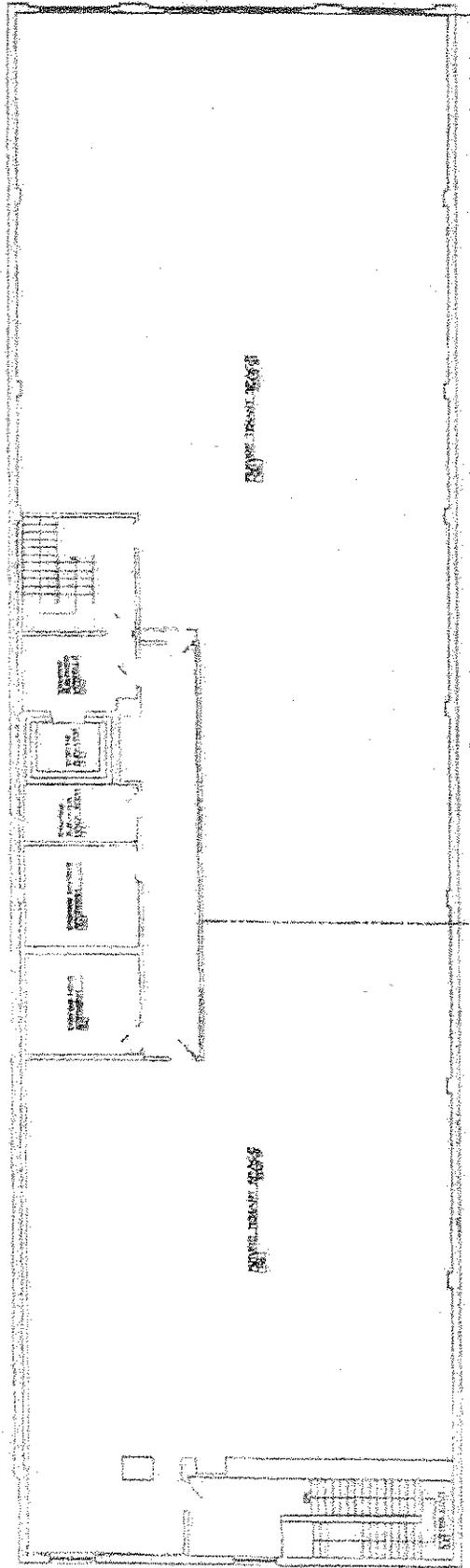
_____ Receipt of 5 full scale copies in blue/line or black/line
of complete Final Application Packet by Zoning Administrator: _____ Date: _____ by: _____

_____ 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: _____

III. JUSTIFICATION OF THE PROPOSED CONDITIONAL USE

1. The proposed conditional use will utilize a vacant location on Main Street. It will provide a unique dining option not available in the area. Bona's Italian Kitchen will offer fresh made to order pastas, sandwiches, flatbreads, desserts, and beverages including beer and wine. The hours of operation will be from 10:30 am to 10:00 pm seven days a week. The City of Lake Geneva Comprehensive Plan includes improvements in the central business district. Consistent with the plan, utilizing this vacant spot with a new Italian dining experience will be in harmony with the goals of the City of Lake Geneva to improve the central business district and to promote tourism.
2. The proposed conditional use is located in the Central Business District. Bona's Italian Kitchen will offer fresh counter service food from local vendors in many cases. To the extent possible, it will offer beer and wine from local vendors, vegetables from local farms. It will revitalize a vacant spot on Main Street, which will stimulate the Economic Development, which is a goal of the Lake Geneva Comprehensive Plan.
3. The proposed conditional use will enhance the surrounding businesses by offering the Lake Geneva's residents and tourists an alternative dining option. In keeping with the character of the area, it is anticipated most of the customers will be from pedestrian based traffic. As a result, traffic patterns, parking and right of way will not be affected by this conditional use. I have worked closely with the Lake Geneva Fire Department and Building Department to ensure the safety, health and general welfare of the public, which will not be adversely affected.
4. The proposed conditional use is a restaurant, which is consistent with the comprehensive mater plan and Zoning Ordinances. To continue to enhance the Central Business District, this conditional use will fill a vacancy & give the Lake Geneva residents and tourists a dining option, not currently available in the area.
5. The proposed conditional use will not present any undue burden on any agency or utility. The capacity of all the agencies and utilities, in question, is far greater than any use required by this proposed conditional use.

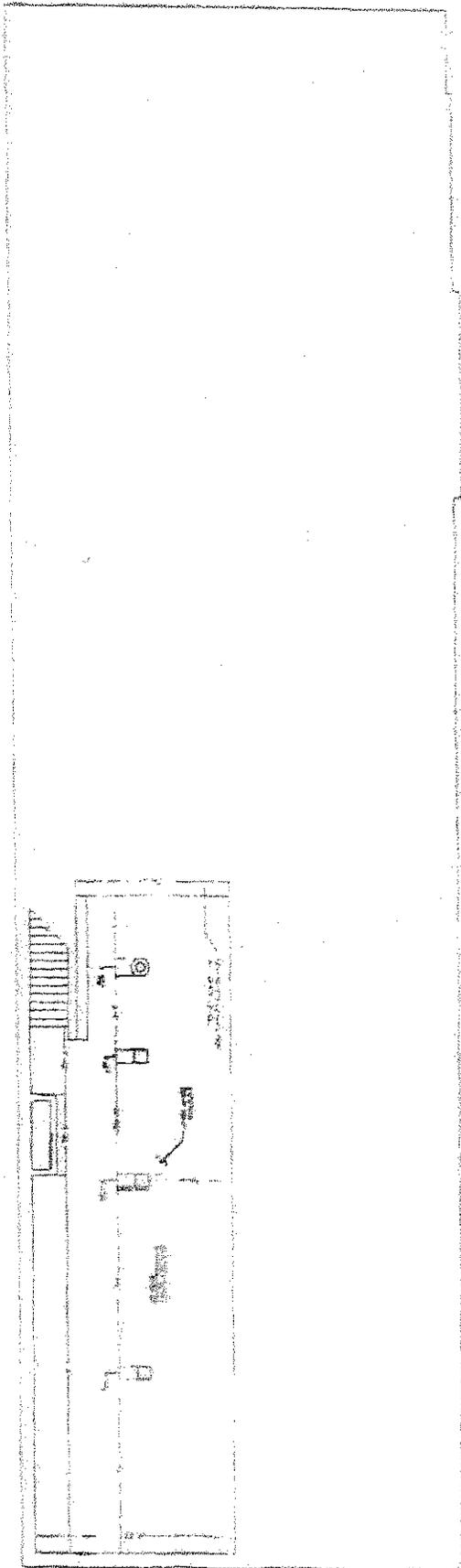
6. The proposed conditional use will not have a negative impact on the surrounding area. It will enhance the Central Business district by utilizing a vacant commercial location and turning it into a profitable business.



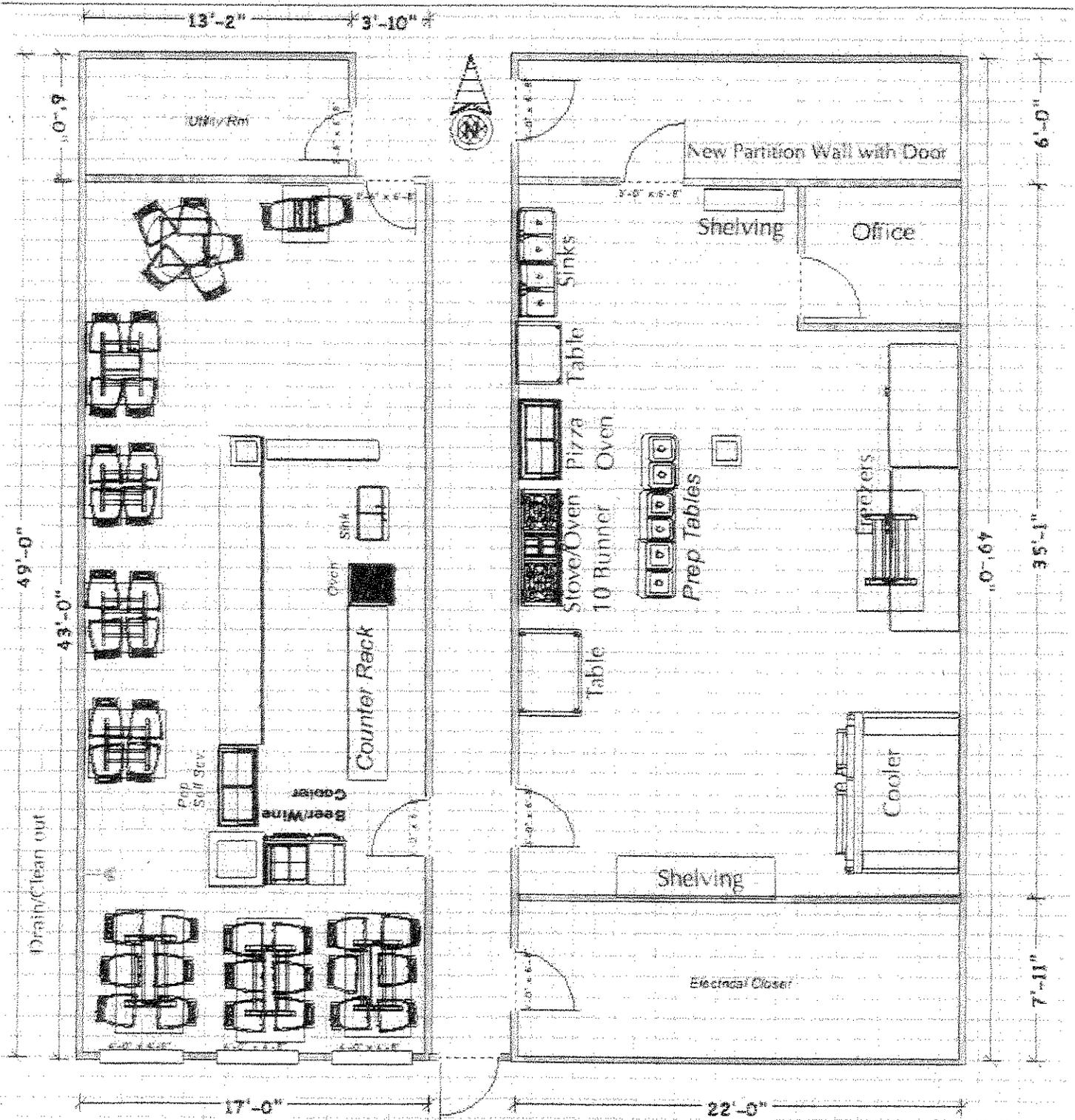
2500 MAIN STREET SECOND FLOOR PLAN

BY SCALE: NTS

249 MAIN STREET DASHBERT PLAN
SCALE 1/8" = 1'-0"



SITE PLAN



State Bar of Wisconsin Form 6 - 2003
SPECIAL WARRANTY DEED

Instrument Number

Document Name

THIS DEED, made between Community Bank CBD

and Recoverek Property Holding LLC

"Grantor," whether one or more,
 Grantor for a valuable consideration, conveys to Grantee the following
 described real estate, together with the rents, profits, fixtures and other
 important interests, in Walworth County, State of
 Wisconsin ("Property") (if more space is needed, please attach addendum).

The East 50 feet of Lot Four (4), all in Block
 Thirty-one (31) of the Original Plat of the City of
 Lake Geneva, Walworth County, Wisconsin.

Recording Area

Name and Return Address:

Richard Torhorst, Esq.
 Torhorst Law Office
 500 Commercial Court
 P. O. Box 1300
 Lake Geneva, WI 53147

IOP 00335

Parcel Identification Number (PIN)

This is not homestead property
 (S) (S 801)

Grantor warrants that the title to the Property is good, indefeasible, in fee simple and free and clear of encumbrances arising by,
 through, or under Grantor, except: any liens or encumbrances created by the act or default of Grantee, municipal and zoning
 ordinances and agreements entered under them, recorded easements for the distribution of utility and municipal services, recorded
 building and use restrictions and covenants, general taxes levied in the year of closing and subsequent years. *SEE ATTACHED*
ADDENDUM A-1

Dated January 16, 2014

(SEAL)

COMMUNITY BANK CBD

Michael J. Murphy, President

(SEAL)

(SEAL)

(SEAL)

AUTHENTICATION

ACKNOWLEDGMENT

Notary Public

authenticated on _____

STATE OF WISCONSIN

Walworth COUNTY

Personally came before me on January 16, 2014
 the above-named Michael J. Murphy

to me known to be the person who executed the
 foregoing instrument and acknowledged the same.

Michael J. Murphy
 MEMBER, STATE BAR OF WISCONSIN

Notary Public, State of Wisconsin
 My Commission Expires: 6/17/17

TITLE MEMBER, STATE BAR OF WISCONSIN

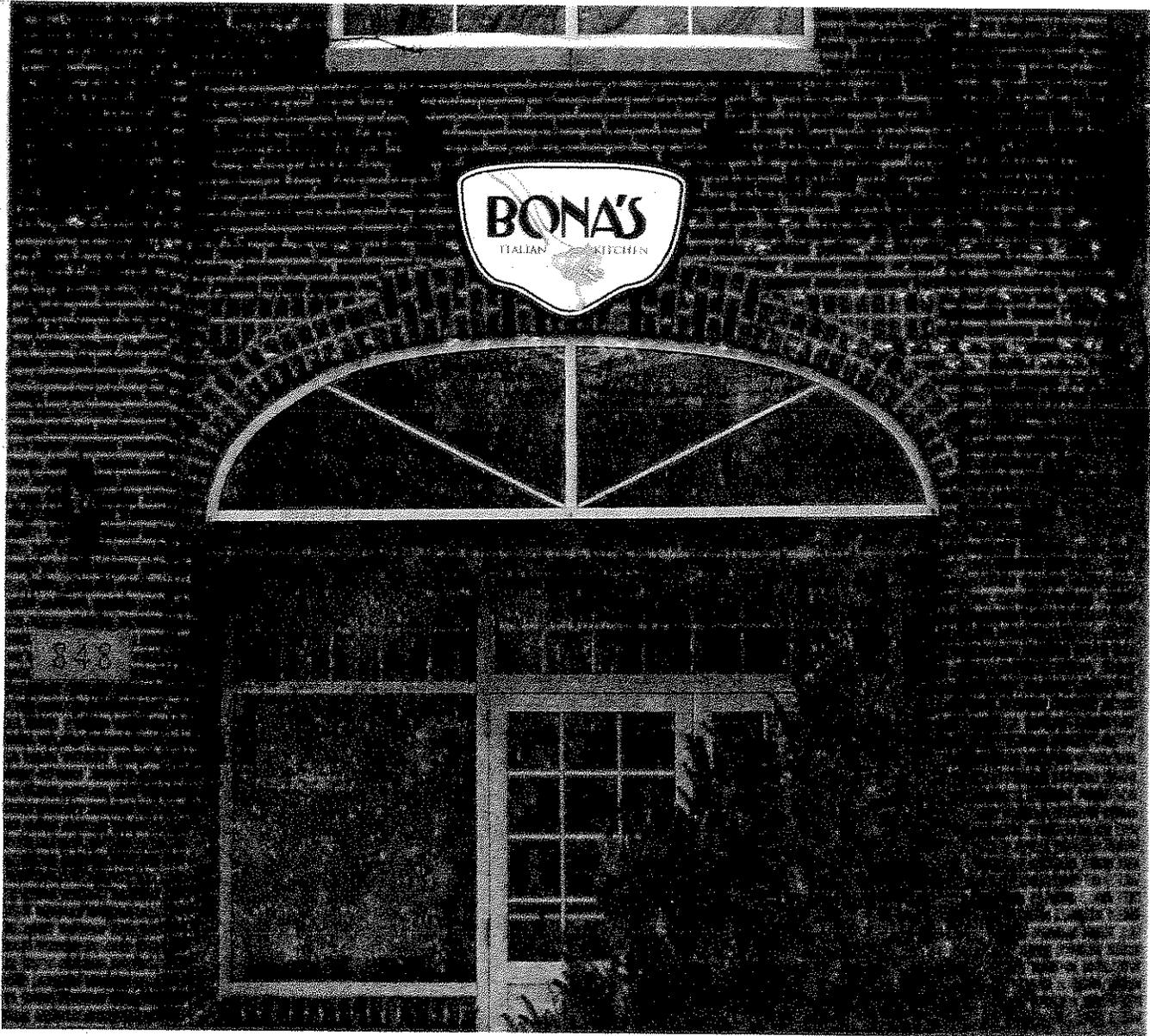
(if not, _____)

authorized by Wis. Stat. § 706.06:

THIS INSTRUMENT DRAFTED BY

Kim A. Howarth, Esq.

NOTE: THIS IS A STANDARD FORM AND ANY MODIFICATIONS TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.
 SPECIAL WARRANTY DEED STATE BAR OF WISCONSIN FORM No. 6-2002



44" wide by 30" tall *Actual 60" x 30"* *18 sq. ft. Total*
.5" MDO Ply
with vinyl and thermal print graphic
Colors, Antique White, Terra Cotta, Royal Blue

City of Lake Geneva

APPLICATION FOR LAND DIVISION REVIEW



CERTIFIED SURVEY MAP or



SUBDIVISION PLAT

NAME AND ADDRESS OF CURRENT OWNER:

Ronald J. Amann
W3430 Park Drive
Lake Geneva WI 53147

TELEPHONE NUMBER OF CURRENT OWNER: (262) 749-8341

NAME AND ADDRESS OF APPLICANT:

Ronald J. Amann
W3430 Park Drive
Lake Geneva WI 53147

TELEPHONE NUMBER OF APPLICANT: (262) 749-8341

NAME AND ADDRESS OF SURVEYOR:

Jensen Olson Surveying
Doug Olson 45 S. Wisconsin St
Elkhorn WI 53121

TELEPHONE NUMBER OF SURVEYOR: (262) 723-3434

SHORT STATEMENT DESCRIBING PURPOSE OF APPLICATION:

Split Existing C-2 26.37 acres into
2 parcels
7.83 acres to remain with existing home
18.54 acres to be a separate empty lot

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.

3-19-14
DATE


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:

Ronald J. Amann, as applicant/petitioner for:

Name: Ronald J Amann

Address: W3430 Park Drive

Lake Geneva WI 53147

Phone: 262-749-8341

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 19 day of March, 2014

Ronald J. Amann
Printed name of Applicant/Petitioner

[Signature]
Signature of Applicant/Petitioner

CERTIFIED SURVEY MAP No.

Located in the Northeast 1/4, Southeast 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 22, Town 2 North, Range 17 East, Town of Geneva, Walworth County, Wisconsin.

Jensen & Olson Land Surveying, LLC

45 South Wisconsin Street * P.O. Box 322 * Elkhorn, Wisconsin. 53121
 Telephone: (262) 723-3434 * Facsimile: (262) 723-8044
 Email: jensen.olson@elknet.net

Owner:

Ronald J. Amann & Amy L. Amann

W3430 Park Drive
 Lake Geneva, Wisconsin. 53147
 Mapping date: March 27, 2014.

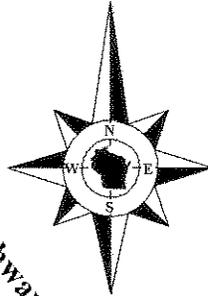
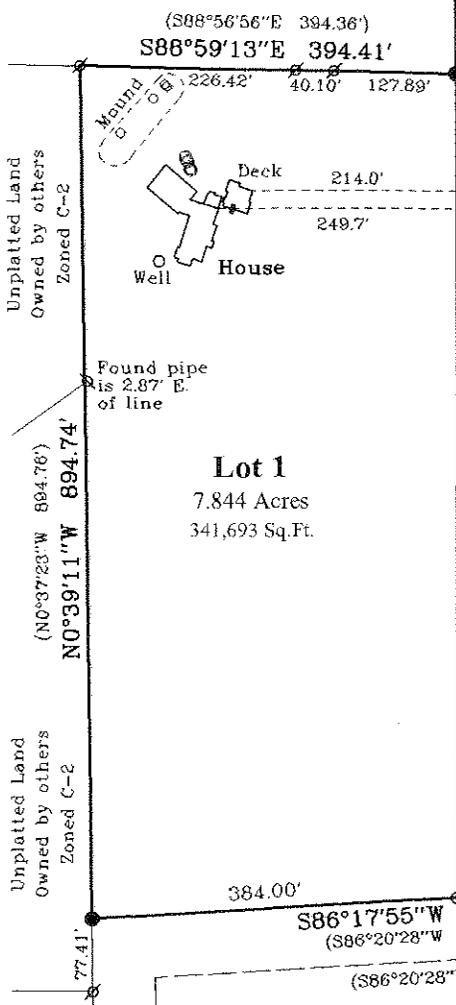
Soils: CrE2, Dt, FsB, Mwc2, & Mwd2.

Zoning: C-2

Notes:

- Bearings referenced to the East line of the Northeast 1/4 of Section 22-2-17, recorded as N0°58'25"W in the Wisconsin State Plane Coordinate System, South Zone, (NAD-27).
- Existing sanitary system on Lot 1 appears to be functioning. No evaluation as to meeting the requirements for replacement system under "SPS 383" of the Wisconsin Administrative Code.

Outlot 1
 Willow Bend Park



Reserved for Walworth County Register of Deeds

Scale in Feet. 1"=200'



Legend

- Found County Section Corner, 6" Sq. Concrete Mon. with Brass Cap.
- ∅ Found Iron Pipe, 1" dia.
- Set Iron Pipe, 1" dia., 24" long, weighing 1.13 lbs./lin. ft. min.
- () Recorded Information
- ☆ Soil Boring
- ⊗ Utility Pole
- Utility Pedestal

Northeast Corner
 Section 22-2-17
 N. 231,980.12
 E. 2,413,846.13

East line of the Northeast
 1/4 of Section 22-2-17.



Unplatted Land
 Owned by others
 Zoned A-1

East 1/4 Corner
 Section 22-2-17
 N. 229,346.30
 E. 2,413,890.89

CERTIFIED SURVEY MAP No. _____ **Vol.** _____ **Page** _____

Located in the Northeast 1/4, Southeast 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 22, Town 2 North, Range 17 East, Town of Geneva, Walworth County, Wisconsin.

Legal Description

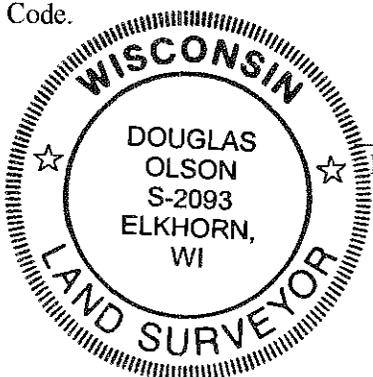
A parcel of land located in the Northeast 1/4, Southeast 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 22, Town 2 North, Range 17 East, Town of Geneva, Walworth County, Wisconsin, described as follows: Commence at the East 1/4 Corner of said Section 22; thence North 0°58'25" West, along the East line of said Northeast 1/4 of Section 22, 607.24 feet to a point on the Southerly right of way line of United States Highway 12; thence North 39°53'00" West, along said Southerly line, 935.87 feet to the Point of Beginning; thence South 54°11'35" West 382.99 feet; thence South 22°52'31" East 340.21 feet; thence South 60°17'10" West 358.53 feet; thence South 7°20'01" East 123.59 feet; thence South 86°17'55" West 683.06 feet; thence North 0°39'11" West 894.74 feet; thence South 88°59'13" East 394.41 feet; thence North 0°06'02" East 915.48 feet; thence South 39°53'00" East, along the Southerly right of way line of said United States Highway 12, 1200.58 feet to the Point of Beginning.

Said parcel contains 25.638 acres (1,116,802 sq.ft.) of land, more or less.

Surveyor's Certificate

I, Douglas G. Olson, Wisconsin Registered Land Surveyor, do hereby certify that the property hereon described has been surveyed under my direction and that the map shown hereon is a correct representation of the exterior boundaries of the lands surveyed and the division thereof and that I have fully complied with the owner's/agent's instructions, Section 236.34 of the Wisconsin Statutes, the Subdivision Control Ordinance, Walworth County, Wisconsin, and Section 66 of the City of Lake Geneva Municipal Code.

Date: 03-27-14
Revised: _____



[Signature]
Douglas G. Olson, R.L.S. 2093

Town Board Approval

Approved this _____ day of _____, 2014 by the Town Board of the Town of Geneva.

Joseph F. Kopecky, Town Chairperson

Walworth County Approval

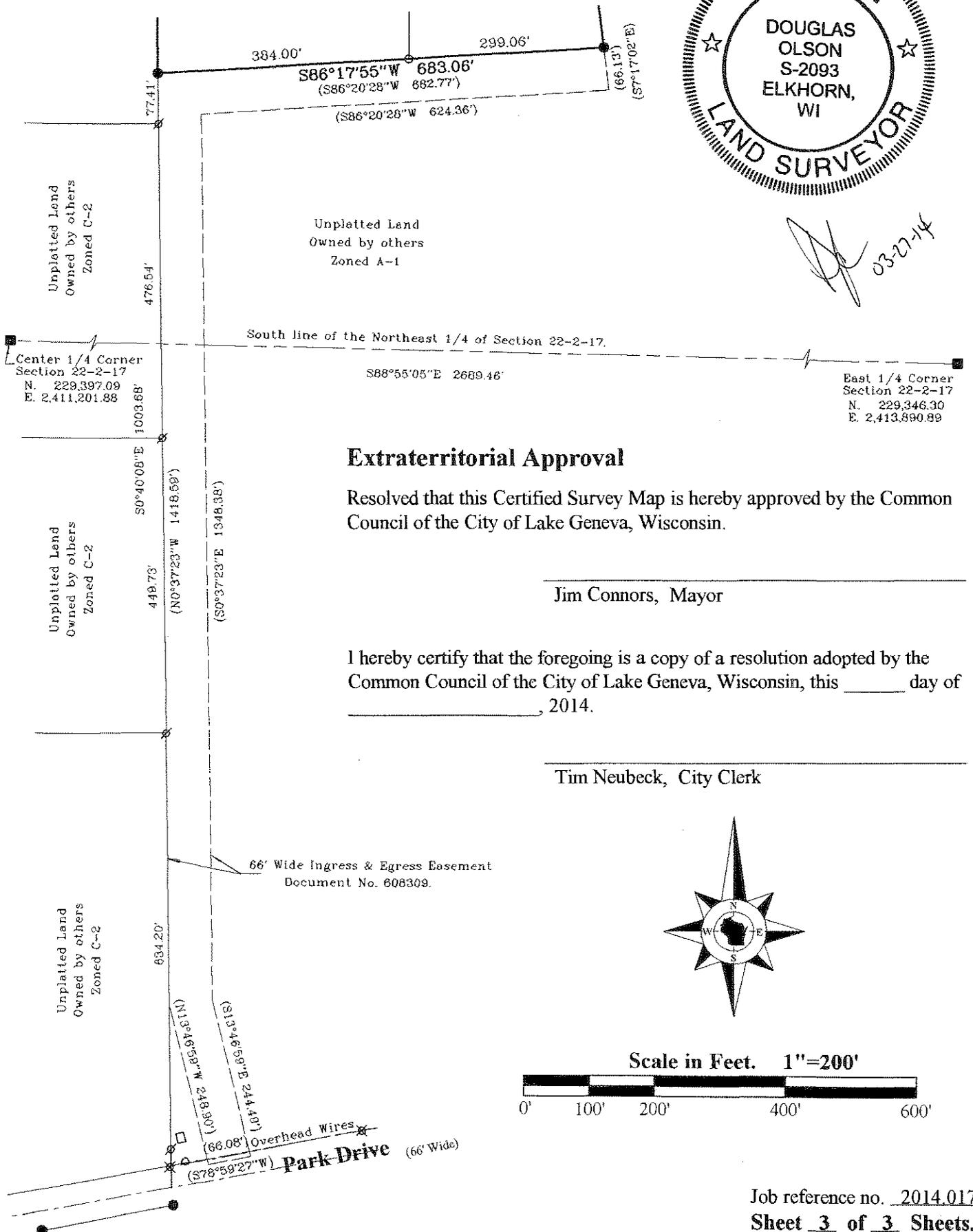
Approved this _____ day of _____, 2014 by resolution of the Walworth County Zoning Agency.

Rick Stacey, Chairperson

CERTIFIED SURVEY MAP No. _____ **Vol.** _____ **Page** _____

Located in the Northeast 1/4, Southeast 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 22, Town 2 North, Range 17 East, Town of Geneva, Walworth County, Wisconsin.

See Sheet 1



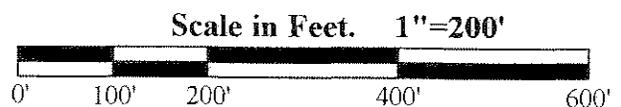
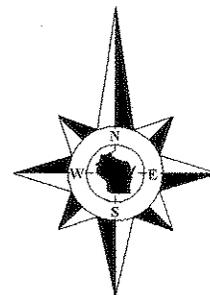
Extraterritorial Approval

Resolved that this Certified Survey Map is hereby approved by the Common Council of the City of Lake Geneva, Wisconsin.

Jim Connors, Mayor

I hereby certify that the foregoing is a copy of a resolution adopted by the Common Council of the City of Lake Geneva, Wisconsin, this _____ day of _____, 2014.

Tim Neubeck, City Clerk



City of Lake Geneva

APPLICATION FOR LAND DIVISION REVIEW



CERTIFIED SURVEY MAP or



SUBDIVISION PLAT

NAME AND ADDRESS OF CURRENT OWNER:

GENEVA BAY CLUB, LLC
327 WRIGLEY DRIVE
LAKE GENEVA WI 53147

TELEPHONE NUMBER OF CURRENT OWNER: (262) 248-4700

NAME AND ADDRESS OF APPLICANT:

Same as above

TELEPHONE NUMBER OF APPLICANT: ()

NAME AND ADDRESS OF SURVEYOR:

FARRIS, HANSEN & ASSOC. INC.
7 RIDGEWAY CT, P.O. BOX 437
ELKHORN, WI 53121

TELEPHONE NUMBER OF SURVEYOR: (262) 723-5886

SHORT STATEMENT DESCRIBING PURPOSE OF APPLICATION:

COMBINING TWO LOTS FOR GROUP DEVELOPMENT.

FARRIS, HANSEN & ASSOC. INC.

7 RIDGWAY COURT- P.O. BOX 437
ELKHORN, WISCONSIN 53121
PHONE (262) 723-2098
FAX (262) 723-5886

CERTIFIED SURVEY MAP NO. _____

A PARCEL CONSOLIDATION CSM
LOCATED IN THE NW 1/4 OF THE SE 1/4
SEC. 36, TOWN 2 NORTH, RANGE 17 EAST, CITY OF
LAKE GENEVA, WALWORTH COUNTY, WISCONSIN
BEING LOTS 1, 4, 5, 8, 9, & 12 AND PART OF THE
VACATED ALLEY OF BLOCK 35 OF ORIGINAL PLAT
OF THE CITY OF LAKE GENEVA

SURVEYOR'S CERTIFICATE

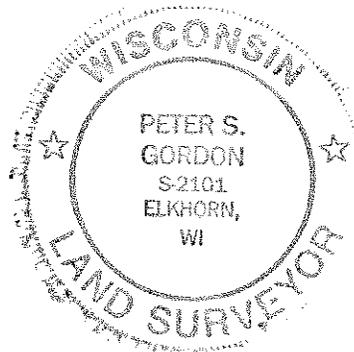
I HEREBY CERTIFY THAT AT THE DIRECTION OF GENEVA BAY CLUB, LLC AND GENEVA BAKER HOUSE, LLC, OWNERS, AND IN FULL COMPLIANCE WITH THE PROVISIONS OF CHAPTER 236.34 OF WISCONSIN STATUTES AND THE SUBDIVISION ORDINANCE FOR THE CITY OF LAKE GENEVA, WALWORTH COUNTY, WISCONSIN, I HAVE SURVEYED, DIVIDED AND MAPPED THE FOLLOWING DESCRIBED LAND AND THAT THIS MAP IS A TRUE REPRESENTATION OF THE EXTERIOR BOUNDARIES OF THE LANDS SURVEYED AND OF THE DIVISION THEREOF TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

A PARCEL CONSOLIDATION BEING LOTS 1, 4, 5, 8, 9 AND 12 AND PART OF THE VACATED ALLEY OF BLOCK 35 OF THE ORIGINAL PLAT OF THE CITY OF LAKE GENEVA LOCATED IN PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 36, TOWN 2 NORTH, RANGE 17 EAST, CITY OF LAKE GENEVA, WALWORTH COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A CONCRETE COUNTY MONUMENT FOUND MARKING THE EAST 1/4 CORNER OF SAID SECTION 36 (T2N, R17E); THENCE S 00DEG 43MIN 28SEC E, 209.49 FEET; THENCE S 89DEG 16MIN 32SEC W, 1448.87 FEET AN IRON REBAR STAKE FOUND MARKING THE NORTHEAST OF SAID LOT 1 AND THE POINT OF BEGINNING; THENCE ALONG THE WESTERLY LINE OF WELLS STREET, S 00DEG 16MIN 02SEC E, 180.35 FEET TO AN IRON PIPE STAKE FOUND AT THE NORTHEAST CORNER OF SAID LOT 8; THENCE CONTINUE ALONG SAID WESTERLY LINE, S 00DEG 11MIN 34SEC E, 180.73 FEET TO AN IRON PIPE STAKE FOUND MARKING THE SOUTHEAST CORNER OF SAID LOT 12 AND THE NORTHERLY LINE OF BAKER STREET; THENCE ALONG THE NORTHERLY LINE OF BAKER STREET, S 89DEG 54MIN 03SEC W, 190.01 FEET TO AN IRON PIPE STAKE FOUND AT THE SOUTHEAST CORNER OF COURTYARD CONDOMINIUM; THENCE N 00DEG 09MIN 25SEC W, 180.48 FEET TO A CHISELED X ON WALL FOOTING AT THE NORTHEAST CORNER OF COURTYARD CONDOMINIUM; THENCE N 88DEG 04MIN 59SEC E, 7.71 FEET; THENCE N 00DEG 15MIN 54SEC W, 180.49 FEET TO AN IRON PIPE STAKE ON THE SOUTHERLY LINE OF CASS STREET; THENCE ALONG THE SOUTHERLY RIGHT OF WAY OF CASS STREET, N 89DEG 56MIN 46SEC E, 182.18 FEET TO THE POINT OF BEGINNING. CONTAINING 67,163 SQUARE FEET (1.54 ACRES) OF LAND, MORE OR LESS.

DATED: MARCH 26, 2014


PETER S. GORDON

R.L.S. 2101

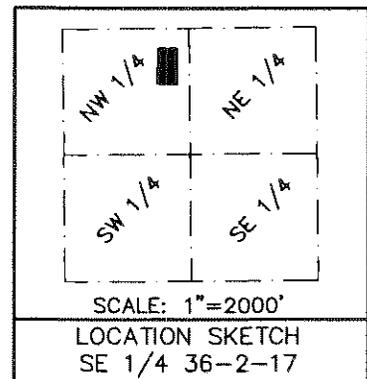


CITY OF LAKE GENEVA APPROVAL

RESOLVED THAT THIS CERTIFIED SURVEY MAP, LOCATED IN THE CITY OF LAKE GENEVA, IS HEREBY APPROVED THIS _____ DAY OF _____, 2014.

TIM NEUBECK, CITY CLERK

JIM CONNORS, CITY MAYOR



FARRIS, HANSEN & ASSOC. INC.

7 RIDGWAY COURT- P.O. BOX 437
 ELKHORN, WISCONSIN 53121
 PHONE (262) 723-2098
 FAX (262) 723-5886

CERTIFIED SURVEY MAP NO. _____

A PARCEL CONSOLIDATION CSM
 LOCATED IN THE NW 1/4 OF THE SE 1/4
 SEC. 36, TOWN 2 NORTH, RANGE 17 EAST
 CITY OF LAKE GENEVA, WALWORTH COUNTY, WISCONSIN
 BEING LOTS 1, 4, 5, 8, 9, & 12 AND PART OF THE VACATED ALLEY OF BLOCK 35
 ORIGINAL PLAT OF THE CITY OF LAKE GENEVA

OWNERS: GENEVA BAY CLUB, LLC & GENEVA BAKER HOUSE LLC
 327 WRIGLEY DRIVE
 LAKE GENEVA, WI.

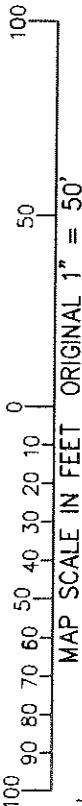
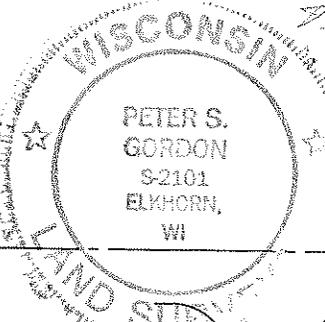
Peter S. Gordon
 3/21/2014

LEGEND

- = FOUND IRON PIPE STAKE, 1" DIA.
- ◻ = FOUND CONCRETE COUNTY MONUMENT W/ BRASS CAP
- = FOUND IRON REBAR STAKE 3/4" DIA.

(XXX) = RECORDED AS

GRID NORTH
 WISCONSIN STATE PLANE
 COORDINATE SYSTEM
 SOUTH ZONE (NAD-27)
 E. LINE OF THE SE 1/4 OF
 SECTION 36-2-17 BEARS
 S 00°43'28" E

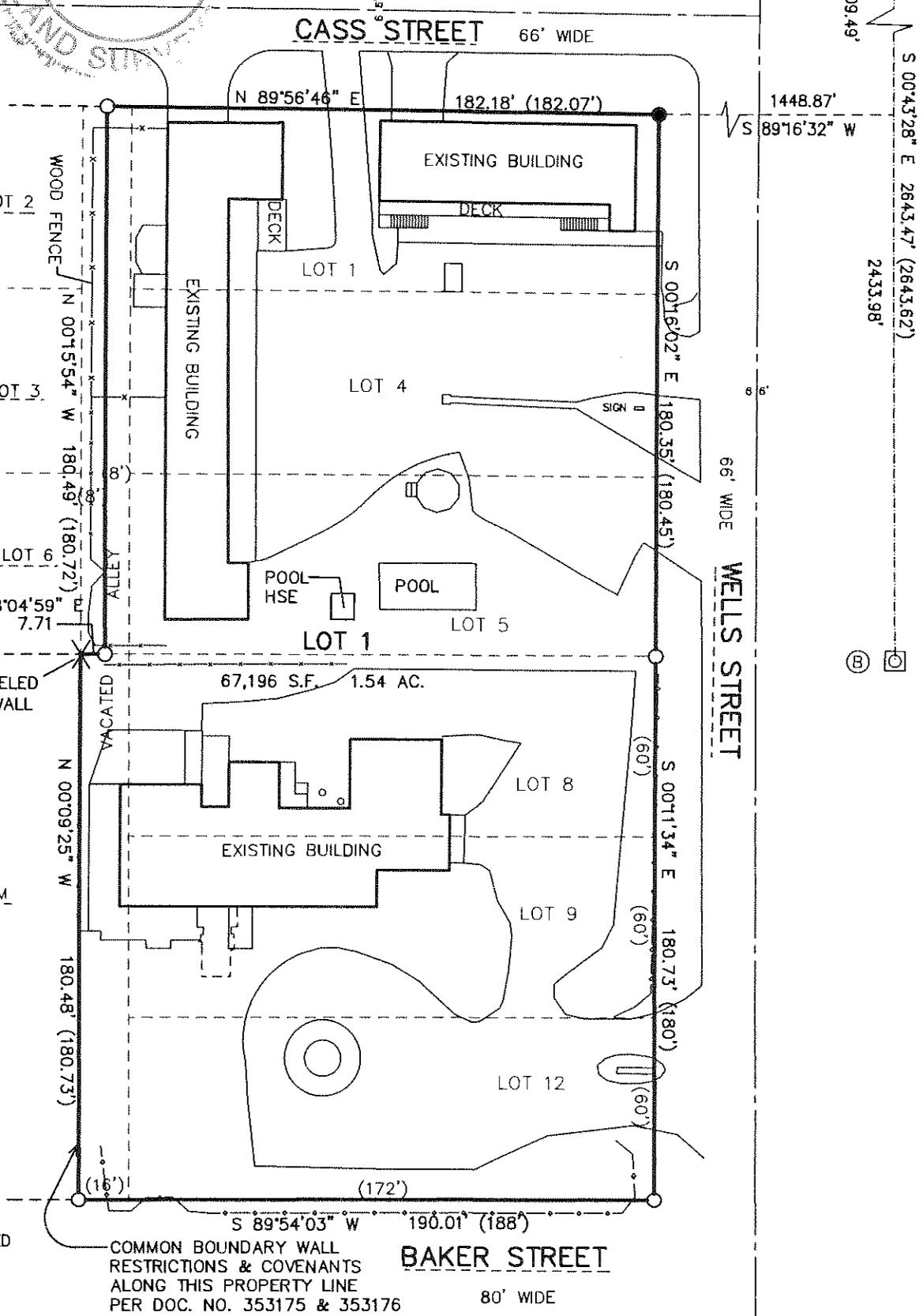


SET CHISELED
 X ON WALL
 FOOTING

COURTYARD
 CONDOMINIUM

Ⓐ EAST 1/4 CORNER
 36-2-17
 218,926.72 N.
 2,424,531.97 E.

Ⓑ SE CORNER
 36-2-17
 216,283.31 N.
 2,424,565.39 E.



THIS INSTRUMENT DRAFTED
 BY PETER S. GORDON
 PROJECT NO. 8985
 DATED: 03-26-2014
 SHEET 2 OF 4 SHEETS

COMMON BOUNDARY WALL
 RESTRICTIONS & COVENANTS
 ALONG THIS PROPERTY LINE
 PER DOC. NO. 353175 & 353176

BAKER STREET

80' WIDE

FARRIS, HANSEN & ASSOC. INC.

7 RIDGWAY COURT- P.O. BOX 437
ELKHORN, WISCONSIN 53121
PHONE (262) 723-2098
FAX (262) 723-5886

CERTIFIED SURVEY MAP NO. _____

**A PARCEL CONSOLIDATION CSM
LOCATED IN THE NW 1/4 OF THE SE 1/4
SEC. 36, TOWN 2 NORTH, RANGE 17 EAST
CITY OF LAKE GENEVA, WALWORTH COUNTY, WISCONSIN
BEING LOTS 1, 4, 5, 8, 9, & 12 AND PART OF THE VACATED ALLEY OF BLOCK 35
ORIGINAL PLAT OF THE CITY OF LAKE GENEVA**

CORPORATE OWNER'S CERTIFICATE

GENEVA BAY CLUB, LLC, A LIMITED LIABILITY CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID CORPORATION CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED ON THE MAP. GENEVA BAY CLUB, LLC DOES FURTHER CERTIFY THAT THIS MAP IS REQUIRED TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL:
CITY OF LAKE GENEVA

IN WITNESS WHEREOF, THE SAID GENEVA BAY CLUB, LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY
C. ANDREW FRITZ IV, SOLE MEMBER, AT _____, WISCONSIN AND ITS CORPORATE SEAL TO BE AFFIXED
HERETO THIS _____ DAY OF _____, 2014.

C. ANDREW FRITZ IV

STATE OF WISCONSIN)
COUNTY OF WALWORTH)

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2014, THE ABOVE NAMED C. ANDREW FRITZ IV, SOLE MEMBER OF GENEVA BAY CLUB, LLC, TO ME KNOWN TO BE THE PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING INSTRUMENT AS SUCH OFFICERS AS THE DEED OF SAID LIMITED LIABILITY CORPORATION BY ITS AUTHORITY.

MY COMMISSION EXPIRES

NOTARY PUBLIC, _____, WISCONSIN

CORPORATE OWNER'S CERTIFICATE

GENEVA BAKER HOUSE, LLC, A LIMITED LIABILITY CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID CORPORATION CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED ON THE MAP. GENEVA BAKER HOUSE, LLC DOES FURTHER CERTIFY THAT THIS MAP IS REQUIRED TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL:
CITY OF LAKE GENEVA

IN WITNESS WHEREOF, THE SAID GENEVA BAKER HOUSE, LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY
C. ANDREW FRITZ IV, MANAGER, AT _____, WISCONSIN AND ITS CORPORATE SEAL TO BE AFFIXED
HERETO THIS _____ DAY OF _____, 2014.

C. ANDREW FRITZ IV

STATE OF WISCONSIN)
COUNTY OF WALWORTH)

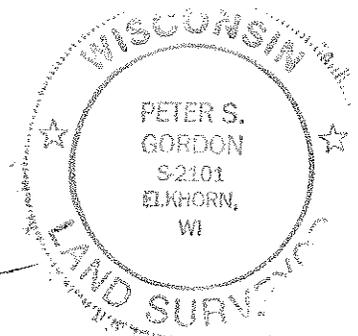
PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2014, THE ABOVE NAMED C. ANDREW FRITZ IV, MANAGER OF GENEVA BAKER HOUSE, LLC, TO ME KNOWN TO BE THE PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING INSTRUMENT AS SUCH OFFICERS AS THE DEED OF SAID LIMITED LIABILITY CORPORATION BY ITS AUTHORITY.

MY COMMISSION EXPIRES

NOTARY PUBLIC, _____, WISCONSIN

THIS INSTRUMENT DRAFTED
BY PETER S. GORDON
PROJECT NO. 8985
DATED: 03-26-2014
SHEET 3 OF 4 SHEETS

3/26/2014
Peter S. Gordon



FARRIS, HANSEN & ASSOC. INC.

7 RIDGWAY COURT- P.O. BOX 437
ELKHORN, WISCONSIN 53121
PHONE (262) 723-2098
FAX (262) 723-5886

CERTIFIED SURVEY MAP NO. _____

**A PARCEL CONSOLIDATION CSM
LOCATED IN THE NW 1/4 OF THE SE 1/4
SEC. 36, TOWN 2 NORTH, RANGE 17 EAST
CITY OF LAKE GENEVA, WALWORTH COUNTY, WISCONSIN
BEING LOTS 1, 4, 5, 8, 9, & 12 AND PART OF THE VACATED ALLEY OF BLOCK 35
ORIGINAL PLAT OF THE CITY OF LAKE GENEVA**

MORTGAGEE CERTIFICATE

DONALD G. GRIFFIN 2009 TRUST, MORTGAGEE OF THE ABOVE DESCRIBED LANDS, DOES HEREBY CONSENT TO SURVEYING, DIVIDING AND MAPPING AS REPRESENTED ON THIS MAP AND DO HEREBY CONSENT TO THE CERTIFICATE OF GENEVA BAKER HOUSE, LLC, OWNERS.

IN WITNESS WHEREOF, THE SAID DONALD G. GRIFFIN 2009 TRUST HAS CAUSED THESE PRESENTS TO BE SIGNED BY

ITS OFFICERS, AT _____, WISCONSIN AND ITS CORPORATE SEAL TO BE AFFIXED HERETO THIS
_____ DAY OF _____, 2014.

SIGNATURE OF OFFICER(S) AUTHORIZED TO ACT AS AGENT OF TRUST

STATE OF WISCONSIN)
COUNTY OF _____)ss

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2014, THE ABOVE NAMED OFFICER(S) OF DONALD G. GRIFFIN 2009 TRUST, TO ME KNOWN TO BE THE PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING INSTRUMENT AS SUCH OFFICERS AS THE DEED OF SAID LIMITED LIABILITY CORPORATION BY ITS AUTHORITY.

MY COMMISSION EXPIRES

NOTARY PUBLIC, _____, WISCONSIN



3/26/2014
Peter S. Gordon

**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; *None*

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;

NA 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.

will provide
~~___~~

(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;

N/A

(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 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: _____

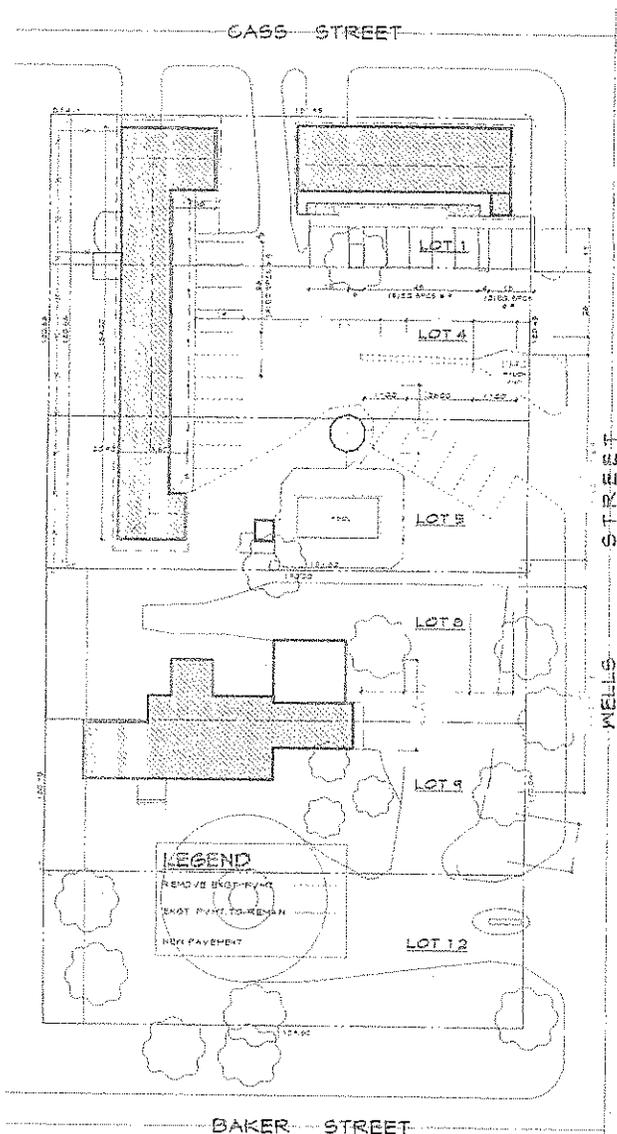
Written Description for Site Plan Review

The existing zoning district for these properties is GB-General Business. The proposed district is for the zoning to remain the same. The Future land use designation for these properties is Neighborhood Mixed Use. The future land use for these properties will not change with the Group Development use. The existing uses on the property are to remain with Indoor Commercial Entertainment and Indoor Commercial Lodging. The motel can accommodate 21 guests and the mansion can accommodate 6 guests. There are three staff that are on the motel premises at all times and occasionally three more staff will be present. There is one staff on the mansion premises at all times.

The number of daily customers will depend on the scheduled events and time of the year. There will be no change in the number of units/floor area available. The traffic pattern will change with a continuous drive going between the properties. The parking layout will change at the motel. There will still be three entrance/exits onto public streets between the two properties. There is an increase in the green space area with the new parking layout and additional landscape will be added for privacy and aesthetics.

There will be no change in the operational considerations except a potential decrease in traffic generation due to the ability to utilize both businesses by foot. The proposed development shall comply with all requirements of Article VII. Strict rules are to be enforced by the staff to ensure those requirements are maintained.

Exterior changes to the motel will occur as a part of upgrading the property. The buildings will take on the look of a Carriage House and Stables complete with cupolas to maintain the original use of the property as such. The deck on the two story motel building will expand slightly from the original width but will not come out into the sidewalk or parking area. No future expansion is anticipated at this time.



site plan n 1" = 20'-0"

* HOTEL LOTS 1, 4 & 12 SITE/BOUNDARY INFORMATION TAKEN FROM PLAT OF SURVEY PREPARED BY PARKS, HANCOCK & ASSOCIATES, INC. LAND SURVEY DATED SEPTEMBER 7, 2010.
 * MANUEL MANSION, LOTS 2 & 4 SITE/BOUNDARY INFORMATION TAKEN FROM PLAT OF SURVEY PREPARED BY HAROLD W. KELSO, REGISTERED LAND SURVEYOR, LAND SURVEY DATED MAY 22, 1971, AND BOUNDARY SURVEY PREPARED BY PARKS, HANCOCK & ASSOCIATES, INC. BOUNDARY SURVEY DATED DECEMBER 10, 1940.

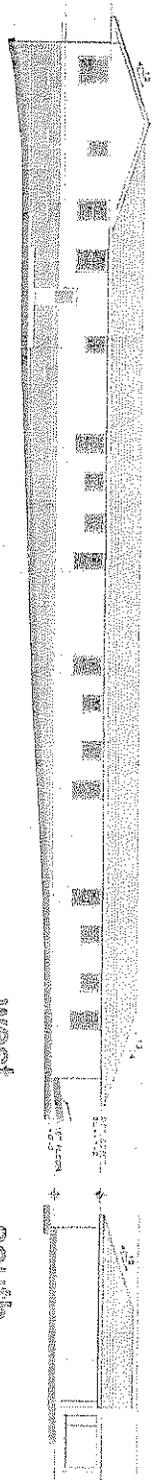
A1.1

PROJECT NO.	DATE	REVISION	DATE	DESCRIPTION
1387	12 MAY 13			PRELIMINARY
OWNER: GENERAL SITE PLAN & SITE/BOUNDARY PLATS				

EXISTING MANUEL MANSION (FORMER PLAZA HOTEL)
motels renovation and parking reconfiguration
 101 BAKER STREET + 304 S WELLS STREET LAKE GENOA, WISCONSIN

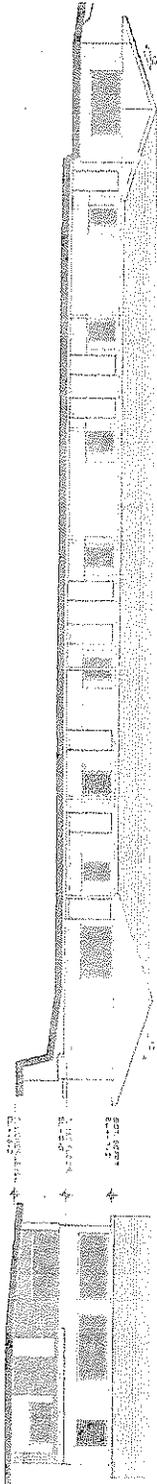


https://www.dropbox.com/s/84d4e6c6125bavv/12979270A110270DDe...10770AC140/COMB...07/01141313...100...119977442



west

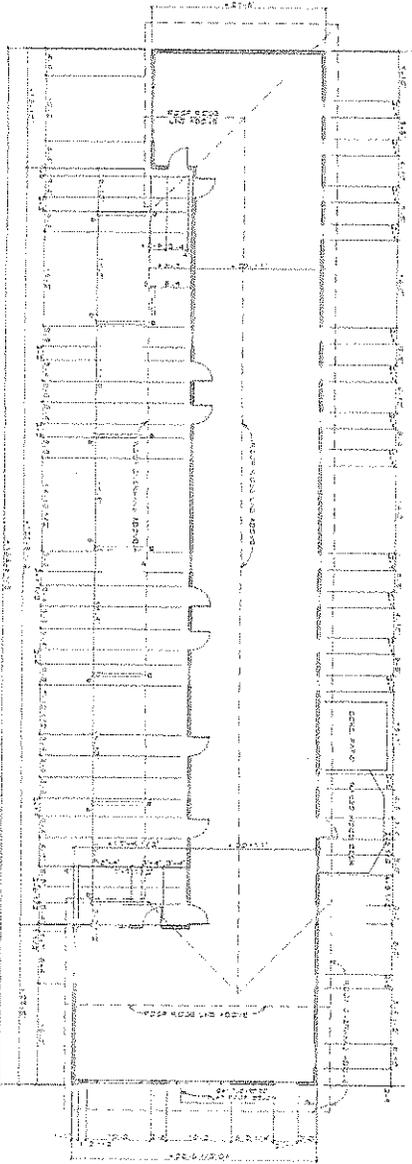
south



east elevation

1/8"=1'-0"

north

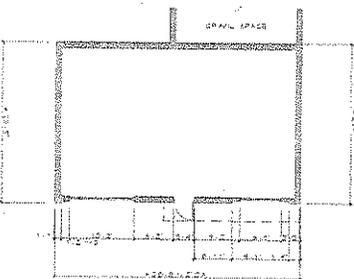


floor plan

n

1/8"=1'-0"

EXISTING BUILDING DIMENSIONS FROM THE 1940'S ON. SEE SHEET 13-13-13-1 FOR DIMENSIONS.



lower level

PROJECT NO.	DATE	REVISION	DESCRIPTION
1387	11-13-13	1	PRELIMINARY
1387	11-13-13	2	REVISED
1387	11-13-13	3	REVISED
1387	11-13-13	4	REVISED
1387	11-13-13	5	REVISED
1387	11-13-13	6	REVISED
1387	11-13-13	7	REVISED
1387	11-13-13	8	REVISED
1387	11-13-13	9	REVISED
1387	11-13-13	10	REVISED
1387	11-13-13	11	REVISED
1387	11-13-13	12	REVISED
1387	11-13-13	13	REVISED
1387	11-13-13	14	REVISED
1387	11-13-13	15	REVISED
1387	11-13-13	16	REVISED
1387	11-13-13	17	REVISED
1387	11-13-13	18	REVISED
1387	11-13-13	19	REVISED
1387	11-13-13	20	REVISED
1387	11-13-13	21	REVISED
1387	11-13-13	22	REVISED
1387	11-13-13	23	REVISED
1387	11-13-13	24	REVISED
1387	11-13-13	25	REVISED
1387	11-13-13	26	REVISED
1387	11-13-13	27	REVISED
1387	11-13-13	28	REVISED
1387	11-13-13	29	REVISED
1387	11-13-13	30	REVISED
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1387	11-13-13	61	REVISED
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1387	11-13-13	63	REVISED
1387	11-13-13	64	REVISED
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1387	11-13-13	68	REVISED
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1387	11-13-13	79	REVISED
1387	11-13-13	80	REVISED
1387	11-13-13	81	REVISED
1387	11-13-13	82	REVISED
1387	11-13-13	83	REVISED
1387	11-13-13	84	REVISED
1387	11-13-13	85	REVISED
1387	11-13-13	86	REVISED
1387	11-13-13	87	REVISED
1387	11-13-13	88	REVISED
1387	11-13-13	89	REVISED
1387	11-13-13	90	REVISED
1387	11-13-13	91	REVISED
1387	11-13-13	92	REVISED
1387	11-13-13	93	REVISED
1387	11-13-13	94	REVISED
1387	11-13-13	95	REVISED
1387	11-13-13	96	REVISED
1387	11-13-13	97	REVISED
1387	11-13-13	98	REVISED
1387	11-13-13	99	REVISED
1387	11-13-13	100	REVISED

EXISTING MAXWELL MANSION + HOTEL (FORMER PLAZA HOTEL)
motel renovation and parking reconfiguration
 421 BAKER STREET + 104 S. WELLS STREET LAKE GENEE, MICHIGAN



A2.1

APPLICATION FOR CONDITIONAL USE

City of Lake Geneva

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

304 Wells Street, ZOP 00352 A (see attached legal description)

421 Baker Street, ZOP 00352 (see attached legal description)

NAME AND ADDRESS OF CURRENT OWNER:

Geneva Baker House LLC

327 Wrigley Drive Lake Geneva, WI 53147

TELEPHONE NUMBER OF CURRENT OWNER: 262-248-4700

NAME AND ADDRESS OF APPLICANT:

Geneva Baker House LLC

327 Wrigley Drive Lake Geneva, WI 53147

TELEPHONE NUMBER OF APPLICANT: 262-248-4700

PROPOSED CONDITIONAL USE:

A Group Development is proposed for the existing businesses at 304 Wells Street and 421 Baker Street subsequent to a CSM approval to combine the two lots into one.

ZONING DISTRICT IN WHICH LAND IS LOCATED: GB - General Business

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

Lamy Farrenkopf / Architects 127

5125 Chesapeake Drive

McHenry, WI

SHORT STATEMENT DESCRIBING ACTIVITIES TO BE CARRIED ON AT SITE:

Both the motel and mansion will continue to function

as they have been. With the group development, both sites will be able to accommodate groups/functions offering accommodations at the same location as the event.

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

03/20/14

DATE

WJARR

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: Geneva Baker House LLC
Address: 377 Wrigley Drive
Lake Geneva, WI 53147
Phone: 262-248-4700

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 20th day of March, 2014.

Charles Frite
Printed name of Applicant/Petitioner

[Signature]
Signature of Applicant/Petitioner

**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: _____

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___ 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;

✓ (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?

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: _____



Attachment for Conditional Use

The proposed Conditional Use of Group Development is proposed for 304 Wells Street and 421 Baker Street. The existing use of Maxwell Mansion of Indoor Commercial Lodging and Indoor Commercial Entertainment will continue to function as it has. The Plaza Motel will also continue to function as Indoor Commercial Lodging. By having a Group Development use for the property, the two businesses can function together by the guest attending events ability to utilize the adjoining busyness for accommodation at the same location. No change will occur with the existing buildings as far as their locations. Some exterior modifications and upgrades are to be made as well as interior renovations.

Justifications

1. & 2. The proposed Conditional Use of Group Development is in harmony with the City's plans/standards by promoting compact development, allowing for more pedestrian traffic within the development (and perhaps outside of it due to the close proximity to downtown and the lakefront) and the proposed use will maintain the mixed corridor of small business and residential along Wells Street.
3. There are no foreseen substantial or undue adverse impacts on nearby properties by allowing for Group Development to occur at this location.
4. The density of units at this location will not increase with the granting of the Conditional Use. The future land use of Neighborhood Mixed Use will be maintained and no change of the existing use (lodging and events) at these locations will not change. The vehicular use between the locations is expected to decrease with the ability to attend an event and utilize accommodations on the same site.
5. No foreseen adverse impacts will be made to the municipal improvements, facilities, utilities or services provided by public agencies due to a Group Development at this location.
6. The proposed Conditional Use of Group Development appears to have public benefits that outweigh any potential adverse impacts.

Legal Descriptions

421 Baker St.

ZOP 00352

Lots 8, 9, 12 and adjacent vacated 16 foot wide alley, all I Bock 35 of the original plat of the City of Lake Geneva, Walworth County, Wisconsin.

304 Wells St.

ZOP 00352 A

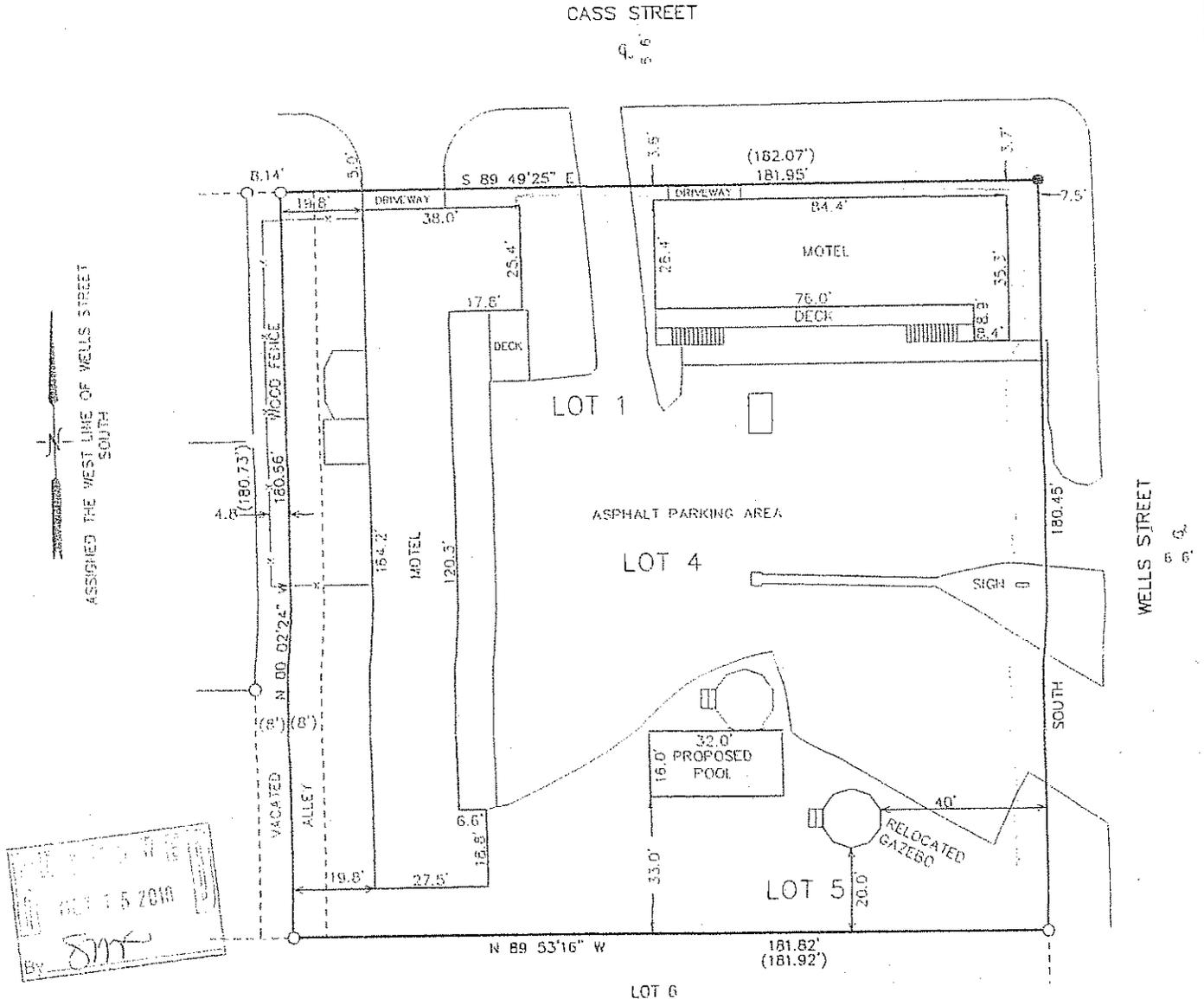
The NE1/4 of Block 35 of the original plat of the city of Lake Geneva Walworth County, Wisconsin. Begin at the NE corner of said Block 35, Thence south in the west line of Wells Street 180.45 degrees, thence west along the south line of Lot 5 as platted 181.92 feet, thence north a distance of 180.72 feet to a point in the south line of Cass Street thence east along the south line of Cass Street to POB.

FARRIS, HANSEN & ASSOCIATES, INC.

ENGINEERING - ARCHITECTURE - SURVEYING
 7 RIDGWAY COURT - P.O. BOX 437 - ELKHORN, WISCONSIN 53121
 PHONE: (262) 723-2098 FAX: (262) 723-5886

PLAT OF SURVEY

- WORK ORDERED BY -
 ROBERT WERESKI
 304 WELLS STREET
 LAKE GENEVA, WI. 53147

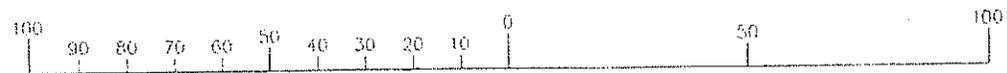


PLAT OF SURVEY OF

THE NE 1/4 OF BLOCK 35 OF THE ORIGINAL PLAT OF THE CITY OF LAKE GENEVA, WALWORTH COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGIN AT THE NE CORNER OF SAID BLOCK 35 AFORESAID, THENCE SOUTH IN THE WEST LINE OF WELLS STREET 180.45 FEET; THENCE WEST ALONG THE SOUTH LINE OF LOT 5 AS PLATTED 181.92 FEET; THENCE NORTH A DISTANCE OF 180.72 FEET TO A POINT IN THE SOUTH LINE OF CASS STREET WHICH IS 182.07 FEET WEST OF THE NE CORNER OF SAID BLOCK; THENCE EAST ALONG THE SOUTH LINE OF CASS STREET TO THE PLACE OF BEGINNING.

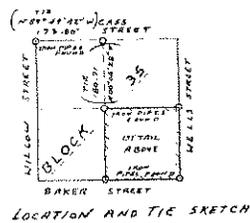
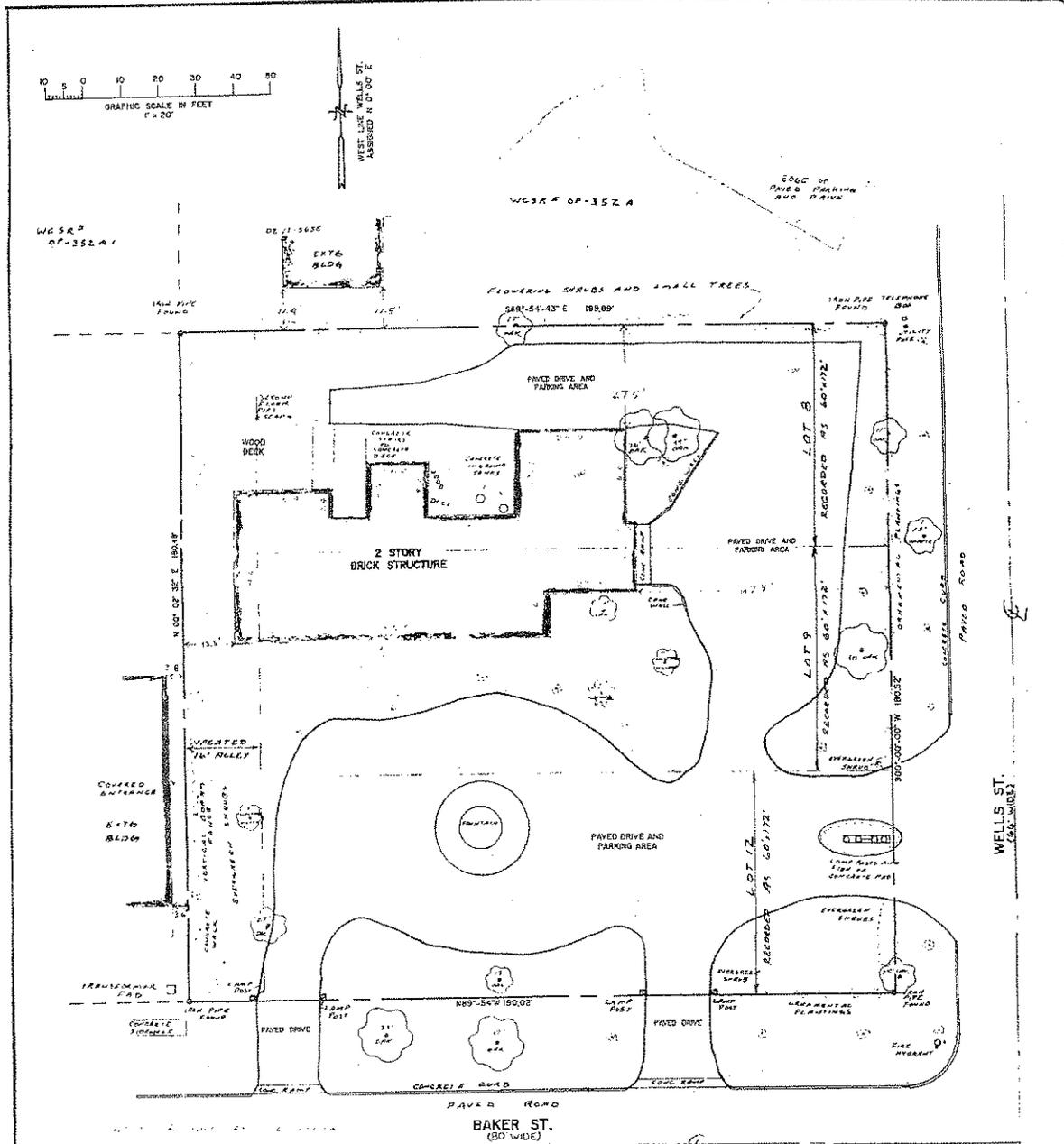
TOTAL AREA=32,840 SQ. FT.
 OPEN SPACE=10,709 SQ. FT.

- LEGEND**
- = FOUND IRON PIPE STAKE
 - ⊗ = FOUND IRON REBAR STAKE
 - (xxx) = RECORDED AS

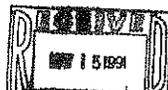


MAP SCALE IN FEET ORIGINAL 1" = 30'

421 Baker St.



WORK ORDERED BY:
WILLIAM SAMATAS



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

DATED 12/10/90



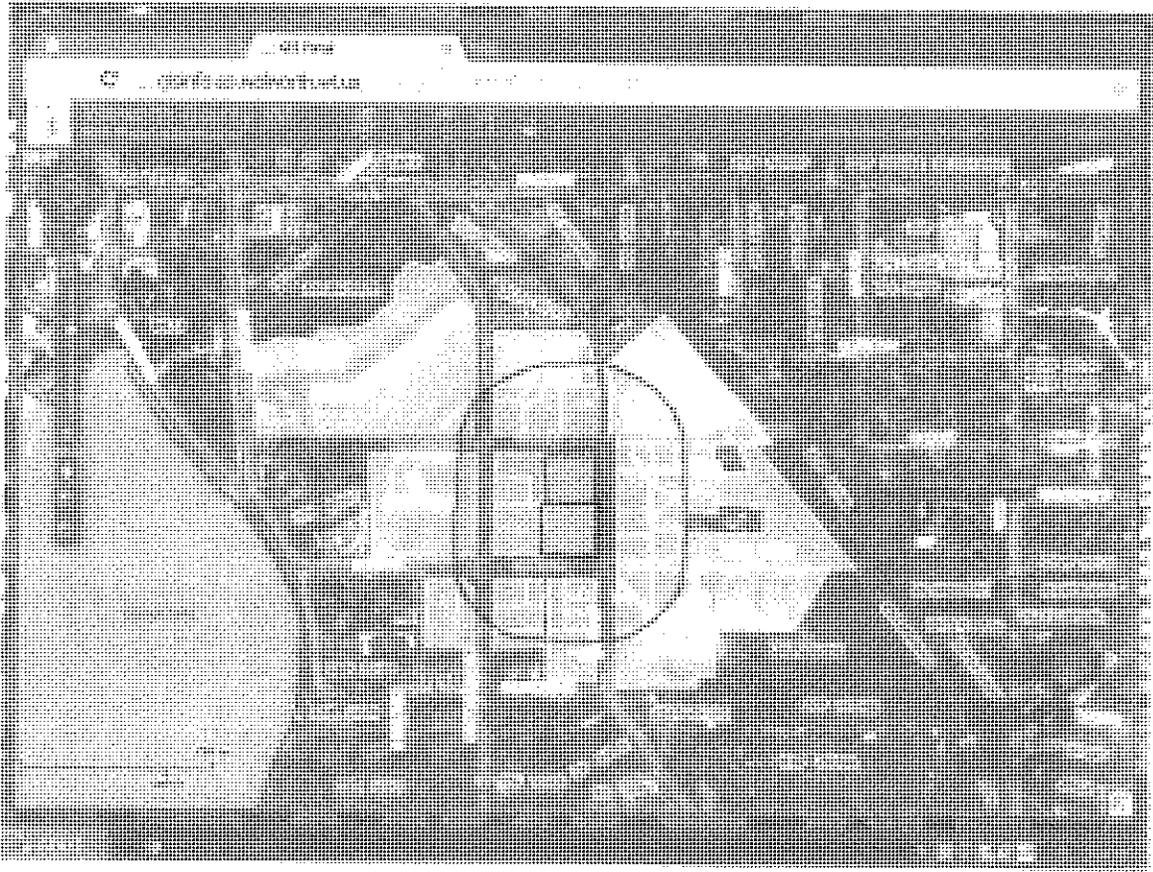
BOUNDARY SURVEY
OAKS BED AND BREAKFAST
BAKER ST. AND WELLS ST.
CITY OF LAKE GENEVA
WALWORTH COUNTY, WISCONSIN

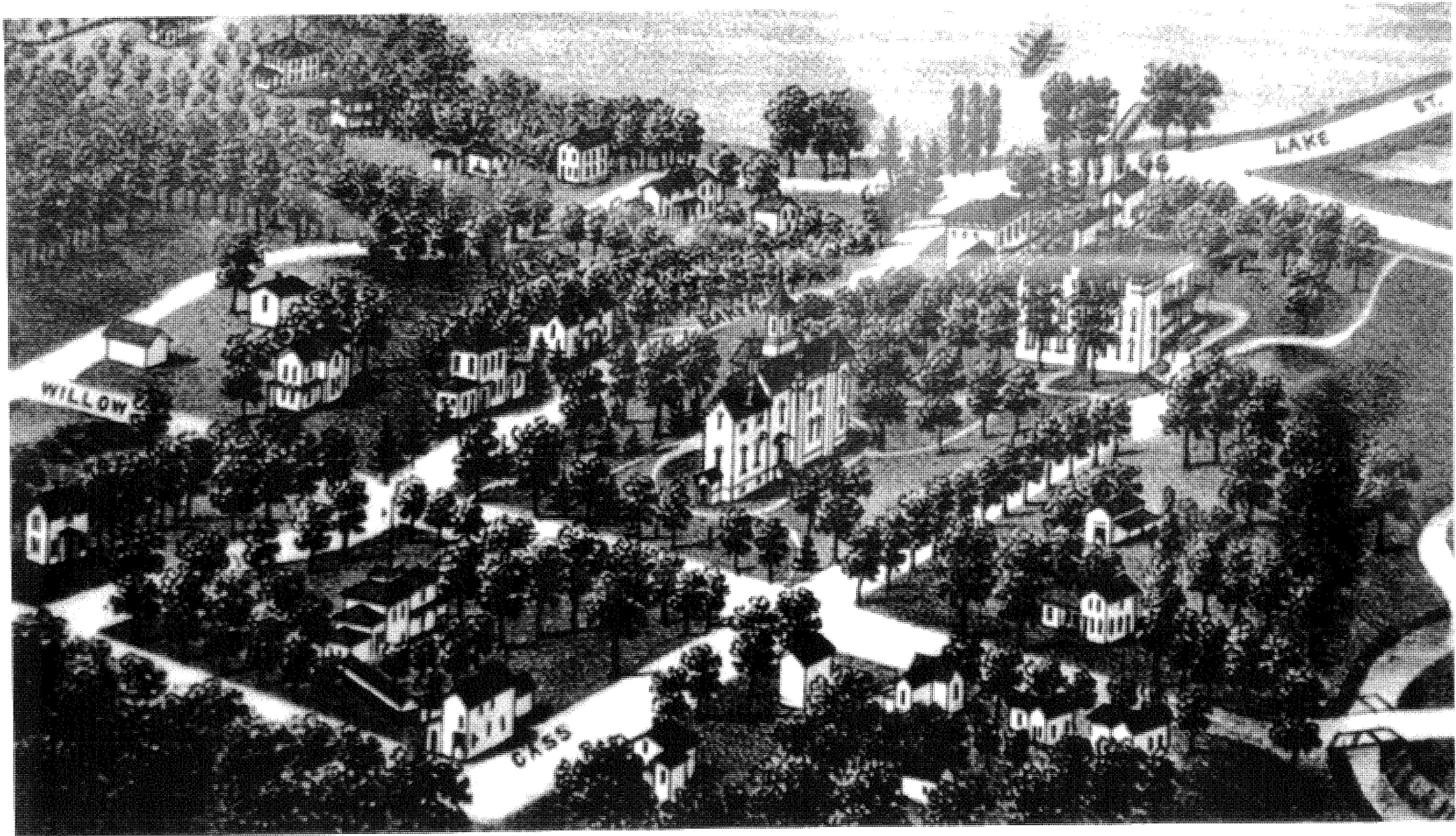
REVISIONS
REVISED DRAWING
54 12-10-90

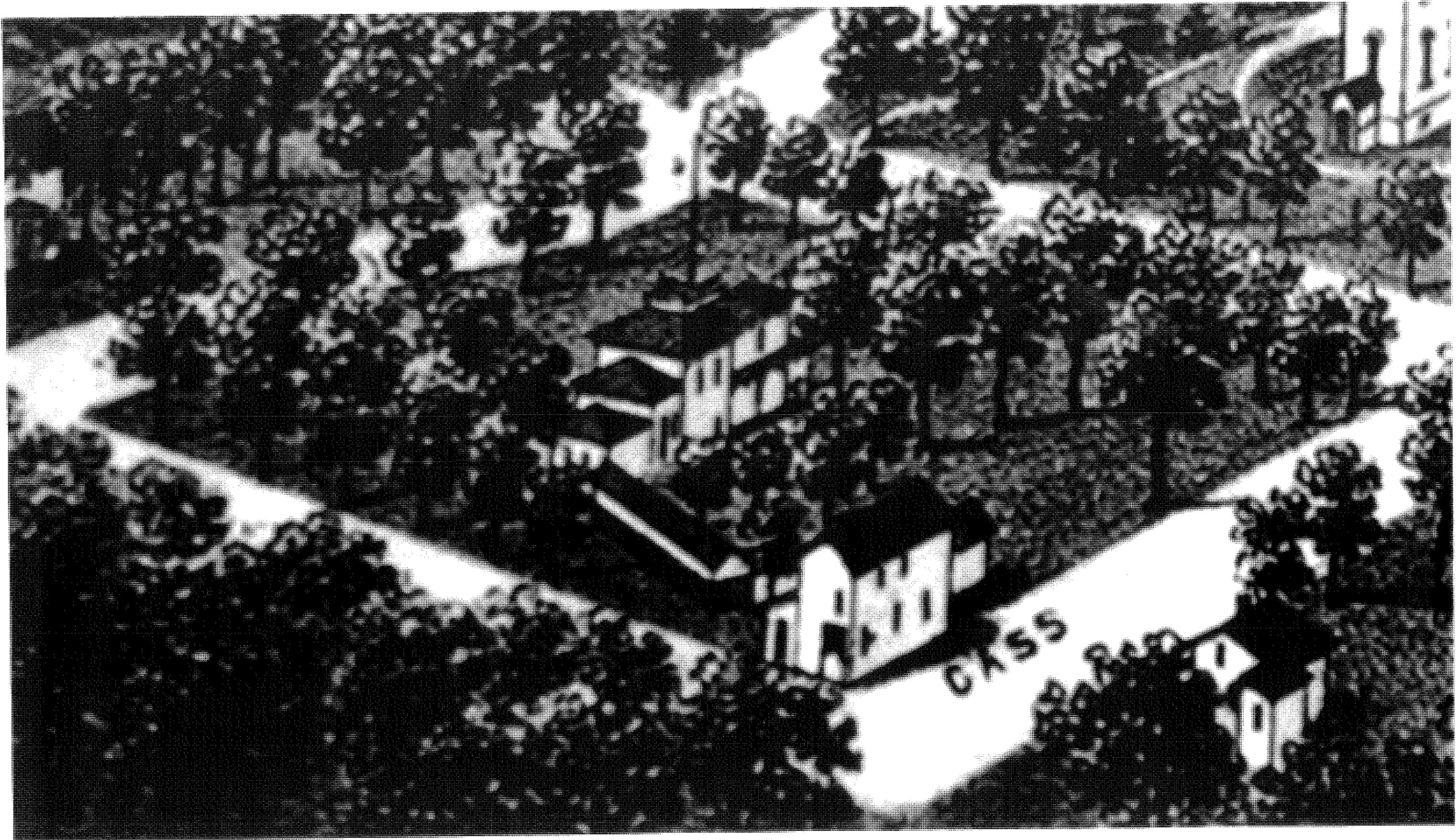
FARRIS, HANSEN & ASSOCIATES, INC.
Engineering, Architecture, Surveying
7 Ridgway Court P.O. Box 437
ELKHORN, WISCONSIN 53121
Office: (414) 723-2098
Fax: (414) 723-5886

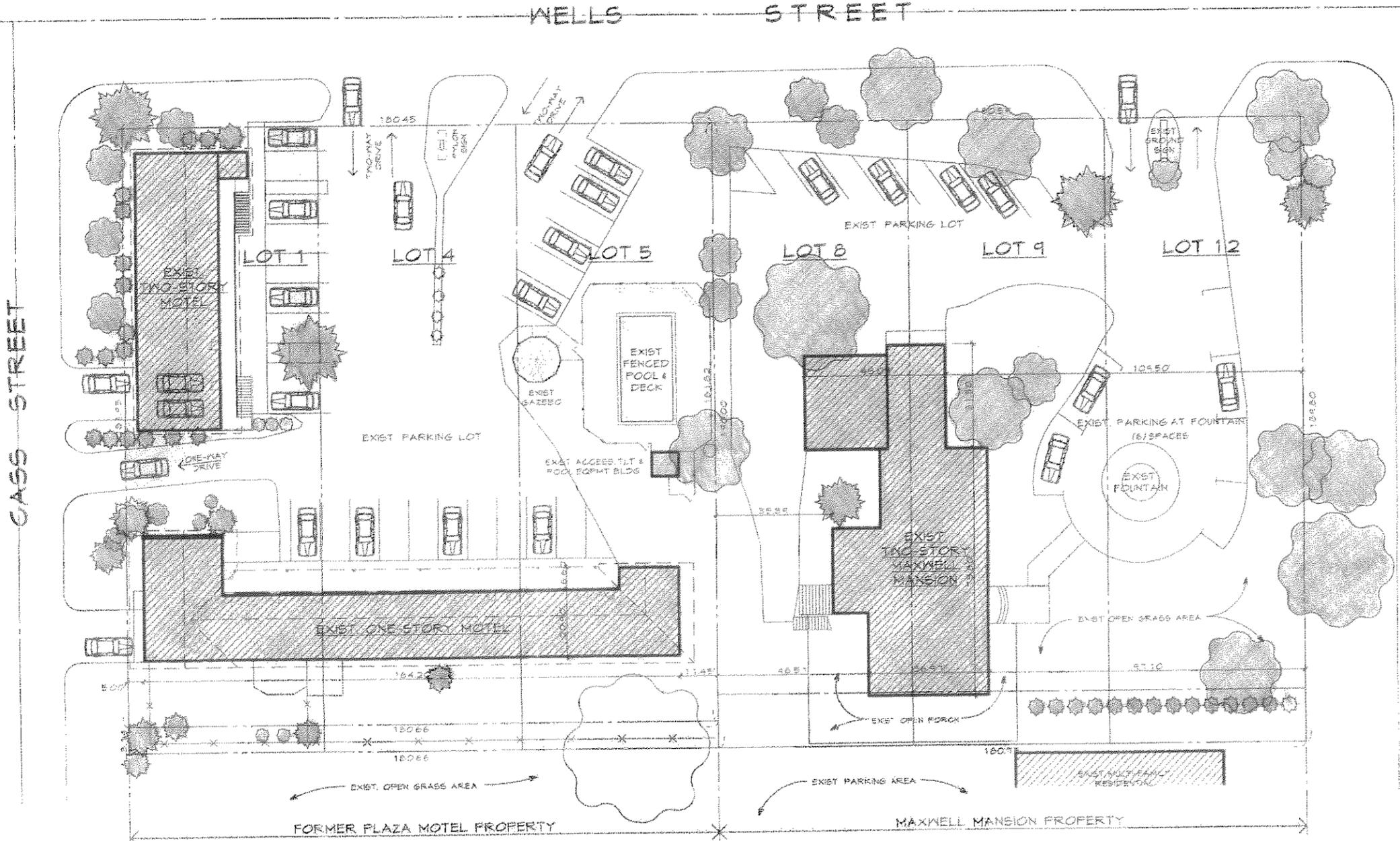
PROJECT NO
3401
DATE
12-10-90
SHEET NO











exist. site plan **n** **1" = 20'-0"**

MOTEL LOTS 1, 4 & 5 SITE/BUILDING INFORMATION TAKEN FROM PLAT OF SURVEY PREPARED BY FARRIS, HANSEN & ASSOCIATES, INC. LAND SURVEY DATED SEPTEMBER 7, 2010

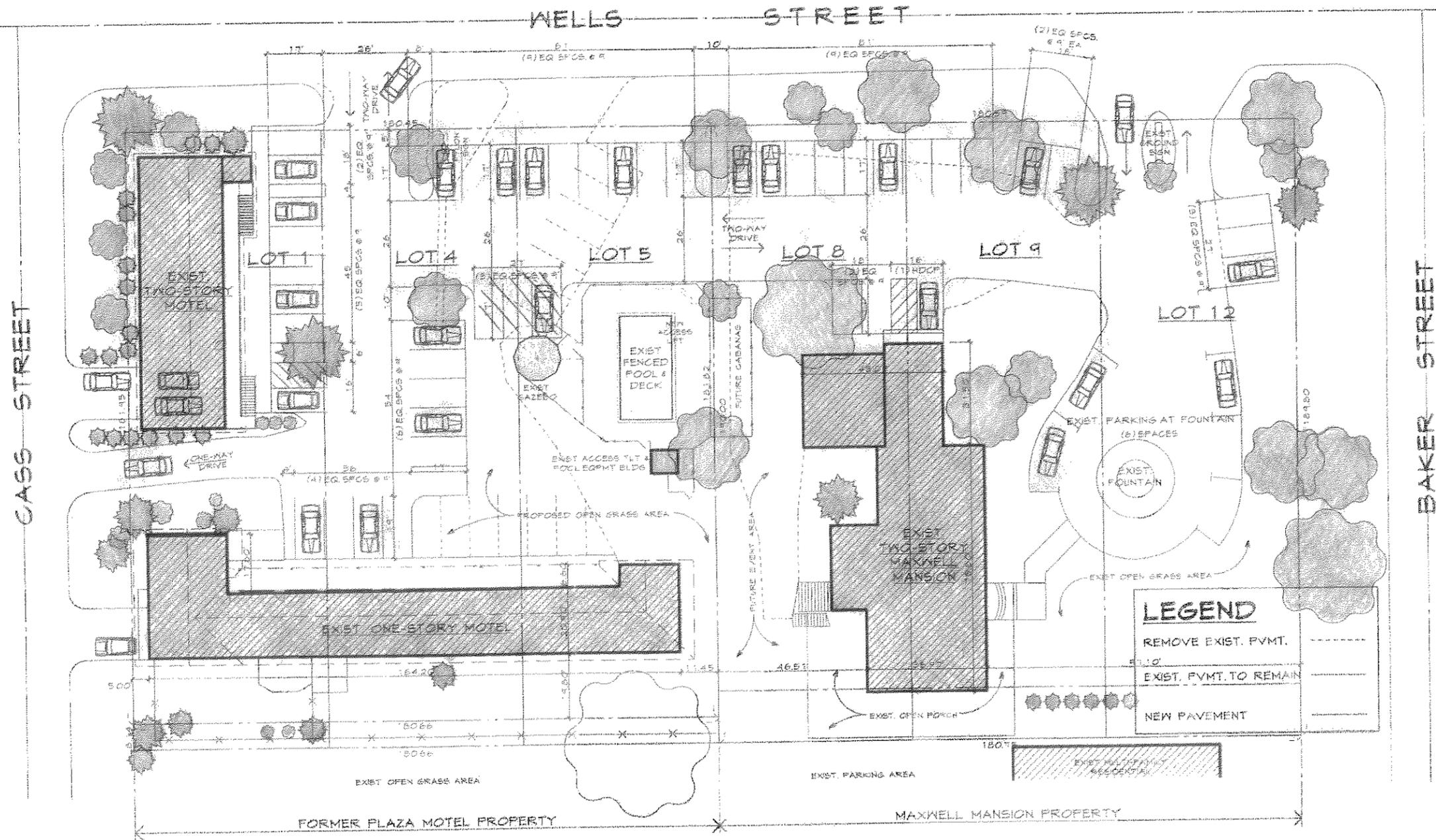
MAXWELL MANSION LOTS 8 & 9 SITE/BUILDING INFORMATION TAKEN FROM PLAT OF SURVEY PREPARED BY HAROLD H. KOHL, WISCONSIN REGISTERED LAND SURVEYOR, LAND SURVEY DATED MAY 20, 1977 AND BOUNDARY SURVEY PREPARED BY FARRIS, HANSEN & ASSOCIATES, INC. BOUNDARY SURVEY DATED DECEMBER 10, 1990

site/building data

ZONING DISTRICT/ANNUAL USE	66 - GENERAL BUSINESS DISTRICT WITH HOODLANDS OVERLAY
SITE AREA	
PLAZA HOTEL PARCEL NO. 1, 4 & 5	194,809 SQUARE FEET
MAXWELL MANSION PARCEL NO. 8 & 9	194,808 SQUARE FEET
TOTAL SITE AREA	1,656,117 SQUARE FEET
NO. OF SLEEPING ROOMS - EXISTING	
SLEEPING ROOMS - HOTEL (100'x BUILDINGS)	21
SLEEPING ROOMS - MAXWELL MANSION	4
STAFF LIVE ON PREMISES	5
STAFF ADDITIONAL	5
TOTAL SLEEPING ROOMS + STAFF	35
PARKING REQUIRED	
ACCESSIBLE (15' X 11')	0 SPACES
OTHER (15' X 11' MIN)	25 SPACES
TOTAL PARKING REQUIRED	25 SPACES
PARKING PROVIDED	
ACCESSIBLE (15' X 11')	0 SPACES
OTHER (15' X 11' MIN)	25 SPACES
TOTAL PARKING PROVIDED	25 SPACES

EXISTING 'MAXWELL MANSION' & MOTEL (FORMER 'PLAZA MOTEL')
motel renovation and parking reconfiguration
 421 BAKER STREET & 304 S. WELLS STREET LAKE GENEVA, WISCONSIN

Architects 127
 1625 Consulate Drive Agency, IL 60050
 Tel (815) 452-4125 Fax (815) 337-6027



proposed site plan 1" = 20'-0"

MOTEL LOTS 1, 4 & 5 SITE/BUILDING INFORMATION TAKEN FROM PLAT OF SURVEY PREPARED BY FARRIS, HANSEN & ASSOCIATES, INC. LAND SURVEY DATED SEPTEMBER 1, 2010

MAXWELL MANSION LOTS 8 & 9 & 12 SITE/BUILDING INFORMATION TAKEN FROM PLAT OF SURVEY PREPARED BY HAROLD H. KOLES NISCONSIN REGISTERED LAND SURVEYOR. LAND SURVEY DATED MAY 30, 1971 AND BOUNDARY SURVEY PREPARED BY FARRIS, HANSEN & ASSOCIATES, INC. BOUNDARY SURVEY DATED DECEMBER 10, 1990

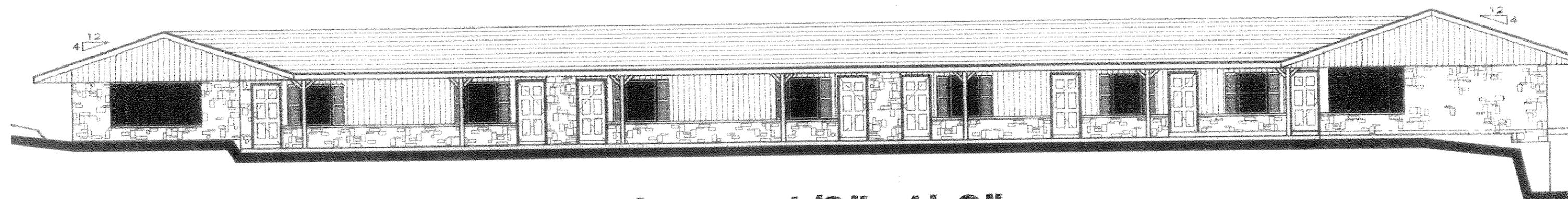
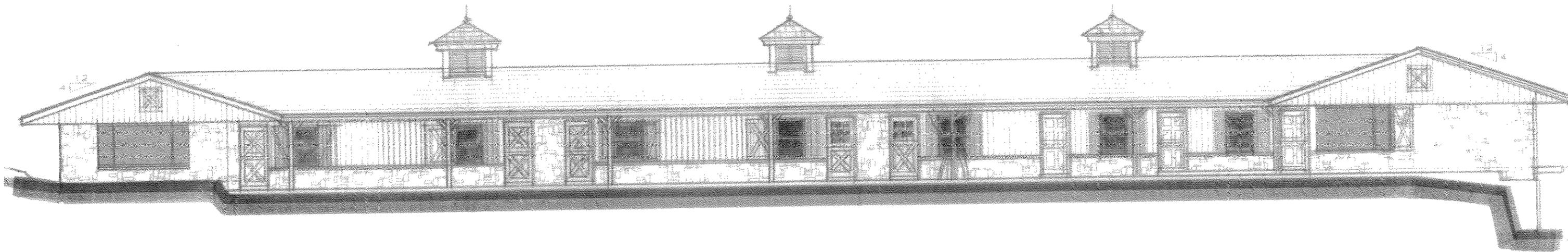
site/building data

ZONING DISTRICT AND USE	USE - GENERAL BUSINESS DISTRICT WITH HOODLANDS OVERLAY
SITE AREA	
PLAZA MOTEL PARCEL NO. 1, 4 & 5	184,308 SQUARE FEET
MAXWELL MANSION PARCEL NO. 8, 9 & 12	43,400 SQUARE FEET
TOTAL SITE AREA	227,708 SQUARE FEET
NO. OF GUEST ROOMS & STAFF	
GUEST ROOMS HOTEL (BOTH BUILDINGS)	21
GUEST ROOMS MAXWELL MANSION	1
STAFF LIVE ON PREMISES	1
STAFF ADDITIONAL	1
TOTAL GUEST ROOMS & STAFF	24
PARKING REQUIRED	
ACCESSIBLE (15' X 30')	2 SPACES
OTHER (15' X 15' MIN.)	51 SPACES
TOTAL PARKING REQUIRED	53 SPACES
PARKING PROVIDED	
ACCESSIBLE (15' X 30')	0 SPACES
OTHER (15' X 15' MIN.)	55 SPACES
TOTAL PARKING PROVIDED	55 SPACES

EXISTING 'MAXWELL MANSION' & MOTEL (FORMER 'PLAZA MOTEL') motel renovation and parking reconfiguration

421 BAKER STREET & 304 S. WELLS STREET LAKE GENEVA, WISCONSIN

Architects 127
 5625 Chesapeake Drive
 McHenry, IL 60050
 Tel (847) 452-4125 +
 Fax (815) 337-6027
 + Associates, Inc.



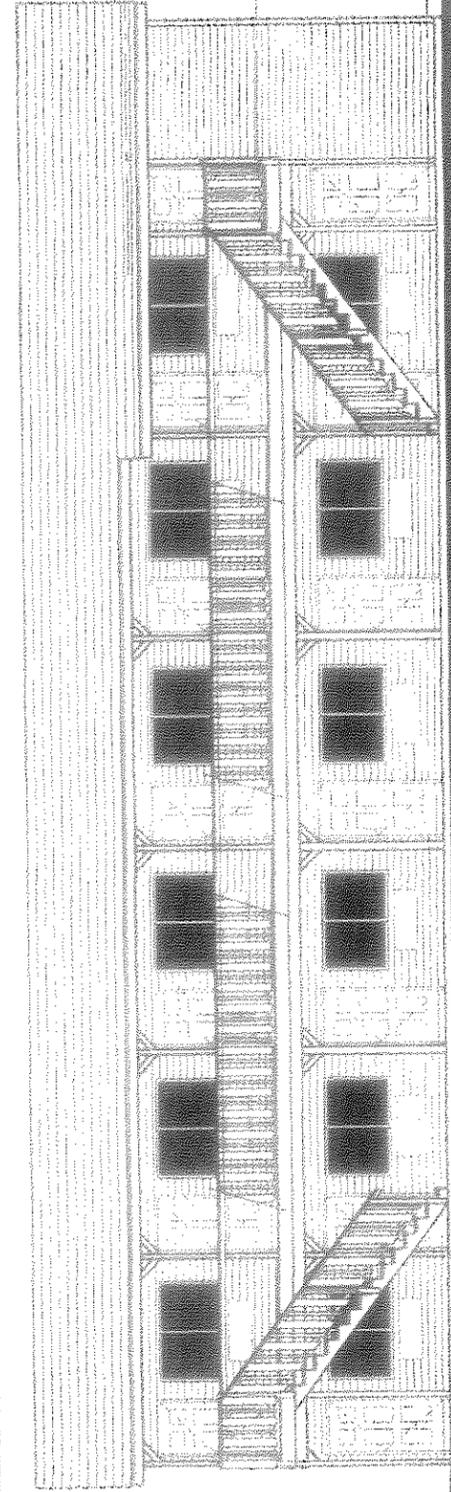
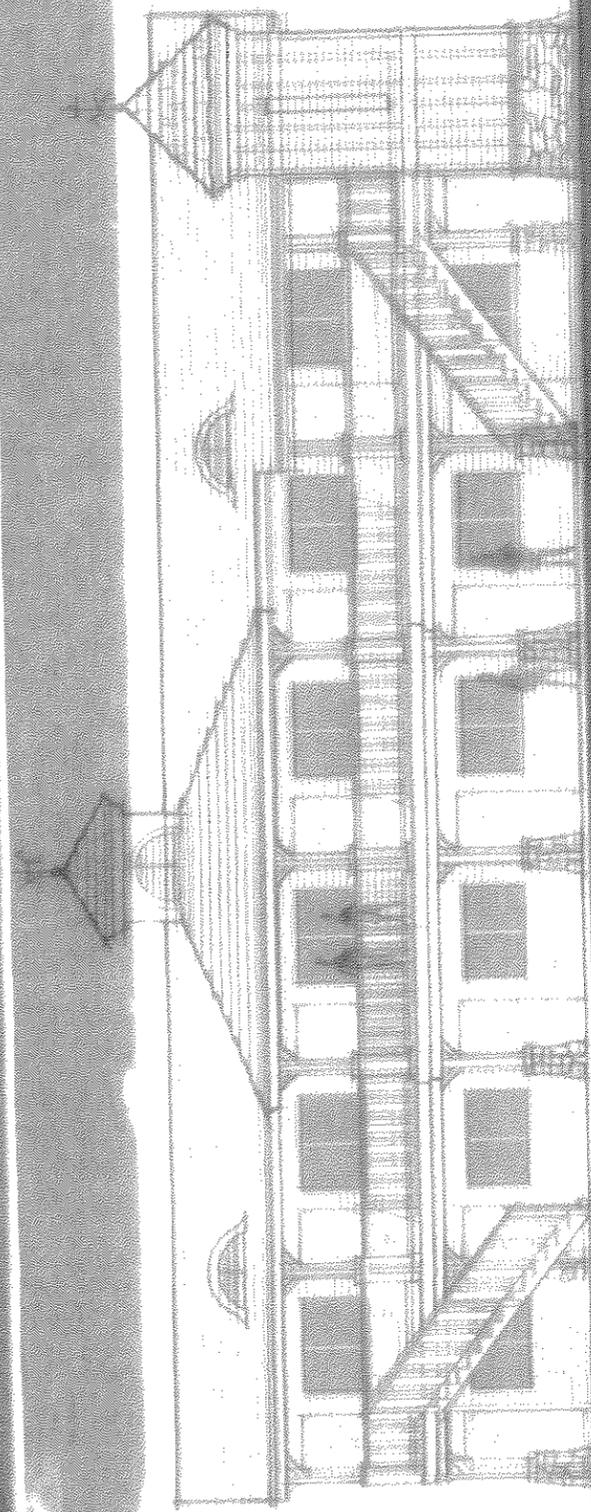
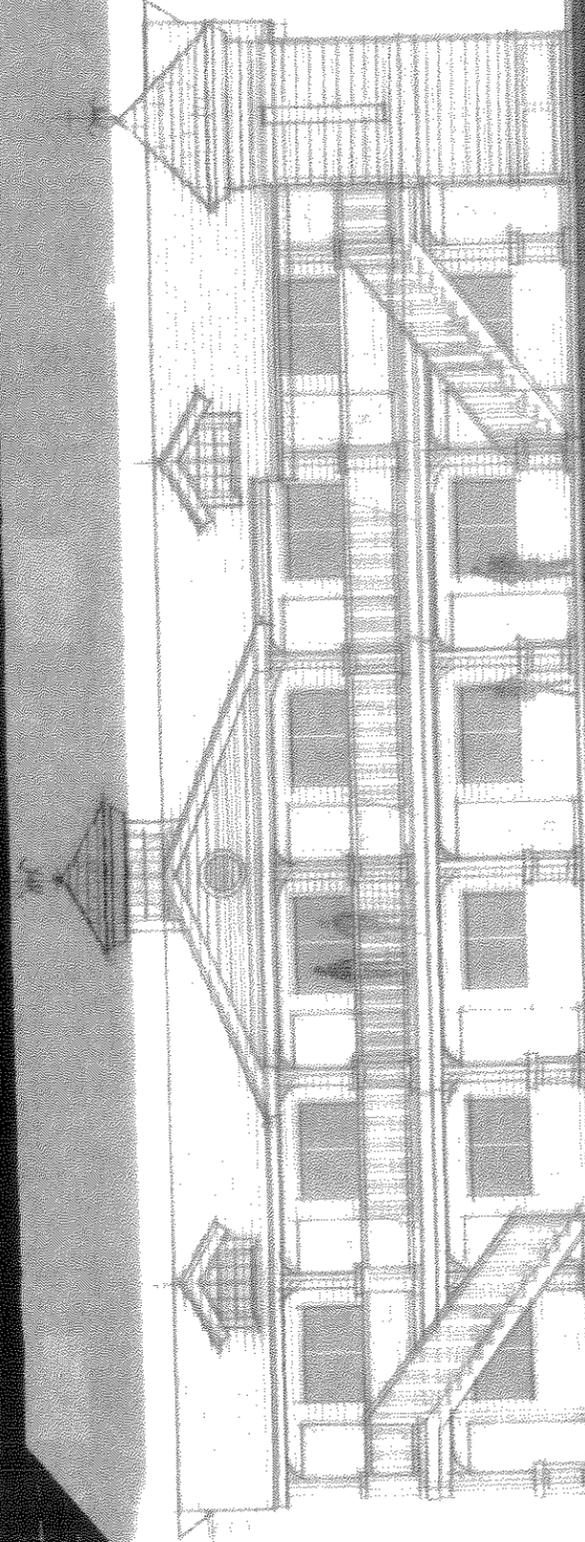
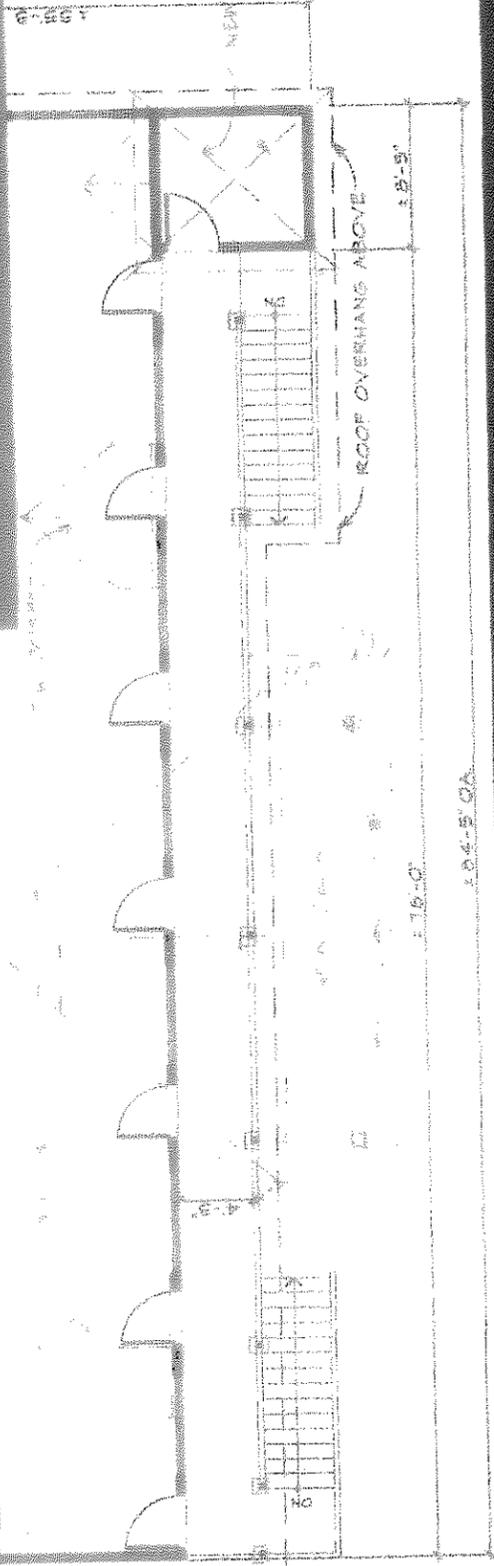
exist. east elevation **1/8"=1'-0"**

• EXISTING BUILDING INFORMATION & DIMENSIONS TAKEN FROM SITE VERIFICATION BY ARCHITECTS 127 + ASSOC. INC., ON 11/4/15

floor/roof plan

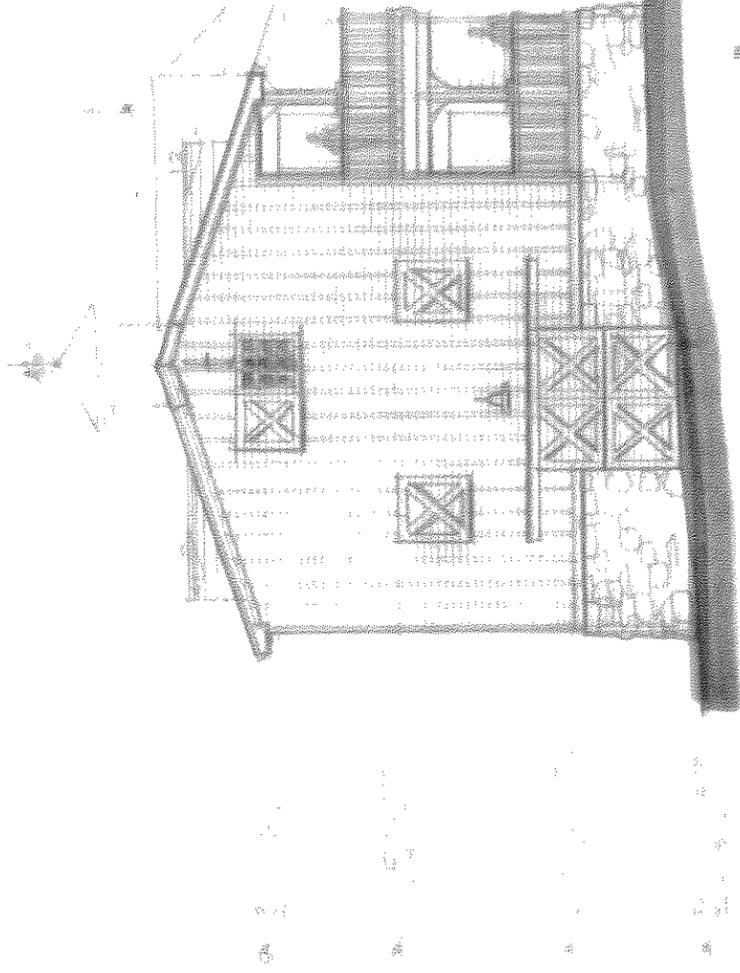


ROOF RIDGE LINE ABOVE

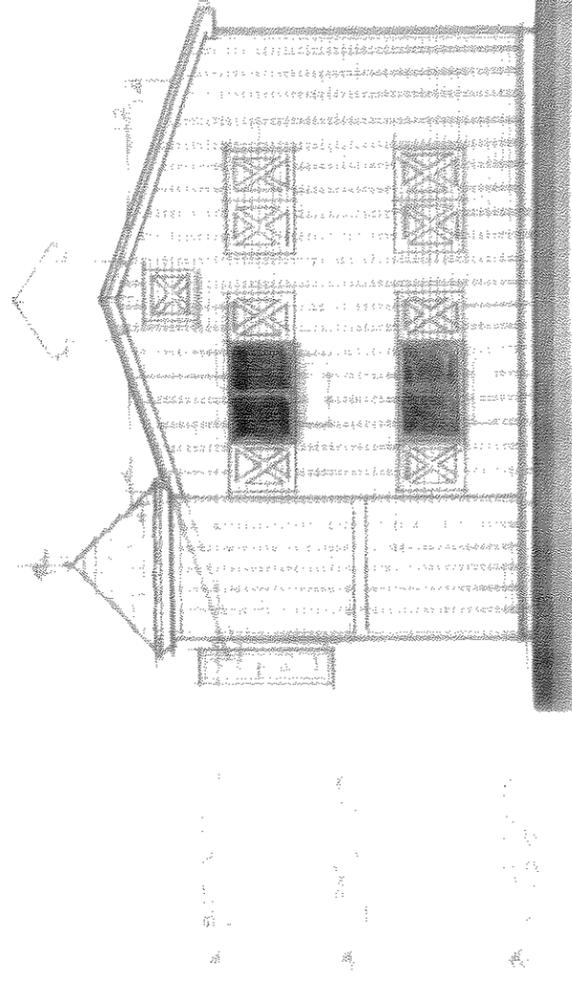


south elevation

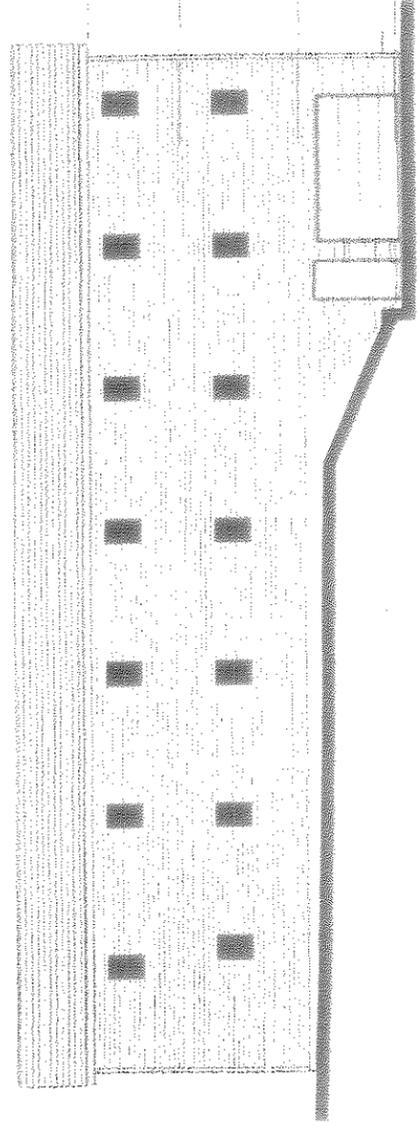
1/8" = 1'-0" exist.



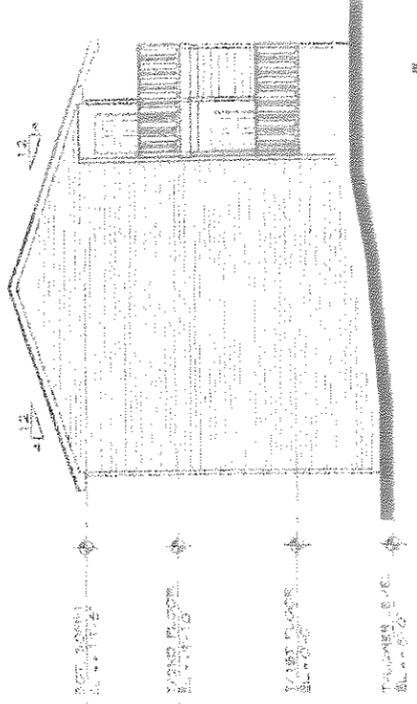
west



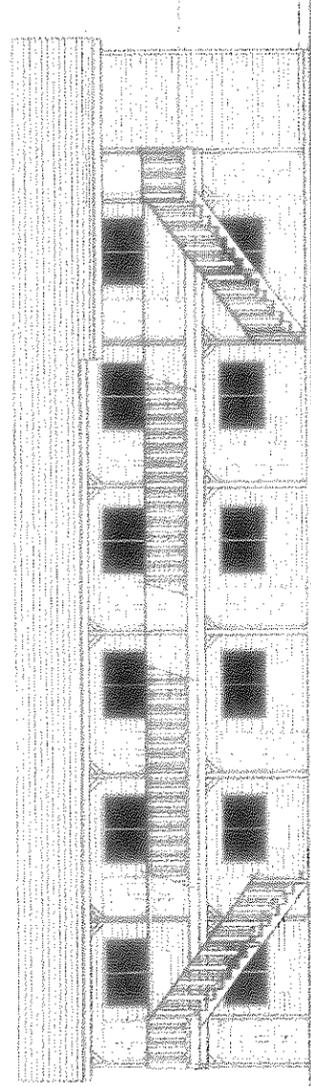
east



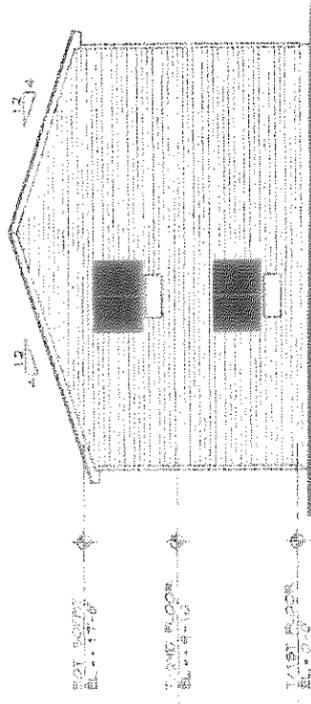
north



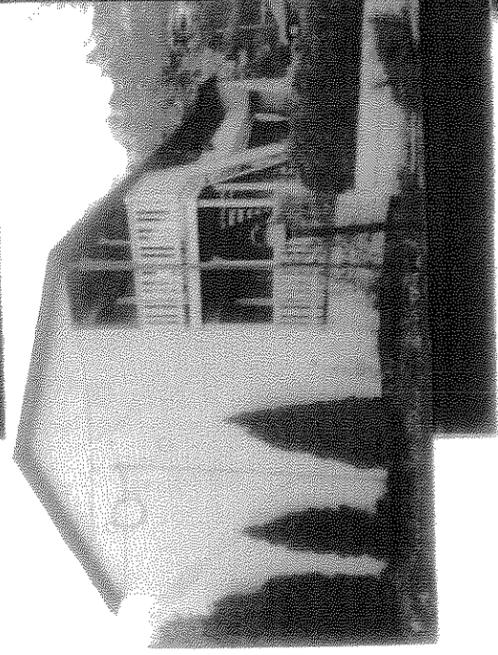
west



south elevation 1/8"=1'-0"

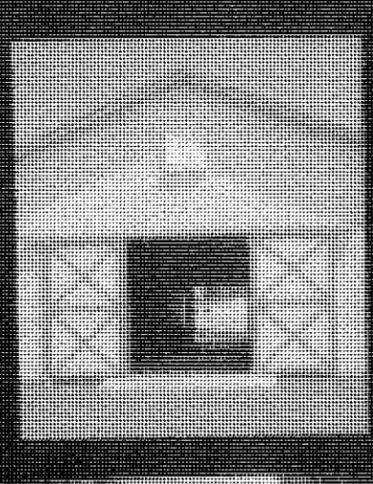


east





CORNER TRIM BOARDS



CUPOLA



VERTICAL SIDING



HAY BALE POST/PULLEY

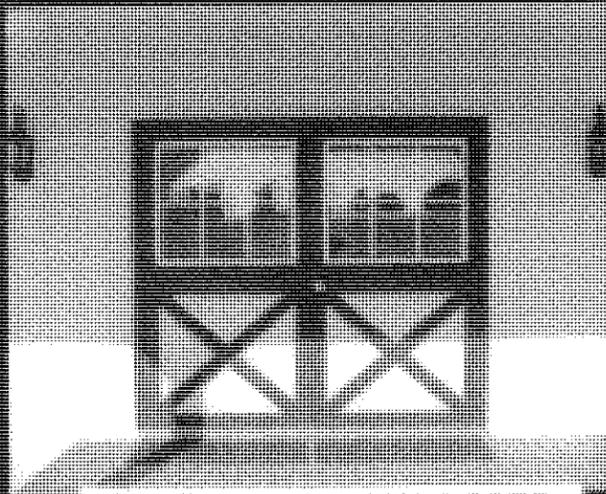


CONTRAST COLORS

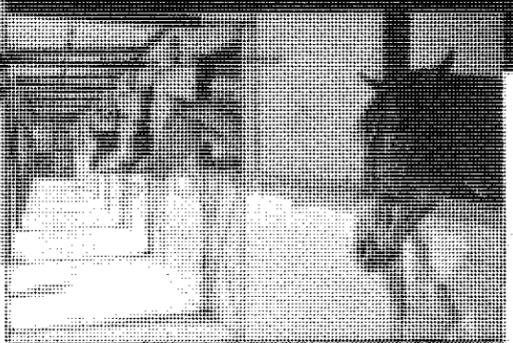


Mowing
Barn

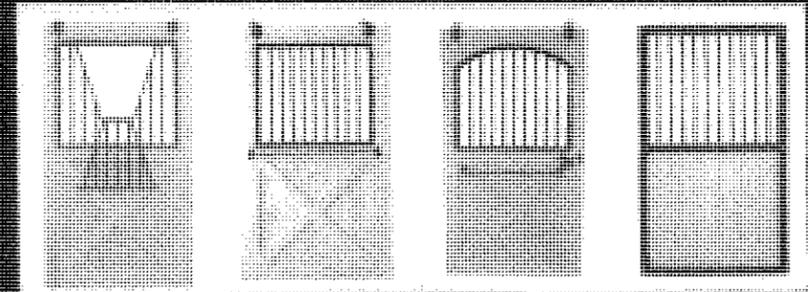




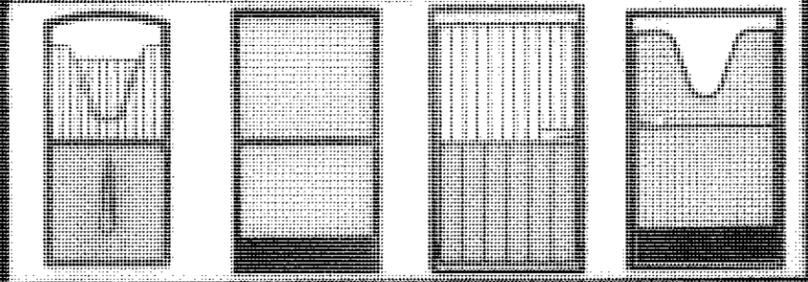
DOUBLE-LEAF BARN DOORS



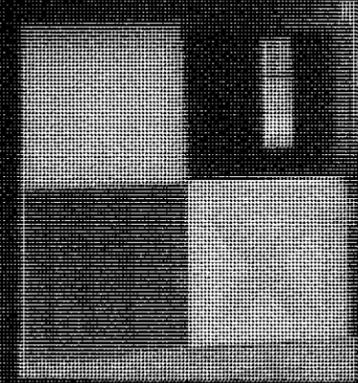
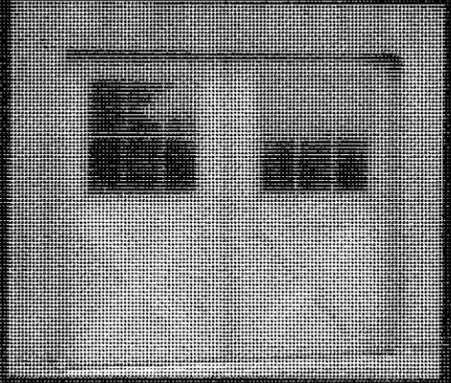
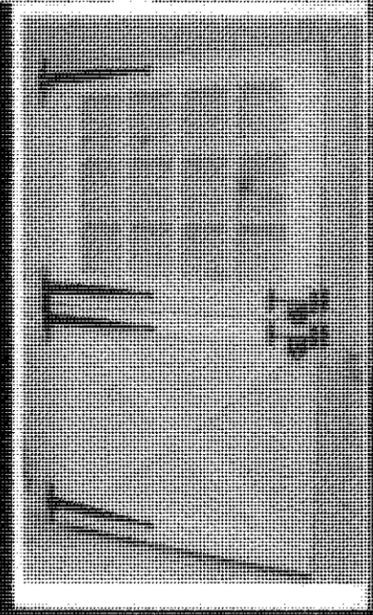
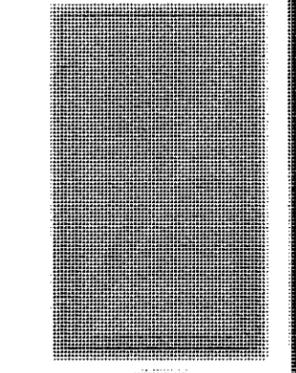
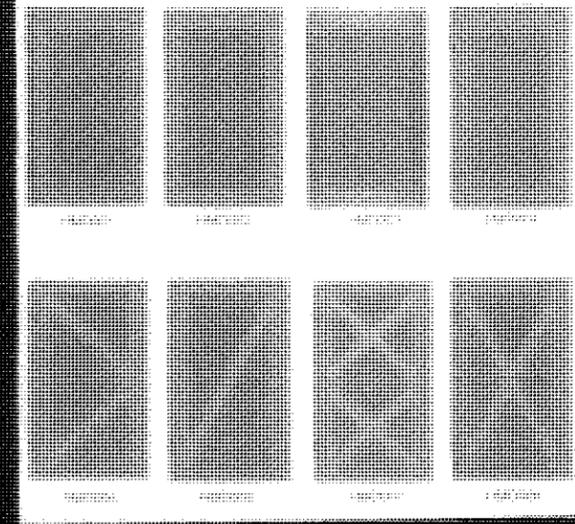
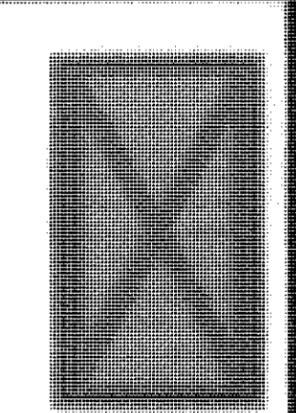
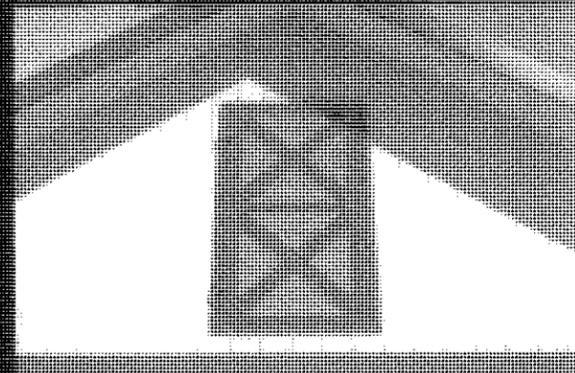
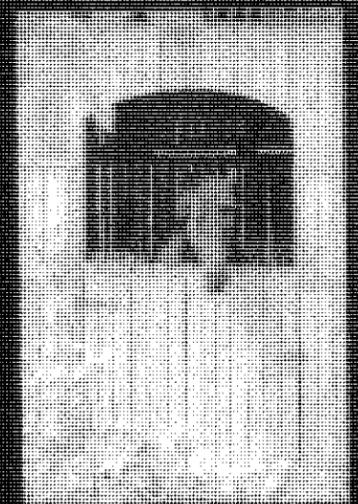
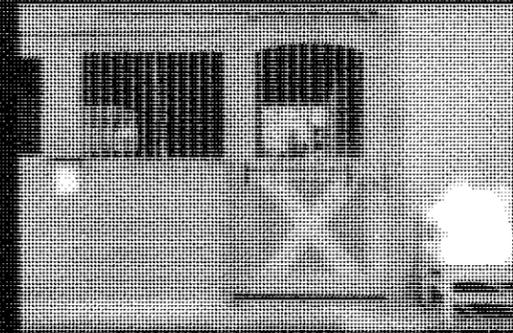
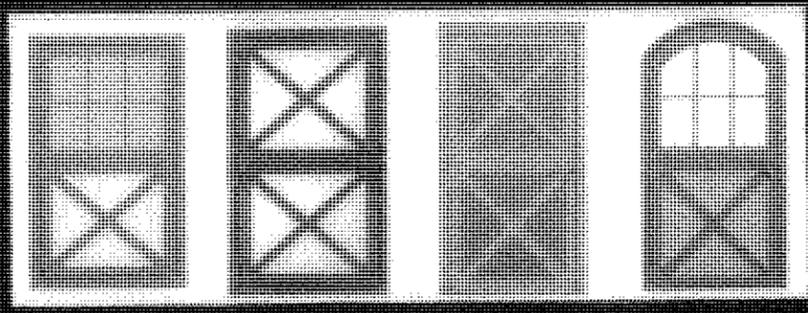
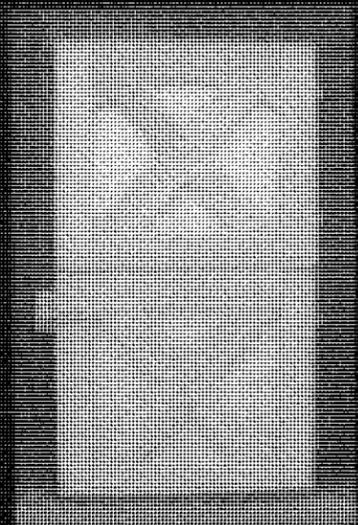
HORSE STALL

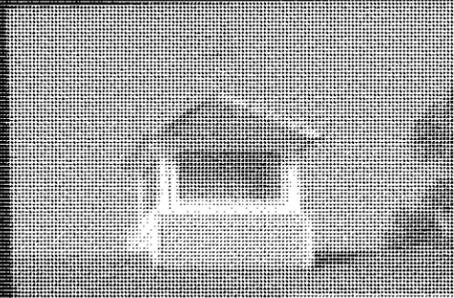
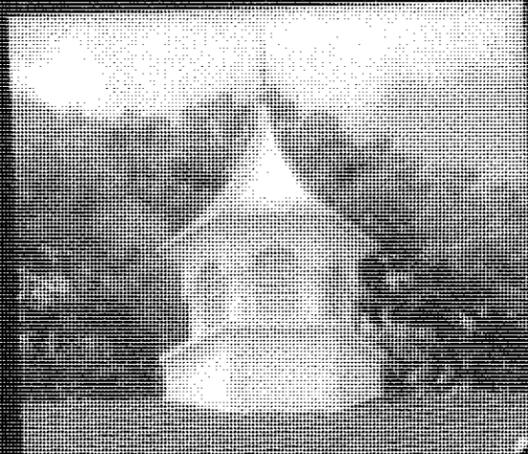
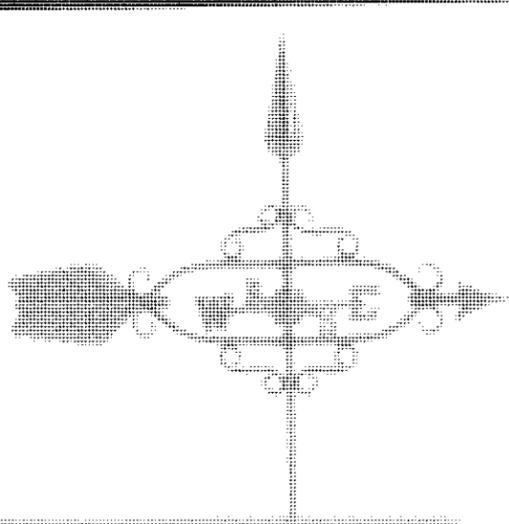


HORSE GATES

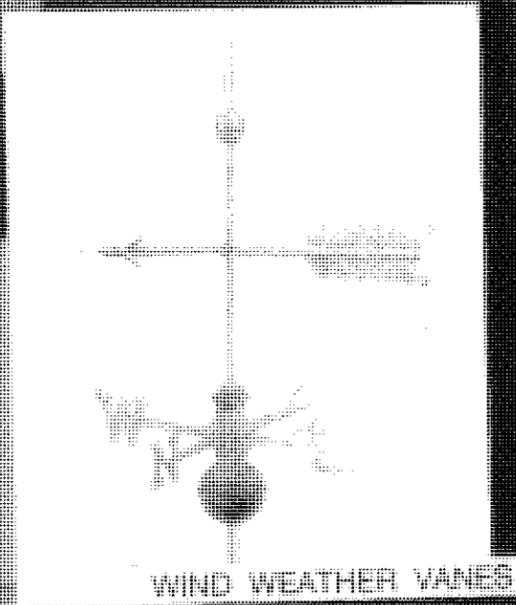
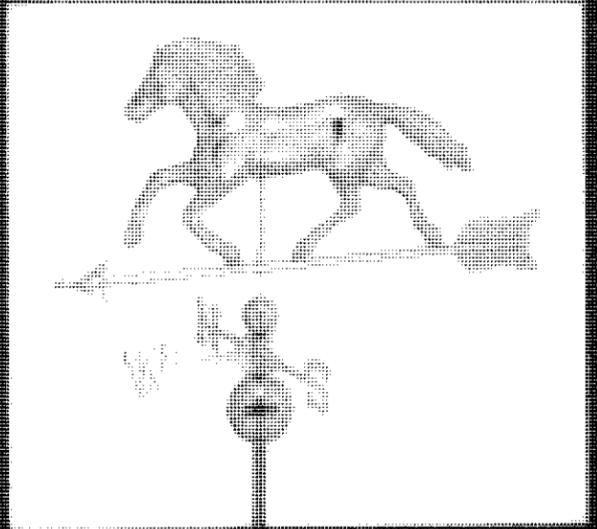
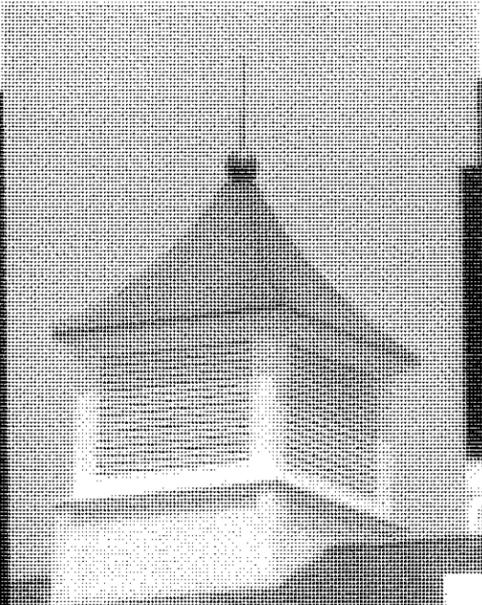


SWING CROSSELUCK DUTCH DOORS



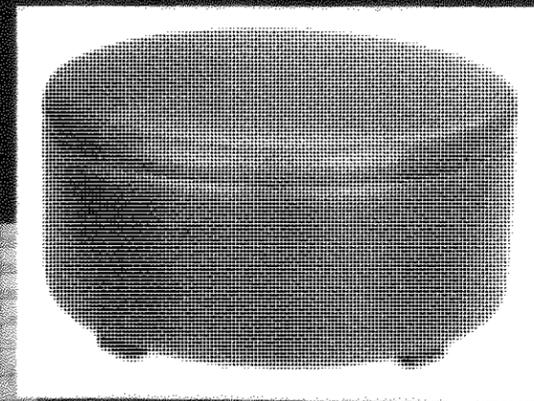
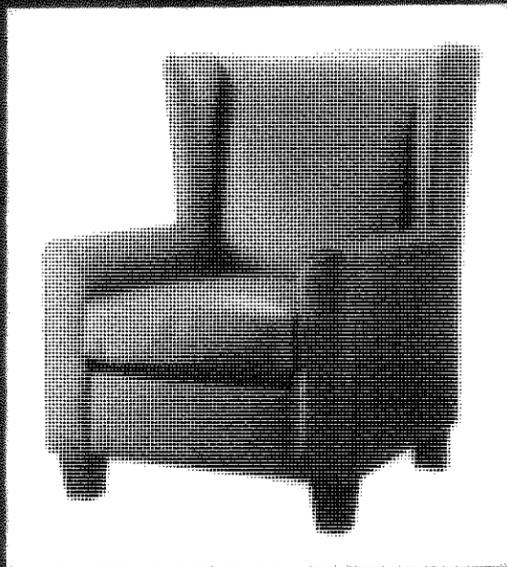
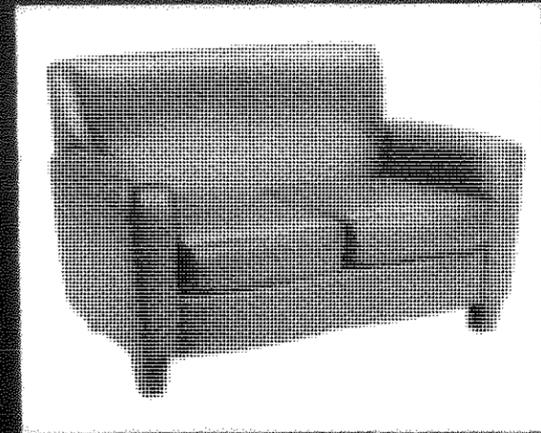
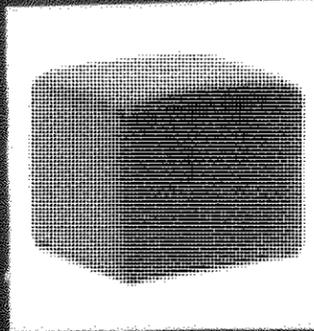
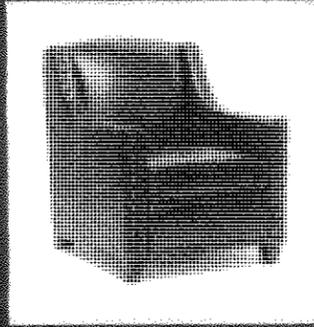
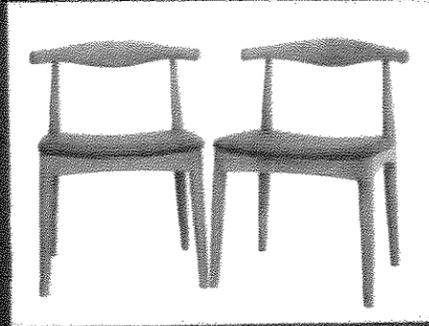


CUPOLAS



WIND WEATHER VANES

EXTERIOR:
ROOF CUPOLAS
& WIND VANES



INTERIOR:

FURNISHINGS

10

**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; *None*

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.

will provide
~~sun~~

(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;

N/A

(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 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: _____

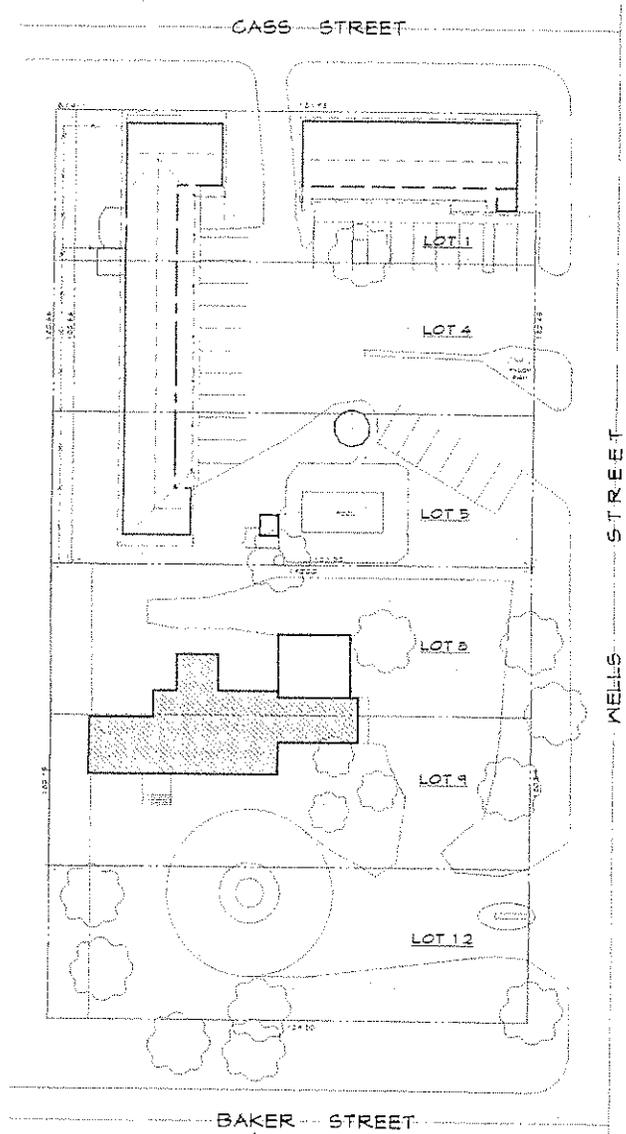
Written Description for Site Plan Review

The existing zoning district for these properties is GB-General Business. The proposed district is for the zoning to remain the same. The Future land use designation for these properties is Neighborhood Mixed Use. The future land use for these properties will not change with the Group Development use. The existing uses on the property are to remain with Indoor Commercial Entertainment and Indoor Commercial Lodging. The motel can accommodate 21 guests and the mansion can accommodate 6 guests. There are three staff that are on the motel premises at all times and occasionally three more staff will be present. There is one staff on the mansion premises at all times.

The number of daily customers will depend on the scheduled events and time of the year. There will be no change in the number of units/floor area available. The traffic pattern will change with a continuous drive going between the properties. The parking layout will change at the motel. There will still be three entrance/exits onto public streets between the two properties. There is an increase in the green space area with the new parking layout and additional landscape will be added for privacy and aesthetics.

There will be no change in the operational considerations except a potential decrease in traffic generation due to the ability to utilize both businesses by foot. The proposed development shall comply with all requirements of Article VII. Strict rules are to be enforced by the staff to ensure those requirements are maintained.

Exterior changes to the motel will occur as a part of upgrading the property. The buildings will take on the look of a Carriage House and Stables complete with cupolas to maintain the original use of the property as such. The deck on the two story motel building will expand slightly from the original width but will not come out into the sidewalk or parking area. No future expansion is anticipated at this time.



site plan n 1" = 20'-0"

* HOTEL LOTS 1, 4 & 5 BUILDING INFORMATION TAKEN FROM PLAT OF SURVEY PREPARED BY PARKS, WHITTEN & ASSOCIATES, INC. LAND SURVEY DATED SEPTEMBER 1, 2010
 * MANTEL MANSION LOTS 2, 4 & 5 BUILDING INFORMATION TAKEN FROM PLAT OF SURVEY PREPARED BY HAROLD H. HILD. HILDEBRAND MEASURED LAND SURVEY, LAND SURVEY DATED MAY 20, 1941 AND BOUNDARY SURVEY PREPARED BY PARKS, WHITTEN & ASSOCIATES, INC. BOUNDARY SURVEY DATED DECEMBER 10, 1942

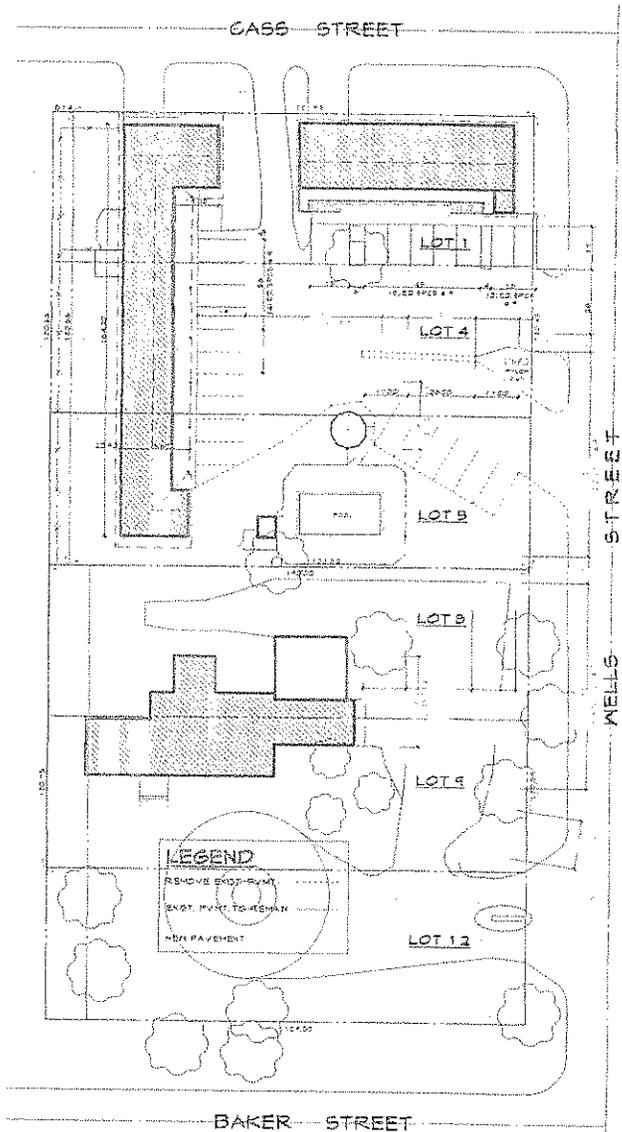
A1.1

PROJECT NO.	DATE	REVISION	DATE	DESCRIPTION
1387 A1.1	11/13/13			PRELIMINARY
CONTENTS: COVER SHEET, SITE PLAN, EXISTING BUILDING DATA				

EXISTING MAXWELL MANSION & HOTEL (FORMER PLAZA HOTEL)
motel renovation and parking reconfiguration
 421 BAKER STREET & 204 S WELLS STREET LAKE SHORE, ILLINOIS

Architects 127
 1133 Desmarres Dr. • Tinian, IL 62451
 Phone: 618-202-7700 • Fax: 618-202-7702 • **Associates, Inc.**

https://www.dropbox.com/.../1387 A1.1 Exist. Site Plan 11-13-13.pdf



site plan n 1" = 20'-0"

* HOTEL LOTS 11 & 12 SITE BUILDING INFORMATION TAKEN FROM PLAT OF SURVEY PREPARED BY PARRIN HANSEN & ASSOCIATES, U.S. LAND SURVEY ENGINEER NO. 2272
 * WYLLIE MARCHEN LOTS 8 & 9 SITE BUILDING INFORMATION TAKEN FROM PLAT OF SURVEY PREPARED BY HAROLD KOLB HINGENBACH REGISTERED LAND SURVEYOR, LAND SURVEY DATED MAY 22, 1941 AND BOUNDARY SURVEY PREPARED BY PARRIN HANSEN & ASSOCIATES, U.S. BOUNDARY SURVEY DATED DECEMBER 12, 1940

A1.1

PROJECT NO.	1387	CLIENT	DATE	DESCRIPTION
DATE	13 NOV 13			PRELIMINARY
DRAWN	ROYLAP			
CONTENTS: SUBMITTAL SITE PLAN & SITE BUILDING DATA				

EXISTING 'MAXWELL HANSEN' HOTEL (FORMER PLAZA HOTEL)
motel renovation and parking reconfiguration
 1100 BAKER STREET + 304 + 4 WELLS STREET - LANSING, MICHIGAN, 48206



1100 University Dr. • Lansing, MI 48906 • TEL: 517.487.1100 • FAX: 517.487.1101 • www.ahcarchitects.com

April 13th, 2014

Dear City Plan Commission,

We are submitting this letter in regard to the Conditional Use Application filed by Geneva Baker House, 327 Wrigley Drive, Lake Geneva for a Group Development in the General Business zoning district at the following location: TAX KEY No. ZOP 00352 & ZOP 003562A- 304 Wells St. & 421 Baker Street.

We are unable to attend the meeting, but we wish to voice our support for any improvements and development plans being considered for these properties.

We live at 303 Oak Terrace, Lake Geneva, Wisconsin, directly behind the YMCA. Our house is the first house on Oak Terrace, facing Wells Street, with full view of the 'Geneva Baker House' Sister Property... The Maxwell Mansion Estate.

We look forward to the buildings and grounds being transformed from their present state. We are delighted with the prospect of a new, refreshing change for that property. An historical slant and flavor will be a pleasure to look at, and we endorse the proposed improvements.

Sincerely,
Linda and Gary Ahnert
Linda Ahnert
Gary Ahnert

APPLICATION FOR CONDITIONAL USE

City of Lake Geneva

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

Legal description described to be provided. See attached plot plan 48 49.

NAME AND ADDRESS OF CURRENT OWNER:

Lake Geneva Tennis LLC

TELEPHONE NUMBER OF CURRENT OWNER:

(262) 215-6426

NAME AND ADDRESS OF APPLICANT:

Paul Lauterbach

914 Bennett Ct. Walworth Wisconsin, 53184

TELEPHONE NUMBER OF APPLICANT:

(262) 215-6426

PROPOSED CONDITIONAL USE:

Indoor and outdoor tennis facility per city of Lake Geneva zoning ordinance article II. Land use regulations 98.206 section 4S. physical activity studio.

ZONING DISTRICT IN WHICH LAND IS LOCATED:

Lake Geneva Business Park lots 48 and 49.

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

Architect: Robert P Yuhas

4820 Six Mile rd. Racine, Wisconsin 53402

Contractor: Gary Stark

Stark & Company, Inc. 255 Smythe dr. Williams Bay, Wisconsin 53191

Engineer: To be engaged

SHORT STATEMENT DESCRIBING ACTIVITIES TO BE CARRIED ON AT SITE:

Recreational tennis, instructional tennis, and tennis tournaments. Tennis programming for all ages and abilities.

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

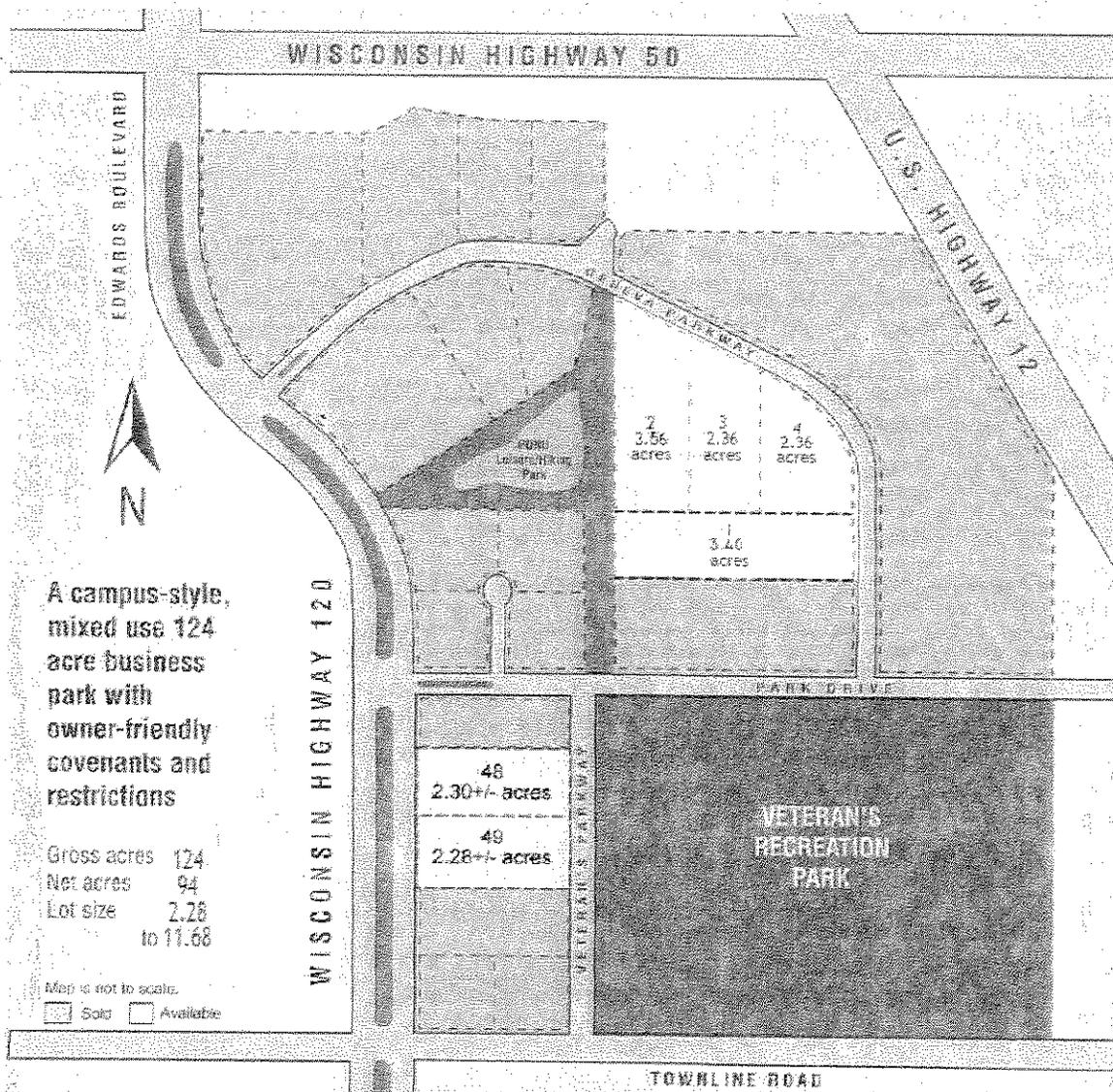
3/24/2014

DATE

Paul Lauterbach

SIGNATURE OF APPLICANT

LAKE GENEVA BUSINESS PARK



A campus-style, mixed use 124 acre business park with owner-friendly covenants and restrictions

Gross acres 124
 Net acres 94
 Lot size 2.28 to 11.68

Map is not to scale.
 Sold Available

Wisconsin State Highway 120 connects to Illinois 47 at the state line.

Improved lots from \$1 per square foot!

Owner (s):

LAKE GENEVA ECONOMIC DEVELOPMENT CORP

Location:

Mailing Address:

LAKE GENEVA ECONOMIC DEVELOPMENT CORP

500 COMMERCIAL COURT

LAKE GENEVA, WI 53147-0000

School District:

2884 - UHS Lake Geneva-Genoa City

Tax Parcel ID Number:

ZLGBP200029

Tax District:

246-City of Lake Geneva

Status:

Active

Acres:

2.3000

Description - Comments (Please see Documents tab below for related documents. For a complete legal description, see recorded document.):

LOT 48 LAKE GENEVA BUSINESS PARK PHASE II AS RECORDED IN CAB B SLIDE 174 WCR. LOCATED IN NE 1/4 SE 1/4, SE 1/4 SE 1/4 & SW 1/4 SE 1/4 SEC 31 T2N R18E. 100380 SQ FT. CITY OF LAKE GENEVA OMITS ZYUP-169 & ZA2524-1

Site Address(es): *(Site address may not be verified and could be incorrect. DO NOT use the site address in lieu of legal description.)*

PREPARED FOR:
KENNEDY DEVELOPMENT COMPANY, L.L.C.
303 BRIAN LAKE PROSPECT HEIGHTS, ILL.
60070

PLAT OF SURVEY

OF

LOT 48 OF LANE CENTER BUSINESS PARK, LOCATED IN THE
SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 10 WEST,
CITY OF LAKE GENEVA, WILMINGTON COUNTY, MISSOURI.

304

LOT 47

RECORDS
TO BE MAINTAINED
BY THE SURVEYOR

N 89°53'07" E

(N 89°53'07" E 495.15')

495.15'

101.06' 49.95' 49.95'
200.98' (N 00°41'31" W 200.98') N 00°42'02" W

C.L. EDWARDS BOULEVARD
(120' WIDE)

C.L. VETERANS PARKWAY
(70' WIDE)

THE VETERANS

S 00°54'10" E (S 00°53'28" W 200.99') 201.00'

15' WIDE UTILITY EASEMENT

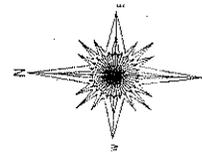
LOT 48
AREA = 2.30 ACRES
100382 SQUARE FEET

S 80°58'21" W

(S 80°58'21" W 499.87')

499.86'

LOT 49



BEARINGS ARE REFERENCED TO THE DEGREES
PLAT OF LANE CENTER BUSINESS PARK PHASE 2

LEGEND

- () = wooded area
- = found iron bar
- = found iron pipe
- = iron pipe
- = iron bar

808 11 04 40

TAX ID # 24 02825600



JOHN P. SCOTT, S. 2258
WILMINGTON REGISTERED LAND SURVEYOR
(Registration No. 0008)

DATED THIS 16th DAY OF FEBRUARY, 2006

304-100

Owner (s):

LAKE GENEVA ECONOMIC DEVELOPMENT CORP

Location:

Mailing Address:

LAKE GENEVA ECONOMIC DEVELOPMENT CORP

500 COMMERCIAL CT

LAKE GENEVA, WI 53147-0000

School District:

2884 - UHS Lake Geneva-Genoa City

Tax Parcel ID Number:

ZLGBP200030

Tax District:

246-City of Lake Geneva

Status:

Active

Acres:

0.5700

Description - Comments (Please see Documents tab below for related documents. For a complete legal description, see recorded document.):

LOT 49 LAKE GENEVA BUSINESS PARK PHASE II AS RECORDED IN CAB B SLIDE 174 WCR. LOCATED IN NE 1/4 SE 1/4, SE 1/4 SE 1/4 & SW 1/4 SE 1/4 SEC 31 T2N R18E. 24995 SQ FT. CITY OF LAKE GENEVA OIMITS ZYUP-169 & ZA2524-1

Site Address (es): *(Site address may not be verified and could be incorrect. DO NOT use the site address in lieu of legal description.)*

Owner (s):

LAKE GENEVA ECONOMIC DEVELOPMENT CORP

Location:

Mailing Address:

LAKE GENEVA ECONOMIC DEVELOPMENT CORP

500 COMMERCIAL COURT

LAKE GENEVA, WI 53147-0000

School District:

2884 - UHS Lake Geneva-Genoa City

Tax Parcel ID Number:

ZLGBP200031

Tax District:

246-City of Lake Geneva

Status:

Active

Acres:

0.5700

Description - Comments (Please see Documents tab below for related documents. For a complete legal description, see recorded document.):

LOT 50 LAKE GENEVA BUSINESS PARK PHASE II AS RECORDED IN CAB B SLIDE 174 WCR. LOCATED IN NE 1/4 SE 1/4, SE 1/4 SE 1/4 & SW 1/4 SE 1/4 SEC 31 T2N R18E. 25004 SQ FT. CITY OF LAKE GENEVA OIMITS ZYUP-169 & ZA2524-1

Site Address (es): *(Site address may not be verified and could be incorrect. DO NOT use the site address in lieu of legal description.)*

Owner (s):

LAKE GENEVA ECONOMIC DEVELOPMENT CORP

Location:

Mailing Address:

LAKE GENEVA ECONOMIC DEVELOPMENT CORP

500 COMMERCIAL CT

LAKE GENEVA, WI 53147-0000

School District:

2884 - UHS Lake Geneva-Genoa City

Tax Parcel ID Number:

ZLGBP200032

Tax District:

246-City of Lake Geneva

Status:

Active

Acres:

0.5700

Description - Comments (Please see Documents tab below for related documents. For a complete legal description, see recorded document.):

LOT 51 LAKE GENEVA BUSINESS PARK PHASE II AS RECORDED IN CAB B SLIDE 174 WCR. LOCATED IN NE 1/4 SE 1/4, SE 1/4 SE 1/4 & SW 1/4 SE 1/4 SEC 31 T2N R18E. 25012 SQ FT. CITY OF LAKE GENEVA OMITS ZYUP-169 & ZA2524-1

Site Address (es): *(Site address may not be verified and could be incorrect. DO NOT use the site address in lieu of legal description.)*

Owner (s):

LAKE GENEVA ECONOMIC DEVELOPMENT CORP

Location:

Mailing Address:

**LAKE GENEVA ECONOMIC DEVELOPMENT CORP
500 COMMERCIAL COURT
LAKE GENEVA, WI 53147-0000**

School District:

2884 - UHS Lake Geneva-Genoa City

Tax Parcel ID Number:

ZLGBP200033

Tax District:

246-City of Lake Geneva

Status:

Active

Acres:

0.5700

Description - Comments (Please see Documents tab below for related documents. For a complete legal description, see recorded document.):

LOT 52 LAKE GENEVA BUSINESS PARK PHASE II AS RECORDED IN CAB B SLIDE 174 WCR. LOCATED IN NE 1/4 SE 1/4, SE 1/4 SE 1/4 & SW 1/4 SE 1/4 SEC 31 T2N R18E. 25021 SQ FT. CITY OF LAKE GENEVA OMITS ZYUP-169 & ZA2524-1

Site Address (es): *(Site address may not be verified and could be incorrect. DO NOT use the site address in lieu of legal description.)*

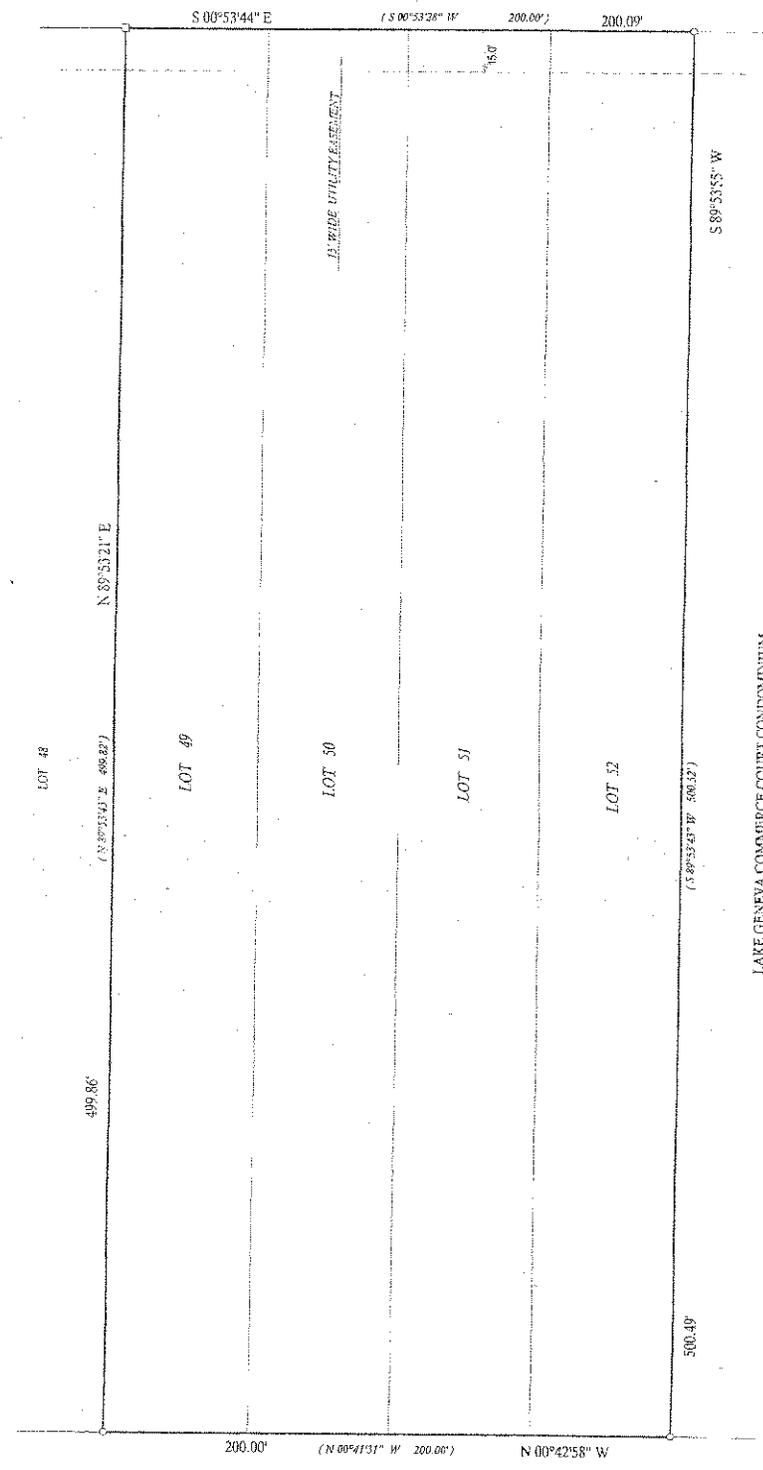
FORWARDED FOR:
 KENNEDY DEVELOPMENT COMPANY, L.L.C.
 308 BRIAN LANE PROSPECT HEIGHTS, ILL
 60070

PLAT OF SURVEY

OF
 LOTS 48 THROUGH 52 OF LAKE GENEVA BUSINESS PARK PHASE 2, LOCATED
 IN THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 3 NORTH, RANGE 16 EAST,
 CITY OF LAKE GENEVA, WASHINGTON COUNTY, ILLINOIS

50'

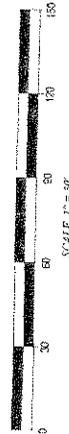
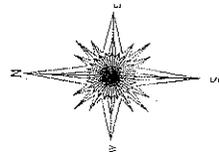
JK SURVEYING, INC.
 1000 WILLOWBROOK LANE
 LAKE GENEVA, ILL. 60132
 630-738-3800



C.L. VETERANS PARKWAY
 (170' WIDE)

C.L. EDWARDS BOULEVARD
 (120' WIDE)

LAKE GENEVA COMMERCE COURT CONDOMINIUM



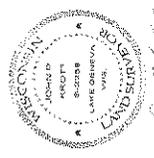
- LEGEND**
- () as recorded
 - as found from bar
 - as found from pipe
 - as set from pipe
 - as set from bar

NOTICE: THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES, EGRESS OR EGRESS RIGHTS, OR OTHER INTERESTS AFFECTING THE PROPERTY. THE SURVEYOR HAS ALSO CONDUCTED VISUAL INSPECTIONS OF THE ADJACENT PROPERTIES AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES, EGRESS OR EGRESS RIGHTS, OR OTHER INTERESTS AFFECTING THE PROPERTY.

I hereby certify that I have surveyed the above described property and that the bearings and distances are true and correct and that the size and location of all said parcels, as shown on this plat, are true and correct. This survey is made for the proper conveyance of the property and the rights therein, and I guarantee the title shown, within the scope of my duty.

BEARINGS ARE REFERENCED TO THE RECORD
 PLAT OF LAKE GENEVA BUSINESS PARK PHASE 2

AGE 11-16-09
 TAYLOR



ROBERT KROTT, S. 2228
 Registered Professional Land Surveyor
 (Registered No. 5160)

DATED THIS 10th DAY OF FEBRUARY, 2008

30123
 2007-2104

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:

*Applicant respectfully requests prior notification from the city of Lake Geneva engaging an outside professional per the above referenced paragraph.

_____, as applicant/petitioner for:

Name: Paul Lauterbach

Address: 914 Bennet Ct. Walworth, Wisconsin 53184

Phone: (262) 215-6426

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 24TH day of MARCH, 2014

PAUL LAUTERBACH
Printed name of Applicant/Petitioner

Paul Lauterbach
Signature of Applicant/Petitioner

**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)*

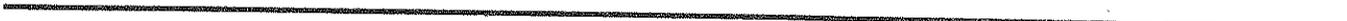
Date: _____ by: _____

↓

___ (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:



II. Application Submittal Packet Requirements

(c) The applicant is proposing a 38,000 sq ft steel frame, insulated panel, masonry trim building for use as a recreational and tennis teaching facility with future proposed outdoor tennis courts and applicable parking on lots 48 and 49 in the Lake Geneva Business Park.

(d) Attached is a proposed preliminary, conceptual plat showing the tennis facility and future recreational and outdoor tennis courts.

(e) The applicant believes that the proposed conditional use is appropriate and should be approved by the city of Lake Geneva as it currently meets all of the requirements of the previously approved declarations of covenants, conditions and restrictions of the Lake Geneva Business Park phase II approved by the city of Lake Geneva for the Geneva Lake Development Corporation. Further, per the city of Lake Geneva zoning ordinance section 98.905, the development, as proposed, does not adversely affect properties in the immediate area and conversely adds to the recreational nature already established by the proximity to Veteran's Recreation Park. As the facility will be for members only, it is none the less open to all residents of the city of Lake Geneva and the applicant anticipates the facility will be used to teach tennis for families in and around the Lake Geneva area. Lastly, the facility does not present an undue burden to any city utilities or the services of police, fire department and/or emergency workers.

- ___ ✓ (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;
- ___ ✓ (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 development is in special harmony with existing and contiguous Veterans Recreation Park and meets the pre-approved covenants, conditions and restrictions of the Lake Geneva Business Park as previously approved by the City of Lake Geneva

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?

Refer to #1

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?

As opposed to the current vacant conditions of the subject property, the proposed tennis facility creates positive value for the existing site and surrounding property with less than normal, anticipated traffic and has been approved by the Lake Geneva Economic Development Corporation's Architectural Review Committee on March 20, 2014.

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 proposed use follows a precedent already established by the City of Lake Geneva and the Lake Geneva Economic Development Corporation in the prior approval of the "physical activity studio" and adds an additional recreational facility for use by the citizens of Lake Geneva and surrounding area who may become members.

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 #5 (below)

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?

The applicant believes that there are no adverse impacts for the proposed development, but further that there is a great public benefit by adding a tennis facility that will compliment the existing recreational facilities at Veterans Recreational Park. The facility will service children, adults and senior citizens.

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: _____

5).
The City of Lake Geneva and the Lake Geneva Economic Development Corporation covenants, conditions and restrictions for the Lake Geneva Business Park have provided, and they already exist, sufficient road and utility improvements to service the proposed development. Further, the quality of the proposed construction and the fact that the building is sprinklered and has security lighting means that there will be less demand on fire and police service as opposed to other types of development.

- 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.

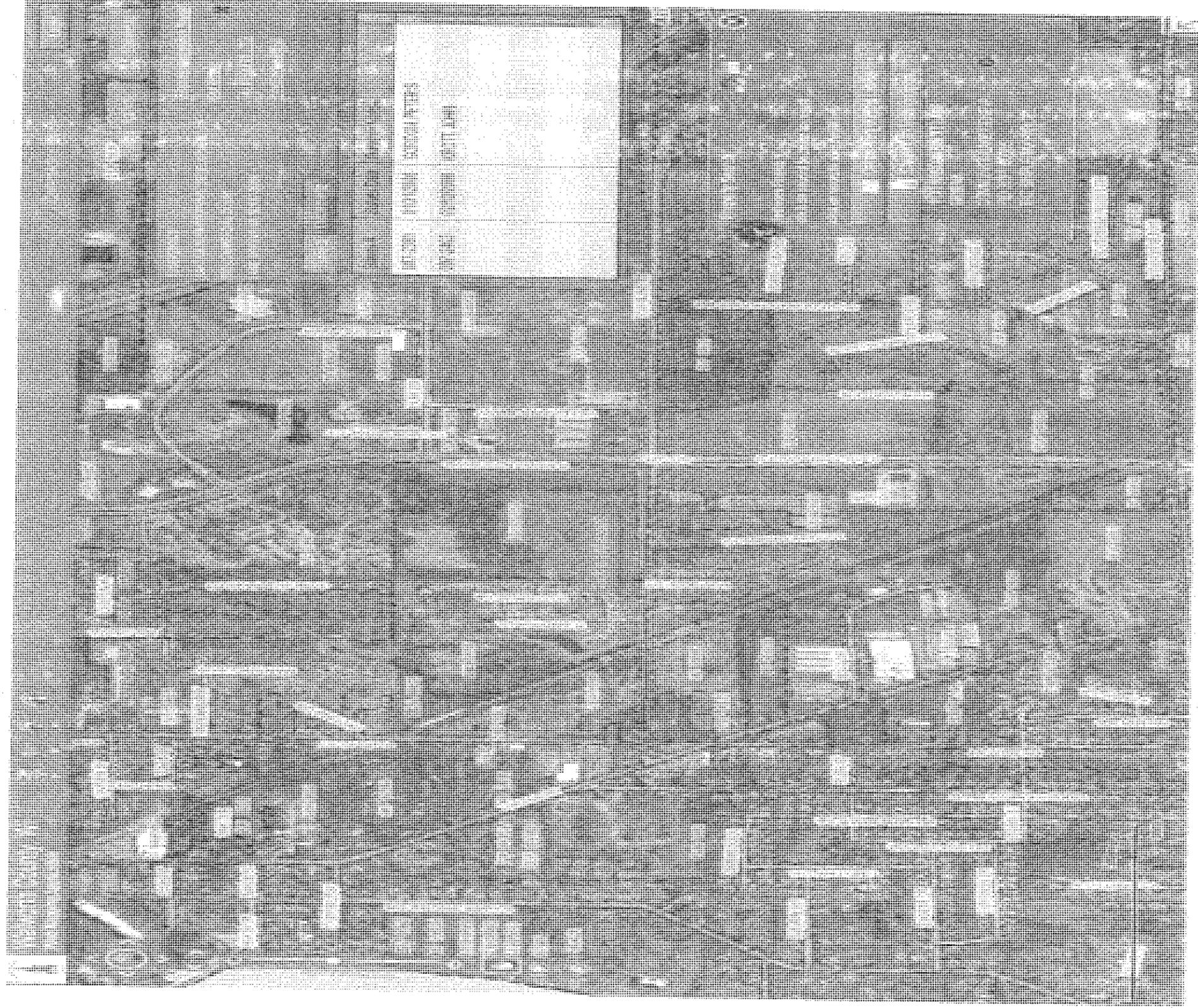
NOTE: Initiation of Land Use or Development Activity: Absolutely no land use or development activity, including site clearing, grubbing, or grading shall occur on the subject property prior to the approval of the required site plan. Any such activity prior to such approval shall be a violation of law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

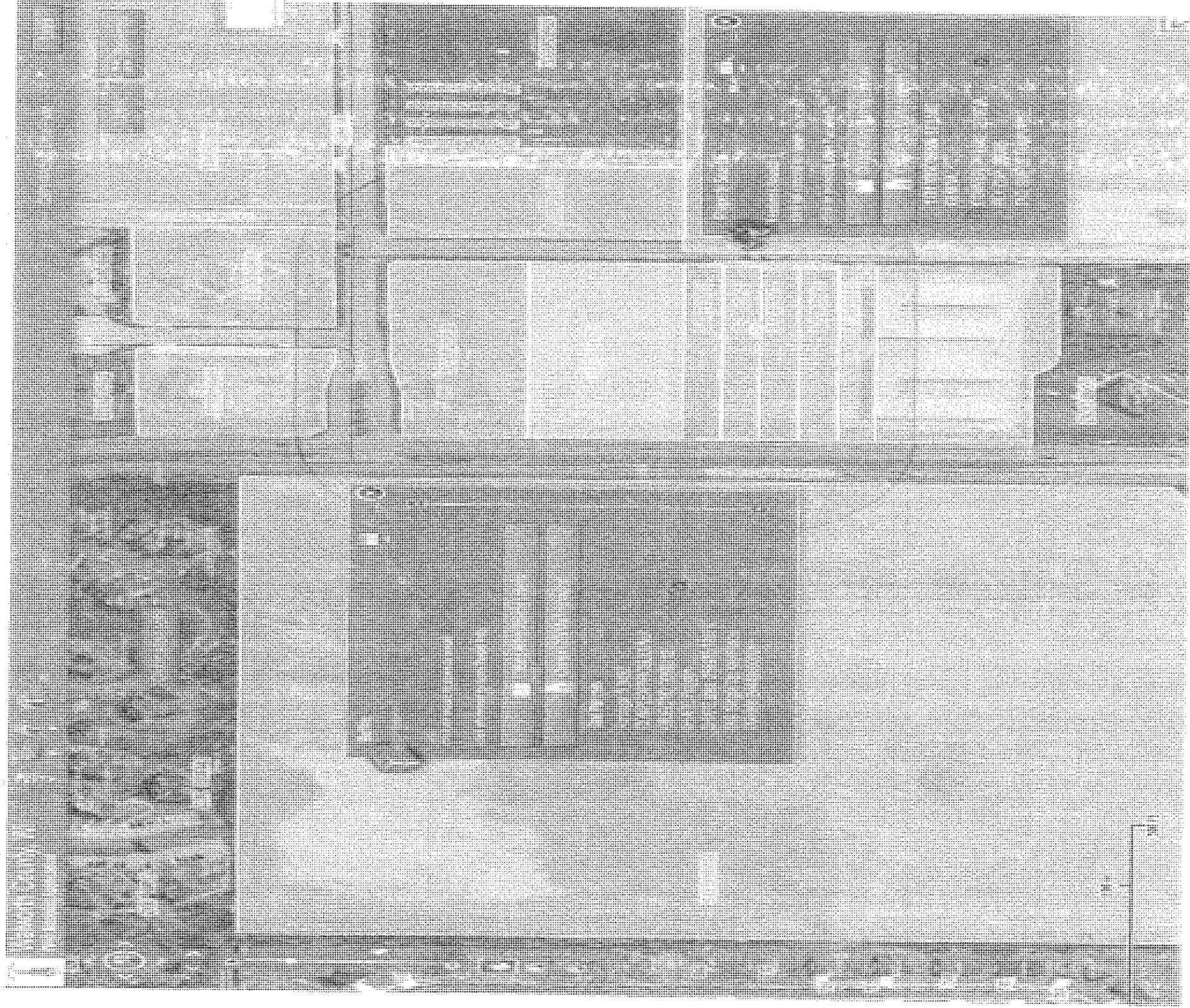
NOTE: Modification of an Approved Site Plan: Any and all variation between development and/or land use activity on the subject property and the approved site plan is a violation of law. An approved site plan shall be revised and approved via the procedures of Subsections 98-908(2) and (4) so as to clearly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

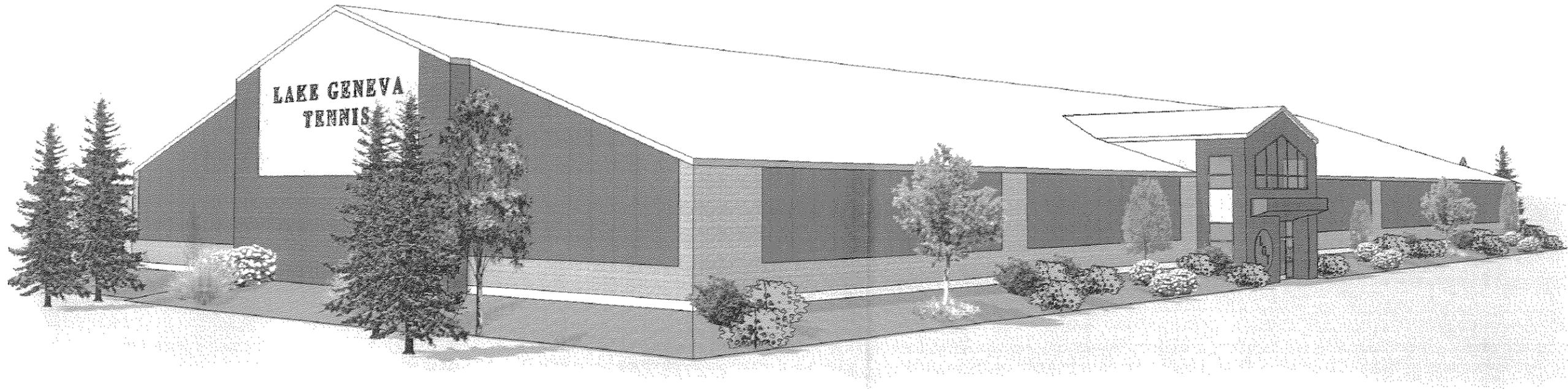
III. FINAL APPLICATION PACKET INFORMATION

_____ 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: _____







4820 SIX MILE ROAD
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ARCHITECTS
 ENGINEERS
 CONTRACTORS
 DEVELOPERS
 PLANNERS

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PROJECT

PROPOSED NEW
 INDOOR TENNIS
 FACILITY FOR
 LAKE
 GENEVA
 TENNIS
 LAKE GENEVA
 BUSINESS PARK

REVISION DATES

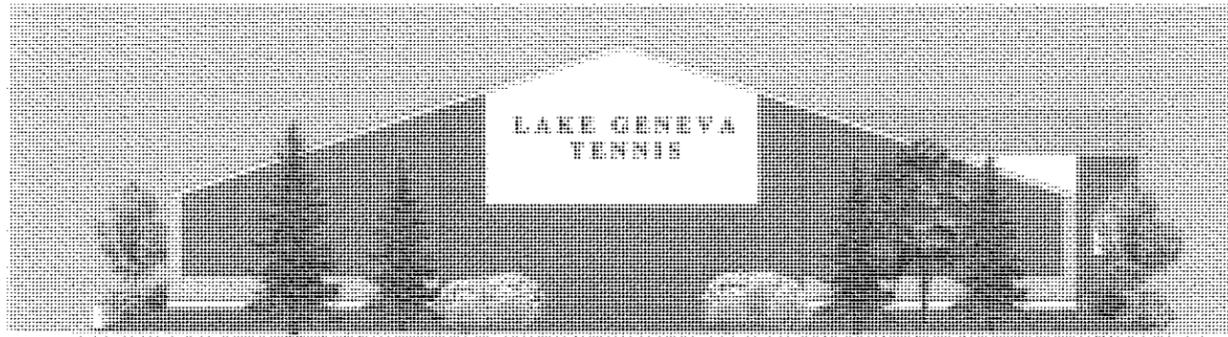
DATE _____

DRAWN BY _____ CHECK BY _____

SHEET TITLE _____

SHEET NUMBER _____

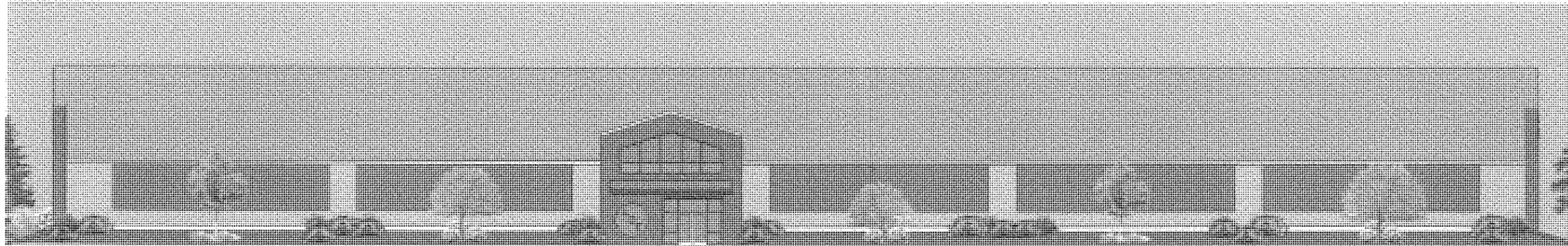
PROJECT NO. _____



EAST ELEVATION

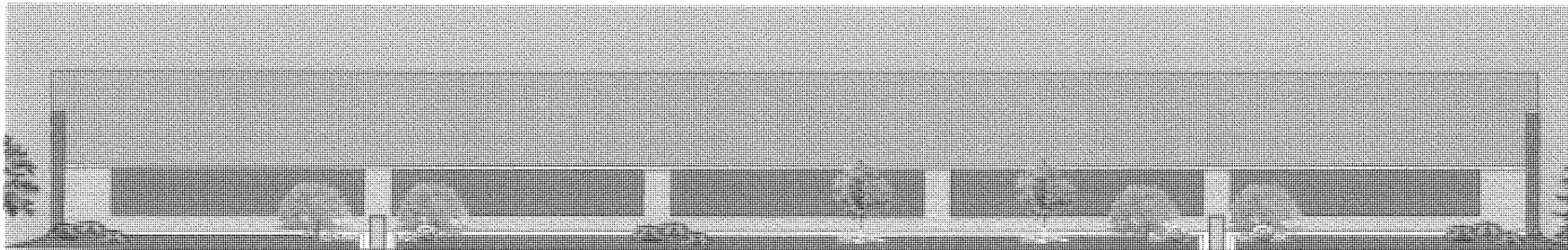
WEST ELEVATION SAME BUT OPPOSITE HAND

SCALE: 3/8" = 1'-0"



NORTH ELEVATION

SCALE: 3/8" = 1'-0"



SOUTH ELEVATION

SCALE: 3/8" = 1'-0"



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PROJECT

PROPOSED NEW
INDOOR TENNIS
FACILITY FOR

LAKE
GENEVA
TENNIS

LAKE GENEVA
BUSINESS PARK

REVISION DATES

DATE

DRAWN BY CHECK BY

SHEET TITLE

SHEET NUMBER

PROJECT NO.

Notice

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the City Plan Commission on Monday, April 21, 2014, at 6:30 p.m. at the City Hall, Council Chambers, 626 Geneva Street, Lake Geneva, Wisconsin, on a Zoning Text Amendment to Sec. 98-207 to revise the definition and treatment of non-conforming lots and structures in the City of Lake Geneva. The full proposed text of Sec. 98-207 is available at the City Clerk's office for review.

All interested in the above matter are invited to attend. The City Plan Commission will be in session on Monday, April 21, 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 28nd day of March 2014.

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

A QUORUM OF ALDERMEN MAY BE IN ATTENDANCE

Please Publish as small Legal on April 2nd and 16th



VANDEWALLE & ASSOCIATES INC.

To: City of Lake Geneva
From: Michael A. Slavney, FAICP
Date: 27 February 2014
Re: 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, III and IV; proposed to be amended.

Second, on pages 5-8, the draft replacement for Articles II, III 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.

Finally, please note the key policy issue shaded in gray in Subsection 98-408(9), regarding vertical expansions located above nonconforming portions of an existing building.

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

Existing Ordinance

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

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 2014 DATE.
 - (b) After INSERT 2014 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

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 2014 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.

Redline Strikethrough

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~~

Redline Strikethrough

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

- (1) The following section shall apply to all structures in the City 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 City 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 2014 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 2014 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).~~

Redline Strikethrough

~~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 City except in the following circumstances:
- (a) The lot did not legally exist as of Insert 2014 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.

Notice

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the City Plan Commission on Monday, April 21, 2014, at 6:30 p.m. at the City Hall, Council Chambers, 626 Geneva Street, Lake Geneva, Wisconsin, on a Zoning Text Amendment to Sec. 98-207 to read as follows:

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 Structure and Land Containing 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 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 2014 DATE.
 - (b) After INSERT 2014 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 2014 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 City 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 City 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 2014 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 2014 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) ~~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).~~
- (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.~~
- (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 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 City except in the following circumstances:
 - (a) The lot did not legally exist as of Insert 2014 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.

All interested in the above matter are invited to attend. The City Plan Commission will be in session on Monday, April 21, 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 28nd day of March 2014.

Mayor James Conners
City Plan Commission
City of Lake Geneva, WI

A QUORUM OF ALDERMEN MAY BE IN ATTENDANCE

Please Publish as small Legal on April 2nd and 16th