

**CITY PLAN COMMISSION  
MONDAY, SEPTEMBER 20, 2010 - 6:30 PM  
COUNCIL CHAMBERS, CITY HALL**

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

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

Hartz/Skates motion to approve minutes of August 16th, 2010 Plan Commission meeting. Motion carried.

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

None.

**Correspondence.**

A letter and information received from Cass Kordecki regarding the regulation of commercial indoor lodging in other communities. A copy of both will be on file at the Clerk's office.

A letter was received by Mary Johnson in opposition of the zoning map amendment for the recently annexed property on Wells Street. This letter was provided in the Plan Commissioners packets. A copy of the letter will be on file at the Clerk's office.

**Public Hearing on a Conditional Use Application filed by Robert and Delphine Grala, 280 Hythe Circle, Woodstock, IL 60098, for landscaping and paving for lake access and passive recreation (lawn care), located in the Lakeshore Overlay District at 1120 S. Lake Shore Drive Unit 17, Tax Key Number ZCNS 00017.** Mr. Grala approached the podium and explained his project. He would like to expand his patio area and change his access from the patio to the lawn area. He currently exits onto his neighbor's patio and he would like to change that. The Association has approved his plan. Hartz reiterated that the Association has given approval. Mr. Grala stated yes. Hartz also asked how soon he would begin the project. Mr. Grala stated as soon as he gets the permit and it shouldn't take more than five days or so. Skates/Olson motion to close the public hearing. Motion carried. Hartz/Flower motion to approve the Conditional Use Application filed by Robert and Dephine Grala, 280 Hythe Circle, Woodstock, IL 60098, for landscaping and paving for lake access and passive recreation (lawn care), located in the Lakeshore Overlay District at 1120 S. Lake Shore Drive Unit 17, Tax Key Number ZCNS 00017 as presented including Staff recommendations. Discussion followed. Motion carried unanimously.

**Public Hearing on a Conditional Use Application filed by Michael Keefe, PO Box 460, Lake Geneva, WI 53147, for a Group Development (multi-tenant commercial building) at 120 Broad Street, Tax Key Number ZOP 00346.** Mr. Keefe approached the podium and presented his proposal for 120 Broad Street. He states that he proposed no more than three retail spaces. The drawings do not reflect any specific proposed businesses. The renderings are just to show what the signage will look like. He would like to get started as soon as possible to get it demolished and built/weathered in. Mr. Keefe would hope for occupancy in April/May of next year. Poetzinger asked what is on the upper floors. Mr. Keefe states that there is an apartment upstairs (it has been there for a very long time) and also space for storage since there is no basement for storage. Mr. Keefe explains that the building will be sprinklered. Brugger asked if the façade colors that are stated for discussion only, if it has been decided that the

Downtown Design Review could be approved tonight. Mr. Keefe stated that the front will be casing/glass and the upper will be a stucco/dryvit material. Green and maroon are the proposed. Mr. Keefe says the only thing on the rendering that will not be there are the hanging flower baskets. Those are too difficult to maintain. Brugger asked if color chips could be brought in for a more true color in the future. Olson reiterated that the apartment will stay. Mr. Keefe stated that it will. Flower/Olson motion to close the public hearing. Motion carried. Flower/Skates motion to approve the Conditional Use Application filed by Michael Keefe, PO Box 460, Lake Geneva, WI 53147, for a Group Development (multi-tenant commercial building) at 120 Broad Street, Tax Key Number ZOP 00346 as presented including staff recommendations. Discussion followed regarding the positive change to the building. Motion carried unanimously.

**Public Hearing on a Conditional Use Application filed by Pizza Hut Estate holdings, 10930 W. Potter Rd., Wauwatosa, WI 53226 on behalf of Pizza Hut, to modify an existing non-conforming pole sign by replacing the faces with new signage at 801 Williams Street, Tax Key Number ZF 00027.** Sandy Wicks from Poblocki Sign representing Pizza Hut approached the podium to explain the sign project. Brugger stated that a roof sign is a non conforming sign and once removed it cannot be replaced except through a Conditional Use. Brugger asked about a landscape plan. Ms. Wicks stated that a planter will be placed around the pole. Skates/Flower motion to close the public hearing. Motion carried. Skates/Olson motion to approve the Conditional Use Application filed by Pizza Hut Estate Holdings, 10930 W. Potter Rd., Wauwatosa, WI 53226 on behalf of Pizza Hut, to modify an existing non-conforming pole sign by replacing the faces with new signage at 801 Williams Street, Tax Key Number ZF 00027 as presented including staff recommendations and the reference to the addition of a planter around the base of the sign for additional landscaping. Discussion followed on the appropriateness of the change of this sign. This property is not in the Downtown Design Review district so no color scheme is restricted. Motion carried unanimously.

**Public Hearing for a Zoning Map Amendment to designate Neighborhood Office (NO) on the following parcel located at N2260 County Trunk Highway H, recently annexed to the City of Lake Geneva more specifically identified as Certified Survey Map No. 1995, Recorded in Volume 9, Page 268 in the Walworth County Register of Deeds Office as document no. 205255 being part of the southwest 1/2 section of Section 6, T. 1N, R. 18E., Town of Bloomfield, Walworth, County Wisconsin, Tax Key Number MA1995 00001.** Dr. Andy Kokodynski approached the podium in case of any questions by the Plan Commission or the public. He also explained the background/plan of action for this property. Hartz asked where this office will draw patients from. Dr. Kokodynski stated all around the area is where many of his patients are from. He says the purpose of this location is to allow existing patients of his, in the middle school and high school, easy access during school, after school. He is planning to create some easiness of accommodating students and parents of students with early hours (7:30am - to after school, early evening 4:45pm M-Th). They may add Friday's if the work load allows. He would like to start construction as soon as he closes on the property - razing it right away. That may or may not occur. He could start building in the Spring but it could happen sooner. Flower asked if in response to adjacent neighbors, if Dr. Kokodynski has considered screening. Dr. Kokodynski stated that he doesn't plan to have a large building and parking lot. He would like to keep some of the mature trees on the property, perhaps create a berm and add some landscaping. He wants green space, something that is also aesthetically pleasing to the neighbors. Flower/Hartz motion to close the public hearing. Motion carried. Hartz/Olson motion to approve the Zoning Map Amendment to designate Neighborhood Office (NO) on the parcel located at N2260 County Trunk Highway H, recently annexed to the City of Lake Geneva more specifically identified as Certified Survey Map No. 1995, Recorded in Volume 9, Page 268 in the Walworth County Register of Deeds Office as document no. 205255 being part of the southwest 1/2 section of Section 6, T. 1N, R. 18E., Town of Bloomfield, Walworth, County Wisconsin,

Tax Key Number MA1995 00001 as presented including Staff recommendations. Hartz stated that according to the Comprehensive Plan encourages this kind of redevelopment. Motion carried unanimously.

**Public Hearing on a consideration of amendment to the Zoning Ordinance of the City of Lake Geneva to clarify the regulation of commercial indoor lodging uses including "Cottages", "Vacation Homes", "Tourist Homes", "Resort Homes", and "Fractional Ownership Units".** Brugger explained about how in the past he has had to enforce transient renting in residential neighborhoods and he would like to have more clarification in the Zoning Ordinance regarding this.

Cass Kordecki, property owner at 715 North Street. She explains how she purchased this home and fixed it up. She was concerned about the neighbor next door not keeping up the look of the area so she bought the lot next store and decided the only way she can control the area next to her lot was to purchase that lot. She was approached to rent the house out on a short term basis. She was then approached stating that she could not do this. Ms. Kordecki stated that she has been approached by people who want to rent on all types of occasions. She has accepted a lease by people who have lied. She has dealt with those issues. All renters are not party renters. She has attended meeting at the county level on these issues and even done research on different types of short term rentals. Further discussion continued on reports of the types of people who are investing in these rentals. Ms. Kordecki also refers to some definitions and guidelines of other communities and how it could relate to our City.

Nancy Russell 1720 Fairview Drive. Ms. Russell endorses the proposed ordinance that the City looked at last month. She reported what the county zoning meeting last week decided not to go further with a change the Commercial Indoor lodging ordinance regarding transient rental. The County does allow transient lodging in many districts including R4 and R5 residential districts as well as other commercial districts. Ms. Russell read the ordinance that the county currently has regarding transient rental.

Mary Jo Fesenmaier 633 Sue Ann Drive. Wants to know how loop holes will be closed (as referred to by the last Plan Commission meeting minutes) and how things will be enforced.

Brian Pollard, Fairwyn Ltd. 875 Townline Rd. Would like the see Fractional Ownership Units be deleted from the items included in Commercial Indoor Lodging as it is being done all over without renting being done.

Barbara Quincannon-Bormes 522 Baker Street. She is concerned with Timeshare Estate/ Fractional Ownership as her driveway is next to the Wrigley Drive Condominiums. She is concerned with the increase in the amount of people that can come with this kind of ownership. These people (transient people) do not have the same sense of ownership and the safety of young people can be detrimental.

Larry Kulick, W3768 South Shore Drive in the Town of Geneva. He does not favor short term rental. He appreciates the information that Ms. Kordecki presented but the comparison to Door County is not the same. There is more area amongst the homes in Door County than there is here in Walworth County.

Flower/Olson motion to close the public hearing. Motion carried. Attorney Draper explained that working with Brugger over a long period of time, one of their intentions all along was to hear the comments from the public. This has been a work in progress. He explains that he sees two different

things here. One, an ownership issue; Timeshares and Fractional Ownership and second, transient Lodging in residential zoning districts. Draper explains that the State has a timeshare statute and one of the restrictions on the Time share Statue is that you are not suppose to discriminate against timeshare type of ownerships. What does that mean? Draper needs more time to research it as he just recently discovered this statute. We have to decide where we want to go with this issue. Flower comments on trying to find a resolution to cover all our issues and that it may not be able to be done. Draper asks what is it that the Commission wants to be addressed. Brugger says that our ordinance does not permit transient rental in a residential district. Do we want it to be allowed, as a Conditional Use, like the bed and breakfast is? The neighbors could have input on them as well. The difference with a Bed and Breakfast is that the owner has to live on the premise all the time. That makes a difference in how things are maintained. Hartz thinks that ownership and rentals should be treated differently. He also wonders if people who are currently renting on a weekly basis are having more issues with the neighbors than those who have rentals in standard rentals (more than a weekly basis). Flower explains that there are transient renters that take pride and are good renters and there are permanent renters who party all the time. There is no way to really make a difference between the renters. Brugger states that some neighborhood stability can be given with no transient rental, knowing who is outside playing in the yard next to your kids on a regular basis or not. Brugger states that he thinks it would be good for him, Attorney Draper and the City Planner talk more about this and bring it back to another meeting. Flower asks if there are any restrictions on being a landlord and could that have any bearing on bettering this situation. This would be the difference between licensing and permitting. Right now a disorderly conduct ticket can be given to the offender and not necessarily the property owner. Sometimes the parking is an issue with weekly rentals, not to say that it cannot be a problem with longer rentals though. Hartz/ Skates motion to refer this item back to Staff and then bring this item back to Plan Commission when it is ready. Motion carried.

**Review and Recommendation on a Site Plan submitted by Birender Singh for an addition to an existing building at 797 Wells Street.** Brugger explains that the applicant would like to add on to the back of the building to install a walk in cooler for a liquor store. The exterior of the building will match that of the existing building. The landscaping is adequate for what is existing. Hartz stated that as he was looking at the site that it is confusing where the sidewalk is and parking. He would maybe like to see some clarification to delineate where the parking for the liquor store is and the parking for the Wellness Center. Brugger stated that it is a shared parking lot. Perhaps some parking blocks could be put at the front of the parking stalls along Townline Road. Discussion continued. Hartz/Skates motion to NOT approve the Site Plan as presented. Hartz states that according to the fact finding #5, this plan does not adequately provide appropriate traffic control and parking. Fact finding #6, Hartz believes, that this plan does not provide appropriate landscaping and open space areas defining the difference between the parking and the sidewalk area that is permanently there. There is also no provision for storm water and erosion control although this is an existing use and not changing anything. Brugger states that the Site Plan only applies to the addition not the existing site. There are provisions in the ordinance that allow for the non-conforming of this building but it does say that with an enlargement, a review has to be done and it has to conform. Brugger then asks if the comments listed above pertain to the addition of the building or to the existing building as a whole. Hartz states that this use does fit the neighborhood mixed use and the business certainly complies with that notion, although under policies and programs it identifies the general design guidelines one of which states that buildings and sites are designed for pedestrians and not automobiles. This current site doesn't seem to meet with that policy or program. Brugger still asks is this due to the addition of the building or as it currently exists. Hartz responded that it is due to the existing site. Draper explains that Comprehensive Plan does not affect something that is not changing zoning. Brugger stated that this is not a Conditional Use that is being asked for either. Brugger read the ordinance that the only part of the site (the enlargement) is the part that has to conform

to the site plan review. Draper concurs with Brugger. Hartz/Skates motion to withdraw the original motion. Brugger said he doesn't have a problem with the delineation between the parking lot and the walkway and that the City can do that. Discussion followed. Hartz/Olson motion to approve the Site Plan of the addition to the building as presented subject to Staff recommendations and subject to a request that the applicant on his own delineate the difference between the parking lot and the adjacent sidewalk (walking/bike path) along Townline Road. Discussion followed on parking lot encroachment. Flower commented about the loading area to the building and maybe not having enough room. Brugger stated that building isn't large enough to mandate an actual loading area. Flower asked about the required number of parking spaces for the building. Brugger stated that this is a shared parking lot and this building requires five spaces and the other building requires three. Between the two buildings, they only need one handicapped parking space. The parking spaces between the two buildings are adequate. Motion carried unanimously.

**Downtown Design Review.**

None.

Hartz/Skates motion to adjourn at 8:16 pm. Motion carried.

/s/ Jennifer Special, Building/Zoning Administrative Assistant

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