

**PLAN COMMISSION MEETING  
MONDAY, APRIL 17, 2017 – 6:30 PM  
COUNCIL CHAMBERS, CITY HALL**

Mayor Kupsik called the meeting to order at 6:30p.m.

**Roll Call.** Present: Mayor Kupsik, Alderman Doug Skates, John Gibbs, Sarah Hill, Tom Hartz, Ann Esarco, Tyler Frederick. Also Present: City Planner Slavney, City Attorney Draper, City Administrator Oborn, Building & Zoning Administrative Assistant Follensbee.

**Approve the Minutes of March 20, 2017 Plan Commission meeting as distributed.**

Hartz/Hill motion to approve. Unanimously 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 to be limited to 5 minutes.**

Trish Schaefer, 403 Center St, stated she lives in an area that under consideration for potential rezoning that will allow short stay vacation rentals. She is concerned about potential noise.

Alejandro Talancon, 407 Center St, stated any concerns by neighbors can be brought to him to discuss.

**Acknowledgement of Correspondence.**

Mayor Kupsik received an email regarding the rezoning and allowing 407 Center Street to provide short term rental accommodations.

**Downtown Design Review.**

**Application by Hans Melges, 1100 Edwards Blvd, Lake Geneva, WI 53147, to update the exterior façade at 233 Center Street, Tax Key No. ZOP00284**

Hans Melges, 1100 Edwards Blvd, would like reface 233 Center Street. Ms. Hill questioned if there are garage doors in the front and if they will be functional. Mr. Melges confirmed they would. Mr. Melges added the whole building will be white except for the bronze accents and overhead doors. Mr. Hartz questioned if the panels on the south side that pull away from the building could be pushed back. Mr. Melges answered it will not be noticeable once it is painted.

Kupsik/Gibbs motion to approve and include all staff recommendations.

Mayor Kupsik noted in this part of the downtown design overlay zoning district exterior building materials should be of high quality exterior appearances, other non-structural features should be minimal and building design should reflect the styles that were prevalent in the 20<sup>th</sup> century. There is no requirement to use commercial store front design motifs from the 1890 to 1920 periods. Staff feels the proposed design is an improvement over the existing exterior of the building with its residential material and windows. Ms. Hill added there is little consistency to the downtown design review. Planner Slavney stated the revised submittal responds to what was discussed by the Plan Commissioners at the last meeting. He recommends approval.

Roll Call: Kupsik, Skates, Gibbs, Hill, Hartz, Esarco, Frederick voting “yes.” Motion carried unanimously.

**Application by Dana Trilla/David Wingate, D & D Restaurant Group, Inc, 146 Evergreen Pkwy, Crystal Lake, IL 60014, to remove south facing projecting sign, replace fabric on east facing awning with logo and add wall sign on south side of building with logo at 150 Center Street, Tax Key No. ZOP00309**

Dana Trilla, 146 Evergreen Pkwy in Crystal Lake, IL, wants to change the current awning from the Original Chicago Pizza to her business, the Flat Iron Tap. The company she spoke to will need to take off the current east facing awning, replace the fabric, and put it back up. She isn't changing the style or size. The south facing awning will be removed as it has no purpose. She is hoping to put a wall sign with their logo on the south facing wall. Mayor Kupsik asked that the hanging sign on the second floor be removed. Ms. Trilla said it has come to her attention that the tenant on the second floor was given permission from the landlord to use that. City Administrator Oborn added the upstairs tenant and landlord have been notified that they need to remove the pole sign.

Hartz/Esarco motion to approve and include all staff recommendations.

Roll Call: Kupsik, Skates, Gibbs, Hill, Hartz, Esarco, Frederick voting “yes.” Motion carried unanimously.

**Application by Michael Walter, 514 Broad Street, to update exterior façade at 514 Broad Street, Tax Key No. ZGD00004**

Planner Slavney explained this is a proposal to alter the appearance of the property at 514 Broad Street to update the exterior façade. The proposal is to add metal siding over the existing brick to replace the first floor windows and add a new soffit, fascia, and front door. The proposal also is to change the color of the exterior to a dark, slate blue. The front door is currently a set of narrow double doors, and it is proposed to be replaced with a more conventional single door and side light. There are no changes proposed for exterior signage as part of the application. He feels the consensus was the change to the siding on the side of the building would improve the look. The current façade on the front of the building is the correct material and ought to stay the same. The brick on the front is in good shape and they feel it should stay. It would need very extensive repair on the side. Mr. Hartz questioned if the vinyl windows are a commercial grade or residential. Mr. Slavney answered details were not provided for the windows. He thinks they could specify commercial grade for the windows and front door. Mr. Hartz continued there is a funny detail on the cornice with an unpainted piece of wood and paper that laps over it. He would like that to be brought out. Mr. Frederick thought they wouldn't want to wrap the siding to the front, perhaps brick could wrap around the back. Mr. Hartz feels the siding should be held back maybe 3 feet from the front and put a trim piece on it. Mr. Skates thinks the brick should be cleaned off and transitioned around.

Michael Walter stated it is seamless stainless steel siding. They wanted to do the whole building but the integrity of all of the bricks are not good. Because of that, the parapet walls up in the top on most of the older buildings have disintegrated to the point where they were falling in and/or on the sides. The side walls have been replaced. They like the brick look but don't want the danger of bricks falling off the building. Mr. Slavney questioned if a stucco finished panel would provide the same benefits. Mr. Frederick argued that for the cost of doing stainless siding on the front, they could do extensive brick work on the front façade. Mr. Walter was opposed to keeping the brick look. Mayor Kupsik noted the staff recommendations in the packet include preserving the original brick on the front façade of the building, preserving the original decorative cornice fascia and soffit on the front façade of the building, preserve the original door or replacing it with an alternative that is acceptable to the Plan Commission, replacement windows must be of the same size and shape of the existing windows, and dark color frames shall be used.

Hartz/Frederick motion to approve the request to update the exterior façade at 514 Broad St Tax Key No. ZDG00004 to include all staff recommendations and including a condition that the original brick on the front façade of the building remain as well as the original decorative cornice fascia and soffit on the front façade, doors on the front should be commercial grade, as well as the windows which should be the same size as they are now, and the siding on the side should come 3 feet short of the front and have a finish to it.

Roll Call: Kupsik, Skates, Hill, Hartz, Esarco, Frederick voting "yes." Motion carried 6 to 1 with Gibbs voting "no."

**Application by Gregory Anagnos, N1567 Clover Road, Lake Geneva, WI 53147, to paint exterior of building black with silver trim at 501 Broad Street, Tax Key No. ZOP00032**

Gregory Anagnos, N1567 Clover Rd, is the Owner/Operator/Chef of Medusa. He wanted to correct the color as listed as it is midnight oil and light gray, not metallic silver. Mr. Hartz asked if the shutters will remain black. Mr. Anagnos said that was what he thought. He wanted to clean the building up from white because it shows a lot of rust marks and looks dirty.

Jamie Moran, 430 Rockwell St in Elkhorn, stated the building will be primed and then 2 coats of the midnight oil color paint will be applied. He stated they can get behind all of the signs. The air conditioner units are actually in windows, so it will be a clean look, and would all be tuck pointed.

Hartz/Gibbs motion to approve the application for painting the exterior of the building at 501 Broad Street a midnight oil with a light gray trim and include all staff recommendations.

Roll Call: Kupsik, Skates, Gibbs, Hill, Hartz, Esarco, Frederick voting "yes." Motion carried unanimously.

**Application by Tony Valenti, 2908 Wells Street, Delavan, WI 53115, to add signs to the front and back of building at 234 Broad Street, Tax Key No. ZOP00257**

Tony Valenti, 2908 Wells St, Delavan, WI, would like to update the building by putting two signs up. Mayor Kupsik stated the proposed signs comply with the maximum areas allowed in the CB zoning district as well as with permitted sign materials and colors. The CB district only allows for one sign for each exterior face of the building not adjacent to a residential zoning district, therefore the logo sign should be relocated next to the store name to comprise a single sign

area. On the rear of the building, either the sign band area or the wall area next to the door should be selected as the single permitted sign location. Planner Slavney tried to measure the proposal as one sign but the logo is too many feet above the words to comply with the sign area. The only way to do it on the front of the building is to move the logo down next to the words and re-center things. On the back side, either one or the other of those locations should be chosen as there is the same problem.

Kupsik/Hartz motion to approve the application by Tony Valenti, 2908 Wells Street, Delavan, WI 53115, to add signs to the front and back of building at 234 Broad Street, Tax Key No. ZOP00257 to include all staff recommendations. Roll Call: Kupsik, Skates, Gibbs, Hill, Hartz, Frederick voting “yes.” Motion carried with Esarco “abstaining.”

**Application by Sharon Schroeder, 2021 Old Mill Lane, McHenry, IL 60050, to add a sign and update the exterior store front façade at 729 W. Main St, Tax Key No. ZOP00275**

Sharon Schroeder, 2021 Old Mill Lane, McHenry, IL, proposed improving the current façade at 729 W. Main Street. Currently, it is a corrugated metal façade which looks dated. She would like to update with an exterior wood grain product that would match her neighbor, The Design Coach.

Hartz/Skates motion to approve the application by Sharon Schroeder to add a sign and update the exterior store front façade at 729 W. Main St, Tax Key No. ZOP00275 to include all staff recommendations.

Roll Call: Kupsik, Skates, Gibbs, Hill, Hartz, Esarco, Frederick voting “yes.” Motion carried unanimously.

**Public Hearing and Recommendation on a Precise Implementation Plan (PIP) Application filed by Kevin Madalinski, Director, Hoffman Design & Construction, 122 E College Ave., Appleton, WI 54911 on behalf of Golden Years for a proposed senior housing project on the north side of North Bloomfield Road – about 500 feet east of Edwards Boulevard/Wis 120, Tax Key Nos. ZSF00074 & ZSF00085**

This is the first phase of the previously approved general development plan for Golden Years. It was noted the sidewalk is going to be on the same side of the street as the Golden Years.

Hill/Hartz motion to close the public hearing. Motion carried unanimously.

Skates/Gibbs motion to approve the Precise Implementation Plan (PIP) Application filed by Kevin Madalinski, Director, Hoffman Design & Construction, 122 E College Ave., Appleton, WI 54911 on behalf of Golden Years for a proposed senior housing project on the north side of North Bloomfield Road – about 500 feet east of Edwards Boulevard/Wis 120, Tax Key Nos. ZSF00074 & ZSF00085 to include staff recommendations and fact finding in the affirmative as well as the execution of the development agreement, looping the water service fully around the building in the next phase of project development, the detailed final review by City staff and consulting engineers for the detailed utility building and storm water management plans, improvements of the public sidewalk on the west side of Harmony Drive, and to allow the maximum height to go up to 20 feet.

Mr. Hartz asked if the development agreement would be approved by Council. Mr. Oborn confirmed it would.

Roll Call: Kupsik, Skates, Gibbs, Hill, Hartz, Esarco, Frederick voting “yes.” Motion carried unanimously.

**Public Hearing and Recommendation of a Conditional Use Application (CUP) and Downtown Design by Tony Besario, 6806 84<sup>th</sup> Avenue, Kenosha, WI 53142, for Indoor Commercial Entertainment for a self serve frozen yogurt store and Downtown Design Signage at 120 Broad Street, Tax Key No. ZOP00346**

Tony Besario, 6806 84<sup>th</sup> Avenue, Kenosha, WI, introduced himself as the President of the Funky Kup. Jeffrey Boldt, 2180 Mohican Dr, Round Lake Heights, IL, is Co-Owner of Funky Kup. Mr. Besario explained it will be a self-serve frozen yogurt shop. Mr. Hartz questioned the hours of operations. Mr. Besario said it will be from 11:00am to 10:00pm on weekdays and weekends. Mr. Hartz suggested leaving the sign in the same spot but affixing it to the building as it cannot hang off of the building. Ms. Hill questioned why it has to be affixed to the building. Mr. Slavney said it was not a matter of aesthetics; it is a matter of safety. Suspended signs can swing freely over a sidewalk. Ms. Hill asked how they were able to finish the space without first getting a conditional use permit. Mr. Oborn answered he feels there may have been confusion by prior staff. They did take out the building permit. Ms. Hill questioned what would happen if this was declined. She consistently hears that we don’t want to look like the Wisconsin Dells. She is not a fan of the aesthetic. Mr. Slavney said they are in compliance.

Gibbs/Skates motion to close the public hearing. Motion carried unanimously.

Hartz/Frederick motion to approve the Conditional Use Application (CUP) and Downtown Design by Tony Besario, 6806 84<sup>th</sup> Avenue, Kenosha, WI 53142, for Indoor Commercial Entertainment for a self serve frozen yogurt store and Downtown Design Signage at 120 Broad Street, Tax Key No. ZOP00346 to include all of the findings and staff recommendations and note operating hours are 11:00am to 10:00pm 7 days a week.

Roll Call: Kupsik, Skates, Gibbs, Hill, Hartz, Esarco, Frederick voting “yes.” Motion carried unanimously.

**Public Hearing and Recommendation of a Conditional Use Application (CUP) and Downtown Design by Emily Blincoe, 440 Frost Drive, Williams Bay, WI 53191, for Outdoor Commercial Entertainment to permit outdoor activities in the courtyard adjacent to the Olive Oil Shops and Downtown Design Signage at 221 Broad Street, Tax Key No. ZOP00267**

Emily Blincoe, 440 Frost Drive, Williams Bay, WI stated a sign had broke so she would like to add a new one. Mr. Slavney noted his colleague reviewed the signs and felt that because of the menu board signs, the sign above the arch would not be permitted. They are in different categories of signage that we enable separately. The proposed final letters are permitted under the code. Ms. Blincoe noted the two in the boxes would be coming out. Ms. Hill asked if the pictures are to scale. Ms. Blincoe said the pictures are superimposed, it is 12 inches. Mr. Slavney added they did identify recommended conditions related to the proposed conditional use of the outdoor space. The conditions are: the applicant recognize the affirmative set of findings, the lettering, and the courtyard gates shall remain open when the courtyard is accessible, which is the second exit for fire protection purposes, exterior lighting complies with the requirements of section 98-707, and amplified sound has to comply with zoning requirements. Mr. Hartz recommended changing the operating hours to 9:00pm so there is flexibility for an evening event. Ms. Hill questioned what type of activities will be going on. Ms. Blincoe said it would be to demonstrate her products. Mayor Kupsik said amplified music or other activities shall comply with the noise standards of section 98-707.

Hill/Kupsik motion to close the public hearing. Motion carried unanimously.

Kupsik/Hill motion to approve the Conditional Use Application (CUP) and Downtown Design by Emily Blincoe, 440 Frost Drive, Williams Bay, WI 53191, for Outdoor Commercial Entertainment to permit outdoor activities in the courtyard adjacent to the Olive Oil Shops and Downtown Design Signage at 221 Broad Street, Tax Key No. ZOP00267 to include all staff recommendations and fact finding and hours of 10:00am to 9:00pm.

Roll Call: Kupsik, Skates, Gibbs, Hill, Hartz, Esarco, Frederick voting “yes.” Motion carried unanimously.

**Public Hearing and Recommendation of a Conditional Use Application (CUP) filed by Dan Clifford, 1301 Promontory Drive, Lake Geneva, WI 53147, to exceed maximum accessory structure height at 1301 Promontory Drive, Tax Key No. ZEH00018**

Dan Clifford, 1301 Promontory Drive, would like to put an accessory building in the back woods of his property. It would be a two story building. He wants to maximize square footage and not cut down trees. It would strictly be used for storage. They have no intention of running water or sewer to the structure. He does not want to match it to the house, he rather it remain hidden. Mr. Hartz asked if they will need a driveway to get to it. Mr. Clifford answered they would not. Mr. Hartz questioned if there are covenants in the neighborhood. Mr. Clifford answered there weren't any he was aware of.

**Speaker 1**

Mary Ellen Rogers, 1790 Conant Street, said she owns a lot in the neighborhood where this is proposed. She wants to make sure this isn't going to interfere with the view. Mr. Clifford said the building would be surrounded by trees.

Kupsik/Skates motion to close the public hearing. Motion carried unanimously.

Hill/Frederick motion to approve the Conditional Use Application (CUP) filed by Dan Clifford, 1301 Promontory Drive, Lake Geneva, WI 53147, to exceed maximum accessory structure height at 1301 Promontory Drive, Tax Key No. ZEH00018 including all staff recommendations as noted and fact finding in the affirmative.

Roll Call: Kupsik, Skates, Gibbs, Hill, Hartz, Esarco, Frederick voting “yes.” Motion carried unanimously.

**Public Hearing and Recommendation of a Conditional Use Application (CUP) by Nicholas Carone, 177 Valencia Parkway, Gilberts, IL 60136, for Indoor Commercial Entertainment for a hot dog restaurant and outdoor dining at 272 Broad Street, Tax Key No. ZOP00244**

Nicholas Carone, 177 Valencia Parkway, Gilberts, IL, would like to open a neighborhood-style small restaurant that serves hot dogs, hamburgers, french fries, and polish sausages. Mr. Slavney recommended approval but suggested the outdoor seating be limited to 16 seats as shown on the site plan, the outdoor seating and other furnishings can't creep into the right of way, and umbrellas over the seating cannot contain any advertising. Mr. Hartz questioned where the dumpsters would go. Mr. Carone said there is an easement; and he would put a 1 yard rollout or 2 and have them emptied every other day. Mr. Carone said he has not spoken to the Fire Department but they will have fire suppression systems. The operating hours will be 10:30am to 11:00pm weekdays and Saturdays and Sunday from 10:30am to 9:00pm. The hours will be adjusted during non-peak times. Ms. Hill questioned if they would serve beer and wine. Mr. Carone said no. Ms. Esarco asked if all table seating will be eliminated inside. Mr. Carone said he would like a table but he is still debating that.

Skates/Hartz motion to close the public hearing. Motion carried unanimously.

Gibbs/Kupsik motion to approve the Conditional Use Application (CUP) by Nicholas Carone, 177 Valencia Parkway, Gilberts, IL 60136, for Indoor Commercial Entertainment for a hot dog restaurant and outdoor dining at 272 Broad Street, Tax Key No. ZOP00244 to include all staff recommendations specifically item 3a and all findings of fact.

Roll Call: Kupsik, Skates, Gibbs, Hill, Hartz, Esarco, Frederick voting "yes." Motion carried unanimously.

**Review and Recommendation of a Site Plan Amendment filed by Dirk Debbink & Bert Zenker, MSI General, W215 E Wisconsin Avenue, Nashota, WI 53058, on behalf of Plasti-Coil, Inc., for a building expansion at 901 Geneva Parkway, Tax Key No. ZLGB200010**

Dirk Debbink and Bert Zenker of MSI General, W215 E Wisconsin Avenue, Nashota, WI 53058 proposed building a 20,800 square foot addition to the existing Plasti-Coil plant. It would be built with almost the exact same materials, same precast, same design as the existing building. Mr. Slavney noted this is just a site plan approval. They looked carefully at whether the building addition will result in too much impervious surface on the site, the lighting plan, and the storm water management. In this case all of those things are handled well within the bounds of the ordinance. The additional landscaping fully complies with the requirements. He recommends approval. Mr. Debbink said there is adequate parking on the site right now for the current employees and expected additional employees. He does not think additional parking will be needed.

Hartz/Hill motion to approve the application for a site plan amendment on behalf of Plasti-Coil, Inc. for a building expansion at 901 Geneva Parkway.

Roll Call: Kupsik, Skates, Gibbs, Hill, Hartz, Esarco, Frederick voting "yes." Motion carried unanimously.

**Review and Recommendation of an Extraterritorial Jurisdiction (ETJ) CSM Lot Combination in the Town of Geneva filed by Todd Cauffman, Lowell Management Services, PO Box 926, Lake Geneva, WI 53147, to combine lots 5, 6, & 7 of the Longwood Subdivision at Longwood Drive south of McDonald Road, Tax Key Nos. JLW00005, JLW00006, JLW00007**

Scott Lowell, 602 Trevino Drive, stated this is an ETJ matter. It is in the Town of Geneva as it was a subdivision that was filed a number of years ago. No homes have been built in it. It was purchased 18 months ago and the owner would like to turn it into a family compound. It currently has 7 lots, and they wish to combine lots 5, 6, and 7 into one lot. No boundaries would be changed. Mr. Slavney said it meets all requirements and recommends approval.

Kupsik/Hartz motion to approve the Extraterritorial Jurisdiction (ETJ) CSM Lot Combination in the Town of Geneva filed by Todd Cauffman, Lowell Management Services, PO Box 926, Lake Geneva, WI 53147, to combine lots 5, 6, & 7 of the Longwood Subdivision at Longwood Drive south of McDonald Road, Tax Key Nos. JLW00005, JLW00006, JLW00007 to include all staff recommendations.

Roll Call: Kupsik, Skates, Gibbs, Hill, Hartz, Esarco, Frederick voting "yes." Motion carried unanimously.

**Review and Recommendation of a Concept Plan for 837 Bay View Drive, for a conditional use permit for SR-4 Setbacks in ER-1 Zoning Permit at 837 Bay View Drive, Tax Key No. ZGB00007**

Jeff Letser with Aspect Design Inc., 26575 Commerce Drive, Bullough, IL and Kurt Langell of Lancoe Development, 813 Eagleton Drive, spoke on this project. Mr. Letser stated they are here for a preliminary review for removing an existing home on the site and building a new home on the site. They are proposing to extend the rear of the home into the 100 foot rear yard setback. The square footage of the areas of what they are proposing is no larger than what is currently there. They are staying with all the current side yard setbacks of the existing home. They are proposing a hard-scaped patio at a lower grade level. The home does have a walk out terraced rear elevation. They will be using the same retaining wall heights coming down to the property. Mr. Slavney stated the side yard setbacks are in excess by quite a bit of what would be allowed by the SR-4 zoning district. This design reflects acceptable practices in the past. Mr. Hartz questioned what the patio hard surface will be. Mr. Letser thinks they are leaning toward some type of brick.

As this is a concept plan there was no action taken other than what was discussed.

**Discussion of Indoor Commercial Lodging by conditional use in the Neighborhood Office (NO) or Neighborhood Business (NB) zoning districts**

Mr. Slavney feels there has been a good track record of compliance with conditions that have been identified with regard to short term rentals. He does not think there have been any ongoing problems. When the code was changed to enable this form of land use, it allowed these uses only as a conditional use and restricted them to higher activity commercial districts. These kinds of units are small scale and involve single family or 2 family dwelling units. Those units are in short supply in these zoning districts. There have been a number of inquiries for homes located in the Neighborhood Office and Neighborhood Business districts. The supply of available homes left in the currently approved districts is winding down. The proposal would be to continue to regulate all of these proposals as a conditional use with the same set of conditions. An advantage would be reviewing one proposal at a time, the permits are specific, the neighbors within 300 feet are all given notice, there is a public hearing, the potential to approve is equal to the potential to deny, and conditions can be added which are customized to the site. He does not recall any revocations of any conditional use that has been in the City. If the commission is in favor, Mr. Slavney will prepare a formal code amendment that would come in about 2 months as a public hearing with a class 2 notice in the paper. If this were approved by the Council following the Plan Commission's recommendation, anyone who owned a home in these districts would have to come in on their own merits and make their case just like everyone else. Mayor Kupsik suggested reading over the information and make a recommendation at the next Plan Commission meeting. Mr. Oborn wanted to get some input as to whether they should proceed or not. Mr. Hartz questioned the current occupancy rates of the existing short term rentals. Mr. Slavney said the peer communities that he works for have begun to adopt these regulations. Ms. Hill said she is in favor of moving forward as proposed. Mr. Gibbs is not in favor of this as he walks by these places and has seen 6 or 7 cars parked in the driveway. He doesn't want that in his community or neighborhood. A residential area should be residential. Mr. Hartz stated it seems as when they are occupied, there are a lot of people there. During the week and during the winter they will probably be vacant, and he wonders about the snow removal. Mr. Oborn said if mowing and snow removal is not done, the City will do it and bill the owner. He would like the permit tied to the specific owner of the property and it not transfer over if a property is sold. Mr. Skates said he has received positive feedback from the Police about the ones that have been approved. Mayor Kupsik said a conditional use is appealing because they can deny it or take it away if need be. Mr. Oborn said he would be willing to provide a map of inventory.

**Adjournment.** Hill/Gibbs motion to adjourn at 8:39pm. Unanimously carried.

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/s/ Stephanie Gunderson, Assistant City Clerk

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