

**SPECIAL CITY COUNCIL MEETING
MONDAY, JUNE 20, 2016 – 5:15 PM
COUNCIL CHAMBERS, CITY HALL**

Mayor Kupsik called the meeting to order at 5:18 p.m.

The Pledge of Allegiance was led by Alderman Gelting

Roll Call. Present: Mayor Kupsik, Aldermen Chappell, Skates, Flower, Gelting, Horne, Hedlund, Howell. City Attorney Draper, City Administrator Oborn, Planner Slavney, Building and Zoning Administrator Robers and B&Z Administrative Assistant Gregoles.

Alderman Kordus arrived late at 5:24 pm

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.

#1 – Letter received on Friday 6-17-16 from Cyndy Nafziger, 932 Geneva Street

#2 – Email letter received today 6-20-16 from Andrea Christian, 250 Havenwood Drive

Opening of the Public Hearing regarding the issuance of a Conditional Use Application filed by Steven Johansen for Maple Park Inn, N4590 Ostrander Road, New London, WI to operate a Bed & Breakfast establishment at 920 Geneva Street, Lake Geneva, WI 53147, Tax Key No. ZOP 00235 (continued from the May 23, 2016 Council meeting for a Public Hearing).

PUBLIC TESTIMONY

Public Speaker #1 – Leanne Fritze, Main Street Manor, Delavan, WI

Fritze noted that when they were doing renovations in Delavan it had a domino effect for the rest of the properties in the neighborhood. Everyone started to fix up and take care of their properties. In summary, her experience was a positive one and feels this will be a positive addition for Lake Geneva.

Public Speaker #2 – Sue Johansen, applicant - N4590 Ostrander Road, New London

Johansen gave a brief overview of the application and her vision of the B&B she would like to open.

She expressed her desire to be a good neighbor to the existing home owners. There was a brief discussion with the aldermen. Planner Slavney stated that a Site Plan has been requested and not received. Randy Bangs then spoke on behalf of the applicant, stating that he will be helping to manage the Maple Park Inn. He stated that he had submitted all paperwork and nothing further had been requested of them. Bangs confirmed to Slavney that there would be no changes to the building exterior, no changes to the building envelope and no changes to the paving on the site. Slavney requested a plan for the parking.

Planner Slavney questioned the term Manager and asked where he would reside. Bangs stated that he lives in Delavan and runs the Allyn Mansion there. Bangs stated that they would not allow storage of any kind for guests at the Maple Park Inn (i.e. boats, vacation items.) Mayor Kupsik questioned residency, asking if the Johansen's would be selling their home in New London. Johansen stated no, they will use it as a vacation home and when they are not on site at the B&B it would be closed. Our City ordinance states that the owner must be present when it is being rented out and live on the premises full time. Alderman Gelting questioned the ownership of the proposed B&B and asked if there would be more than one name on the title. Johansen stated that is in question now and perhaps there would be one additional person involved in the ownership.

Public Speaker #3 – Mary Jaros, 927 W Main St., LG

Jaros stated her opposition to the B&B and her specific concerns regarding safety and parking.

Public Speaker #4 – Cindy Fueredi, 1010 Geneva Street, LG

Fueredi stated her opposition to the B&B and her specific concerns regarding safety and parking.

Furthermore, she stated her concerns regarding the flexibility of the City's planning and concerns regarding things changing in her neighborhood. Planner Slavney gave a brief explanation of the process of a Conditional Use submitted to the City.

Public Speaker #5 – Pricilla Smith , 514 McDowell Street, Delavan

She is the neighbor to the back of the Allyn Mansion in Delavan.

She has not had any negative experiences with the B&B in her neighborhood and feels it will be a benefit to her when selling her home. In summary, she gave her full support to the planned B&B at 920 Geneva Street in Lake Geneva.

Public Speaker #6 – Ted Harrig, 828 Geneva St., LG

Harrig stated his understanding of the complexity and tough decision that needs to be made by the Council.

He stated that there are already three B&B's located near the school already. He pointed out that most B&B's take pride in their homes and they are well maintained. In summary he gave his support of the planned B&B on Geneva Street.

Public Speaker #7 – Martha Kukow, Listing Agent of the property

The house has been listed for over one year and she has shown it to more than 30 interested parties.

However, she stated that there is much to be done to the property and the Johansen's have shared their plans to remodel the interior of the home. In summary she gave her support of the planned B&B on Geneva Street.

Public Speaker #8 – D Fiske, 324 Sage Street, LG

Fiske stated she has had a B&B for three years and her guests are primarily in the over 60 age range and never give her any trouble. In summary she gave her support of the planned B&B on Geneva Street.

Public Speaker #9 – Mark Smith, 1004 Geneva St., LG

Smith stated his opposition to the B&B. He has concerns that it will decrease his property value.

Smith pointed out that it appears that no one that is in support of it actually lives in the neighborhood.

Public Speaker #10 – Janelle Powers, 1003 W Main St., LG

Powers stated her opposition to the B&B. She firmly believes that it would be detrimental to their neighborhood.

She has concerns regarding safety and traffic.

Public Speaker #11 – Randy Bangs, 103 E Washington St, Delavan , WI

Bangs gave a brief overview of the value and condition of the property in question. He reviewed the plans and vision for the property including ownership, occupancy and parking concerns. He gave an overview of his previous B&B management experience and how well they did, as well as what his role would be to this new B&B. He currently runs the Allyn Mansion in Delavan and has had no complaints from the neighbors. In summary, Bangs stated his support for the B&B and feels that it will add to property values.

Public Speaker #12 – Terry O'Neil, 954 George St., LG

O'Neil stated his concerns regarding ownership and parking.

Public Speaker #13 – Wendy Smith, 1004 Geneva St., LG

Smith stated her opposition to the B&B, pointing out that the wishes of the home owners in the neighborhood should be respected.

Public Speaker #14 – Joe Railton III, 930 Geneva St., LG

Railton gave several handouts to the aldermen and gave an overview of former B&B and retail enterprises that have tried to be implemented in the Maple Park Historic District. In summary, he stated his opposition to the B&B and urged the council to protect the home owners interests.

Public Speaker #15 – Carol Railton, 930 Geneva St., LG

Ms. Railton stated her opposition to the B&B.

Public Speaker #2 Returned by Mayor Kupsik’s request – Sue Johansen, applicant

Kupsik asked how many people would be on the title. Johansen stated that it is currently under discussion but likely no more than one additional person/close friend. Slavney clarified that the Conditional Use process requires one owner/occupant to be named, not multiple. Johansen questioned whether they would grant this to a multi owner title. Slavney stated yes it could, but they would prefer to grant to one owner living on the property. Gelting brought up the fact of the application names Steve Johansen and asked if he would be a full time resident at the home. Sue Johansen stated that no, he would not, but she would.

Closing of the Public Hearing

Motion #1

Hedlund/Skates motion to close the public hearing. Unanimously carried.

Discussion/Action on authorizing the issuance of a Conditional Use Application filed by Steven Johansen for Maple Park Inn, N4590 Ostrander Road, New London, WI to operate a Bed & Breakfast establishment at 920 Geneva Street, Lake Geneva, WI 53147, Tax Key No. ZOP 00235.

DISCUSSION

Slavney clarified questions on the number of bedrooms and parking issues for the aldermen. Slavney also clarified the issues of business West of Cook Street. Chappell stated that she feels this is a perfect property for a B&B and came to the meeting in support of the applicant. However, after hearing the unsure ownership situation it makes her unsure, specifically who will live in it and who will be owners on the paperwork. Skates also agrees that the ownership issues are concerning.

Motion #2

Chappell/Gelting motion to deny the issuance of a Conditional Use application filed by Steven Johansen for Maple Park Inn, N4590 Ostrander Road, New London, WI to operate a Bed & Breakfast establishment at 920 Geneva Street, Lake Geneva, WI 53147, Tax Key No. ZOP 00235, based on the fact finding read in detail by Alderman Skates and listed below.

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 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.

Roll Call Vote: Chappell, Skates, Kordus, Flower, Gelting, Horne, Hedlund, Howell voting "yes" to deny the application; unanimously carried.

Adjournment. Kordus/Skates motion to adjourn at 6:48 pm. Unanimously carried.

/s/ Jackie Gregoles, Building & Zoning Administrative Assistant

THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL

The ordinance applicable to **Bed and Breakfast Establishments** can be found at Section 98-206 (l). The quoted sections below are taken from the ordinance.

- "The Council shall determine the number of bed and breakfast operations required to provide for such public convenience and necessity." There are 3 Bed and Breakfast operations within 2 blocks of 920 Geneva Street. **There is no necessity for another bed and breakfast in our neighborhood.**
- "Application Requirements. Applicant for a license to operate a bed and breakfast shall submit a floor plan of the single family dwelling unit illustrating that the proposed operation will comply with the City Zoning Ordinances as amended, other applicable City codes and ordinances, and within the terms of this Chapter." The applicants has stated their intention to have 5 sleeping rooms for 4 occupants each. These sleeping rooms must be at least 160 square feet per ordinance. **Have the applicants submitted such a floor plan? Does the floor plan meet all application requirement? When and where can it be reviewed by the public?**
- "The dwelling unit in which the bed and breakfast takes place shall be the principal residence of the operator/owner and said operator/owner shall live on the premises when the bed and breakfast is active." Mrs. Johansen has stated publicly that she and her husband intend to live in the residence as operator/owner. On May 22, after the Planning Commission unanimously denied the Johansen's request, a Mr. Bangs(sp?) walked through the neighborhood introducing himself as the manager of the "Maple Park Inn." Having a non-resident manager is clearly against the intent of this Section. ". . .said operator/owner shall live on the premises when the bed and breakfast operation is active." The intent of a Bed and Breakfast is for owner/operator to live on site and manage the day-to-day operation, ie. bookings, cooking, cleaning, etc. **What are Mr. & Mrs. Johansen's intent relating to the operation of the bed and breakfast establishment? What exactly will Mr. Bangs' duties be as manager in relation to the operation of the bed and breakfast? Do they intend to hire outside help to cook and clean?**
- Requirements for a bufferyard can be found at Section 98-610. If I read the requirements and tables correctly this requires "a minimum opacity of .60 along the property borders abutting residentially zoned property." The side yard at 920 Geneva Street is less than 5 feet wide. **What exactly will be required to protect the next door neighbors?**
- Parking regulations require one parking space per each bedroom. Operator/owner plus 5 sleeping rooms requires at least 6 parking places. Currently there is space off the alley for 4-5 cars plus a one car garage. We are all too well aware of the parking situation in town and on our block. City residents voted against building a parking garage which infers homeowners are not interested in bringing more traffic to our neighborhood. **How will the applicant meet this parking requirement?**
- "The Council shall consider the effect upon residential neighborhoods. . ." The next door neighbors and others directly affected have stated objections based upon the historic residential character of the neighborhood. We are concerned with possible noise from 20 additional people/strangers (which could "interfere with the safety or rights of others so as to constitute a nuisance."), increased car traffic in the busy alley which currently serves pedestrians, cars going to and from church/daycare/business on Cook Street and others cutting through to avoid traffic on Main Street and is currently proving dangerous for residents to back out of their alley parking places. Some of us have lived in this residential neighborhood 25-40 years and have seen many changes. Past planning commissions and councils have stated their intention to keep businesses out of residential areas and not to spread businesses west of Cook Street. **We ask the current council to respect the residents over a business spreading into a residential neighborhood .**

The home at 920 Geneva Street is zoned residential per the Master Plan. I ask the council to hear the voices of the resident homeowners and consider our needs before the expansion of a business into a residential district. **Please respect the Master Plan and deny this request for a conditional use for a Bed and Breakfast business.**

Respectfully submitted, Cyndy Nafziger 932 Geneva Street

From: [A.Christian](#)
To: [Jackie Gregoles](#)
Subject: Maple Park Inn meeting 6/20 5:15p
Date: Monday, June 20, 2016 4:36:44 PM

Andrea Christian
250 Havenwood Drive
christian8r@yahoo.com

Re the word "transient" brought up in a past meeting to describe this proposed business, that's not a good argument as ALL of Lake Geneva is filled with transients all the time. Even in the Maple Park district. I don't see this proposed business becoming anything like the former Victorian Inn at Main and Warren Streets. Any questions about that ask me, I lived at the Victorian from Jan -Oct 2011 in an apt with out heat. I think the city has learned their lesson since then. I am for this Maple Park Inn. I think the owners deserve a chance, as this is a beautiful home inside and out and if it's possible for a home to have feelings, it does a disservice to a home this size to not utilize the whole building.

Thank you.

Sent from my U.S. Cellular® Smartphone