

**PLAN COMMISSION MEETING  
MONDAY, JULY 17, 2017 – 6:00 PM  
COUNCIL CHAMBERS, CITY HALL**

Mayor Kupsik called the meeting to order at 6:02 p.m.

**Roll Call.** Present: Mayor Kupsik, Alderman Doug Skates, Sarah Hill, Ann Esarco, Tyler Frederick, Ted Horne.  
Absent (Excused): John Gibbs. Also Present: City Planner Slavney, City Attorney Draper, City Administrator Oborn, Building and Zoning Administrator Walling, Building & Zoning Administrative Assistant Follensbee.

**Approve the Minutes of June 19, 2017 Plan Commission meeting as distributed.**

Skates/Horne motion to approve. Motion carried 6 to 0.

**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.**

Speaker 1: Karen Yancey, of the Geneva Lake Conservancy, stated they would like work with the City of Lake Geneva to preserve the 60 acres of flood plain of the Hillmoor property as a public park and public conservancy area. The Conservancy plans to assist the City with additional funds for the purchase of the land or a conservation easement. The conservancy would like to see the banks of the White River restored to their natural state and would like to create a wildlife corridor to protect the White River starting at Hillmoor and extending to White River County Park. This corridor would include hiking trails, biking trails and a public canoe/kayak launch.

Speaker 2: Dick Malmin, N1991 S Lake Shore Dr, spoke on The Comprehensive Plan Amendment request by Geneva Waterfront Inc. & Bigfoot Holdings. Mr. Malmin gave a property history for Geneva Inn which began as a residential structure and explained the covenant created by the homes around the lake. Malmin stated the property was never zoned for business. Neighbors tried to stop the development of the hotel but it was built anyway. Malmin is in favor of trying to keep the properties around the lake residential.

Speaker 3: Jeanne Hathaway, 420 Elmwood Dr, asked for the City's support with their General Development Plan on the agenda tonight.

**Acknowledgement of Correspondence.**

Correspondence was received from Kay & Jerry Stinebrink supporting the 2 story accessory structure at 420 Elmwood Avenue which will remain a personal office for the owner and not a rental property.

**Downtown Design Review**

**Application by Melissa Reuss, 150 Broad Street, Lake Geneva, WI 53147, to replace the canvas awning at 150 Broad Street, Geneva Gifts, Tax Key No. ZOP00329.**

Mike & Melissa Reuss presented their request. Alderman Skates verified that the metal and neon sign above the awning would not change.

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

Roll Call: Kupsik, Skates, Hill, Esarco, Frederick, Horne voting "yes." Motion carried 6 to 0.

**Application by Nicolas Carone, 177 Valencia Parkway, Gilberts, IL 60136, for a sign at 272 Broad Street, Frank's Original, Tax Key No. ZOP00244.**

Applicant not present. Zoning Administrator Walling stated the applicant has chosen the Heritage Red color and meets the downtown design color, size and façade location requirements.

Hill/Horne motion to approve and include all staff recommendations.

Roll Call: Kupsik, Skates, Hill, Esarco, Frederick, Horne voting "yes." Motion carried 6 to 0.

**Application by Greg Odden, 705 Madison Street, Lake Geneva, WI 53147, to change the exterior color of façade at 201 Wrigley Drive, Flat Iron Park.**

Greg Odden presented the request to renovate the exterior façade at Visit Lake Geneva, with historic colors. Commissioner Hill verified the siding would be updated with the sample material & color provided. All exposed wood will match the color sample. The roof will be updated and the shutters will be removed.

Kupsik/Hill motion to approve and include all staff recommendations

Roll Call: Kupsik, Skates, Hill, Esarco, Frederick, Horne voting “yes.” Motion carried 6 to 0.

**Public Hearing and Recommendation on a General Development Plan (GDP) filed by Mark & Jeanne Hathaway, 420 Elmwood Avenue, Lake Geneva, WI 53147, to allow for an existing two story accessory structure alteration at 420 Elmwood Avenue, Tax Key No. ZYUP00067.**

Zoning Administrator Walling explained this GDP and PIP application, stating the applicant applied for this space to be used as an office above their garage in 2016. The project was constructed and a couple steps were identified after construction, which led to the need for this application to allow a building which doesn't meet our current zoning ordinances. Staff recommends the motion reflect the 2<sup>nd</sup> floor not be used as a sleeping environment or dwelling unit.

Speaker 1: Alice Moran, 424 Elmwood Avenue, has no objections at all and feels this structure benefits the neighborhood.

Hill/Skates motion to close the public hearing. Motion carried 6 to 0.

Hill/Skates motion to approve the General Development Plan including staff recommendations, fact finding, noting specifically that the 2<sup>nd</sup> story area will not be allowed to be used as a sleeping or dwelling unit. Alderman Skates emphasized all movable accessory structures on property shall be located 3 feet from the property line as required by the SR-4 zoning classification.

Roll Call: Kupsik, Skates, Hill, Esarco, Frederick, Horne voting “yes.” Motion carried 6 to 0.

**Public Hearing and Recommendation on a Precise Implementation Plan (PIP) filed by Mark & Jeanne Hathaway, 420 Elmwood Avenue, Lake Geneva, WI 53147, to allow for an existing two story accessory structure alteration at 420 Elmwood Avenue, Tax Key No. ZYUP00067.**

Zoning Administrator Walling stated the PIP application is the 2<sup>nd</sup> step of approval process for this request.

Kupsik/Skates motion to close the public hearing. Motion carried 6 to 0.

Kupsik/Horne motion to approve the Precise Implementation Plan and staff recommendations and fact finding.

Roll Call: Kupsik, Skates, Hill, Esarco, Frederick, Horne voting “yes.” Motion carried 6 to 0.

**Public Hearing and Recommendation on a Conditional Use Site Plan Amendment filed by Rick Bittner, 259 Skyline Drive, Lake Geneva, WI 53147, on behalf of Next Door Pub, to renovate two existing parking stalls to allow for additional exterior waiting area at 411 Interchange North, Tax Key No. ZYUP00137M.**

Rick Bittner presented his request to add an exterior waiting area by eliminating 2 parking spaces in front of the building. Mr. Bittner stated he has plenty of parking for his business on the adjacent property which he leases. He also presented samples for the proposed deck which will resemble the existing deck area.

Hill/Skates motion to close the public hearing. Motion carried 6 to 0.

Kupsik/Hill motion to approve and include staff recommendations and fact finding.

Roll Call: Kupsik, Skates, Hill, Esarco, Frederick, Horne voting “yes.” Motion carried 6 to 0.

**Public Hearing and Recommendation on an Amendment to a Precise Implementation Plan filed by Eric Drazkowski, Engineer & Tom Schermerhorn, Architect of Excel Engineering, Inc, 100 Camelot Drive, Fond du Lac, WI 54935, on behalf of Brunk Industries, to modify walk and culvert connection between the existing facilities and new facility along E Sheridan Springs Road at 1225 Sage Street, Tax Key No. ZA471200001.**

Devin Winter, Excel Engineering, explained their request to extend or update the existing 5' sidewalk between their existing and proposed facilities from 5' wide to 10' wide which will be used to transport materials between the two

facilities. Zoning Administrator Walling stated the concrete sidewalk width will be 6' which meets the heavy load requirements for fork lift operations. The 10' wide sidewalk with a 6" depth would allow for the equipment weight during transport. Walling said there is a significant grade change and culvert so this proposal was the best solution.

City Administrator Oborn added the sidewalk is on city right of way so this application would be contingent upon a Right of Way Agreement. Commissioner Hill asked for the details of the Right of Way Agreement. City Attorney Draper clarified the liability & maintenance would go to Brunk Industries, the volume of usage would be addressed and if the city determines the sidewalk is needed for other purposes, they would agree to abandon it. The city would be named for additional liability on the sidewalk. Commissioner Esarco noted the sidewalk is used a lot for bikes and pedestrians to transition from Sage Street to Sheridan Springs Road. A Brunk representative asked about the usage limitations in the Right of Way Agreement, which had been discussed with Brunk at the city staff meetings, according to Alderman Skates and Mayor Kupsik. Another Brunk representative, Scott Adams, agreed the sidewalk is used by pedestrians, a majority of which are Brunk employees.

Mr. Winter stated the plans reflect cautionary signs for a shared route of pedestrians and equipment located on both ends of the sidewalk.

Kupsik/Hill motion to close the public hearing. Motion carried 6 to 0.

Skates/Frederick motion to approve and include staff recommendations and fact finding and confirmation of the Right of Way Agreement which addresses volume and asks for signage to be provided on either end of sidewalk.

Roll Call: Kupsik, Skates, Hill, Esarco, Frederick, Horne voting "yes." Motion carried 6 to 0.

**Public Hearing and Recommendation of a Precise Implementation Plan filed by McMurr II, LLC, 351 W. Hubbard, Suite 610, Chicago, IL 60654, for the continuation of phase I of the Summerhaven of Lake Geneva Condominiums.**

Jim Howe, Attorney at Godfrey Law Firm, Elkhorn, representing McMurr II LLC, discussed prior work to the site not pertinent to the current application (future phases of the development). Howe presented their request for a 2<sup>nd</sup> amendment to the PIP to allow flexibility for a garage to be 10.85 feet from the right-of-way at its northwest corner, the building of a pool and pool house from the original plan, to change a duplex to a single family dwelling on lot 207 with flexibility of a rear yard setback of 6' instead of 15', and install the final lift of asphalt on phase one of Summerhaven, and install municipal water and sanitary sewer mains to serve five lots on Murray Drive and the pool and pool house.

Speaker #1: Grace Hanny, 311 Oakwood Lane, received a notice regarding this property and asked for clarification on the proposed changes in phases 1, 2, and 3 to Summerhaven. Mr. Howe stated phase 1 includes 27 units, the pool & pool house, changing a duplex classification to a single family dwelling and finishing the street past the pool and pool house including the utilities. Phase 2 and 3 proposals will be presented to the Plan Commission in the future.

Kupsik/Frederick motion to close the public hearing. Motion carried 6 to 0.

Kupsik/Esarco motion to approve and include fact finding and staff recommendations: setback exceptions provided for the existing dwelling and the proposed setback reduction to install attached garage to existing house, the pool house and pool installation, reduce unit 209 & 207 duplex to a single family residence, the final road lift installation for phase 1 roadway complete and road installation to a temporary tee turn around for fire department vehicles on the proposed Murray Drive extension, and to include a development agreement amendment to add the 5 years for paving and the cost added to the existing letter of credit they retain.

Commissioner Hill asked about sidewalks in this development. City Attorney Draper stated Summerhaven is a private development and has private roads, not open to public.

Roll Call: Kupsik, Skates, Hill, Esarco, Frederick, Horne voting "yes." Motion carried 6 to 0.

**Plan Commission Reviews the Comprehensive Plan Amendment Applications.**

City Planner Slavney explained the Comprehensive Plan Amendment process. During the months of July and August, applicants are welcome to explain their proposed amendments to the Plan Commission and the public. It allows the Plan Commission to discuss items informally and no motions are taken. This step is in preparation of a Public Hearing held in front of the Plan Commission & Common Council in October.

There was a proposal to amend the plan to require a policy that requires any proposed change to the Comprehensive Plan be subject to approval by a public referendum. The statutes have a very particular method for reviewing and approving changes to the Comprehensive Plan and there is no provision in the statutes for such a process where a public referendum is included. City Attorney Draper explained the Comprehensive Plan statute is of state-wide concern. It was passed for all municipalities to adopt a particular process to be able to adopt a master plan, a comprehensive plan and their amendments. 1.) Because it is a statute of state-wide concern, the city has no right to change the process. 2.) By inserting a referendum into the process, you are limiting the rights of the Planning Commission which the statutes set as the body to adopt these items. It would be illegal.

The city received four changes to the Future Land Use Map which recommends the future land use pattern. The Comprehensive Planning law says any proposed zoning map amendment has to be consistent with this particular map.

**A. White River Holdings LLC, 11 East Madison, Suite L-100, Chicago, IL 60602 for former Hillmoor Golf property on Tax Key Nos. ZYUP00001C, ZOP00001, ZYUP00131 and ZYUP00153.**

Application proposes to change the current designation in the future land use map from Private Recreation Facilities to Planned Mixed Use in the central portion of the Hillmoor property, from Private Recreation to Two Family in south eastern part of property. The northern part of the property, flood plain, is to remain in Private Recreation Facilities, with a narrow strip along Highway 50 proposed to remain as a buffer along the corridor.

Speaker 1: Applicant, Paul Fitzpatrick, 3140 N Sheffield, Chicago, IL 60657, with 11 East Partners, on behalf of White River Holdings LLC, presented their request to develop the Hillmoor property. They are aware of the environmental conditions of the northern portion of the property. The current category for this entire site is Private Recreation Facilities. The request is to create an amenity on the north side of the property to connect the environmental corridor to downtown with a high-end path for hiking and biking, to change the southern portion of the property to Planned Mixed Use and Two-Family/Townhouse Residential categories, with a green corridor along Highway 50.

Alderman Skates asked about the entrances to this property. Fitzpatrick stated they would extend Peller Road as an eastern entrance and develop the main entrance off Highway 50. Commissioner Hill asked about the scope of the project. Fitzpatrick noted the zoning would take place in the Fall of 2018 with a project time frame of 5-10 years. Commissioner Hill asked about the Private Recreation area. Fitzpatrick assured the Plan Commission the public would be able to use the trail systems even though it is classified as a Private Recreation Land Use area. Alderman Skates asked about the Planned Mixed Use category of the Comprehensive Plan. Planner Slavney explained this category allows flexibility in land use and affords the Plan Commission and City Council control over which zoning districts are granted.

**B. Core Commercial Inc., PO Box 1154, Appleton, WI 54912 for property near Edwards Blvd & Geneva Parkway North with Tax Key Nos. ZGEC00001, ZGEC00001A and ZGEC00002.**

Application proposes the property on Highway 120, south of Wal-mart, to change the designation from Planned Industrial to Planned Business in order to convert the 2 office buildings to commercial uses.

City Administrator Oborn stated the applicant will present their request at the August Plan Commission Meeting.

**C. Geneva Waterfront Inc., N2009 S Lake Shore Drive, Lake Geneva, WI 53147 and Bigfoot Holdings LLC (dta Geneva Inn) for Tax Key Nos. IL120000-5C, IL120000-5C2, IL120000-5D, IL120000-5E, IL120000-5F and IL120000-4.**

Application proposes the property of Geneva Inn which is outside of the city limits on both the east and west side of South Lake Shore Drive. The Geneva Inn has several properties and the areas currently in use are for Commercial Use and are shown as the Planned Business category on the Lake Geneva Future Land Use Map. However there are several portions of the properties which are shown as Agricultural or Rural. Owners beyond the city limits have a right to request a change and the applicant is asking for the Agricultural & Rural sections to be changed to Planned Business so all Geneva Inn properties are shown as Planned Business category.

Applicant was invited to speak at this meeting but was not present.

Commissioner Hill asked how a property outside the city limits can ask the city to change our Land Use map. Planner Slavney stated it is common for applicants near a city to request amendments from the city to the city plan.

**D. Jeffrey & Beverly Leonard, 1504 Dodge Street, Lake Geneva, WI 53147 for 905 Main Street, Lake Geneva, WI for Tax Key No. ZOP00243A.**

The current category for 905 Main Street is Neighborhood Mixed Use which is a business category designed for small scale buildings, often a home which has been converted for business uses. The application requests Business Commercial.

Applicant was invited to speak at this meeting but was not present. Planner Slavney is contacting applicant for verification of request.

**E. Terrence J O'Neill, 954 George Street, Lake Geneva, WI 53147 for request for Referendum included as part of process.**

Planner Slavney & City Attorney Draper explained earlier a referendum is not necessary.

**Adjournment.** Skates/Hill motion to adjourn at 7:47pm. Motion carried 6 to 0.

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/s/ Brenda Follensbee, Building & Zoning Administrative Assistant

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