

**PLAN COMMISSION MEETING  
MONDAY, DECEMBER 19, 2016 – 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, Inspector Robers, Assistant City Clerk Gunderson.

**Approve the Minutes of November 21, 2016 Plan Commission meeting as distributed.**

Gibbs/Skates 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.**

None.

**Acknowledgement of Correspondence.**

None.

**Downtown Design Review.**

**Application by Eileen Marutzky, 619 Geneva Street, Lake Geneva, WI 53147 for exterior signage at 512 Broad Street, Tax Key No. ZDG 00005**

Eileen Marutzky, 619 Geneva Street, stated she opened a retail business at 512 Broad Street that sells antiques and other items. The sign will be the same size as the business next to hers, Chatty Kathy's. It will be white with green print. Inspector Robers said the sign meets all standards.

Gibbs/ Frederick motion to approve.

Roll Call: Al Kupsik, Doug Skates, John Gibbs, Sarah Hill, Tom Hartz, Ann Esarco, Tyler Frederick voting "yes." Carried unanimously.

**Public Hearing and recommendation on a Conditional Use Application and Downtown Design Review filed by Matthew Morgan, 212 W Hidden Trail, Elkhorn, WI 53121, to open a Commercial Indoor Entertainment facility (Magic Theater) with signage at 231 Cook Street, Lake Geneva, WI 53147, Tax Key No. ZOP 00253**

Matthew Morgan gave an overview of the application details. Inspector Robers stated there were two fire concerns. The first was the seating must remain ADA accessible, which is a 36 inch aisle. The other item was the fire curtains must be two feet from the ceiling line so that the sprinkler system does not need to be modified. Commissioner Hartz was curious about the hours of operation. Mr. Morgan answered around noon to 8 or 9 in the evening. Mr. Hartz asked if they plan to serve food and/or beverages. Mr. Morgan was not sure yet, but perhaps they may have a small concession stand. Mr. Hartz questioned if there will be music and what sound level would it be played at. Mr. Morgan said the music would be typical background music for a magic show.

Commissioner Hill asked Mr. Robers what the space is like as it seems tight. Mr. Robers answered they will have to get an inspection before they open and meet all building code requirements. The conditional use will be for indoor entertainment for a magic theater. Planner Slavney said the conditional use can be limited to a specific operator, which he suggested for this conditional use. The plan development language says this type of use is under indoor entertainment. It doesn't specify between restaurants, bars, physical activity studios, and so on. The Tristan Crist Magic Theater is under this as well as the Lake Geneva Clue Room. They are all considered commercial indoor entertainment which is allowed in the central business district under a conditional use application. Mr. Hartz asked if the plan development for Newport West didn't exclude anything. Mr. Robers and Mr. Slavney said there wasn't anything to their knowledge. Mayor Kupsik said seating will be limited to the occupancy of the building with 36 inch aisles which is ADA compliant.

**Speaker 1**

Tristan Crist, 609 W Main Street, representing Tristan Crist Magic Theatre. He opened his theater in December of 2015 and quickly became a fixture in the area. He is supportive of more attractions in town. He isn't sure Lake Geneva is the

best place for this. He feels a second magic theater will cause confusion. He questioned if the commission would approve a second movie theater 3 blocks away from the first one. He feels this could over saturate the market. He is concerned the logo is borrowing from his brand including the gold lettering, the layout, the font, and the spelling of 'theatre'. He noted the proposed floor plan doesn't meet requirements. He feels Delavan may be a better place. He asked what the public benefits of opening a second magic theater downtown would be. He also asked if those benefits would outweigh the potential confusion and the adverse impact on tourism and entertainment in Lake Geneva.

### **Speaker 2**

Bob Kordus, 320 Boulder Ridge Drive, feels there is plenty of room in Lake Geneva. Mr. Morgan is trying to do something unique and different from what Mr. Crist is doing. This is a deaf magic show. He believes it is the first one in the country that is going to be run as a deaf magic show. During the day it would be a meeting place for deaf people. His packet talks about sign language classes for local businesses to help them accommodate deaf tourists. It is not big illusions; it is a family-oriented magic show.

### **Speaker 3**

Teresa Hireman, from Dousman, stated she is a representative of Wisconsin Deaf Movement. She supports Mr. Morgan and feels this has a domino effect as it is not just an impact for deaf community but their families as well. They have a large community in the Southeastern part of Wisconsin that he can serve and draw upon. She understands the concern of having two magic shows. She would like variety and feels people will enjoy both shows.

Kupsik/Hill motion to close the public hearing. Carried unanimously.

Inspector Robers encouraged the commission to include that it has to meet ADA requirements, the curtains have to be 2 feet below the ceiling line, that it meets all international existing building codes for the seating, and that it is limited to this applicant only. Mayor Kupsik added seating should be limited to occupancy. Mr. Oborn noted the applicant mentioned they will not be using fire.

Kupsik/Skates motion to approve the conditional use application filed by Matthew Morgan, 212 W Hidden Trail, Elkhorn, WI 53121, to open a Commercial Indoor Entertainment facility (Magic Theater) with signage at 231 Cook Street, Lake Geneva, WI 53147, Tax Key No. ZOP 00253 to include all staff recommendations, no pyrotechnics, limit seating to occupancy limits, limit the conditional use to this applicant, must have a fire rated curtain, the curtain must be at 6 feet, must have a 36 inch aisle, ADA accessible seating and aisles, and all findings of fact.

Mr. Slavney said the applicant mentioned the possibility of concessions. Mr. Robers said it is retail so it would not require another conditional use as it is already allowed. Mr. Hartz asked Mr. Robers what their role is. Mr. Robers said the zoning code is indoor entertainment, and it is not their determination to say there are too many of one thing or another. Commissioner Hill understands the dilemma, but it is not for this commission to determine the fair market. She requests the applicant plays nice with others and encourages them to join VISIT Lake Geneva. Mr. Slavney echoed what Ms. Hill said. The commission is prohibited to regulate competition. Their zoning power is a police power which is intended to protect the public health, safety, and welfare. They are not allowed to regulate competition.

Roll Call: Al Kupsik, Doug Skates, John Gibbs, Sarah Hill, Tom Hartz, Ann Esarco, Tyler Frederick voting "yes." Motion carried unanimously.

Kupsik/Hill motion to approve signage as noted at 231 Cook Street Lake Geneva, WI tax key number ZOP 00253. Inspector Robers said window applications applied from the inside are not covered by zoning code. Ms. Hill does not like it. She assumed that would be window film. Mr. Robers answered yes. Mr. Kupsik said the awning is the same on the whole building. Mr. Robers noted it does meet downtown design. Mr. Morgan said the window film is just to cover up renovation construction. Mr. Robers clarified the sign they are looking at is the blue magic sign and the awning only, not the yellow portion down below. Ms. Esarco pointed out a typo on the awning verbiage. If the applicant wants to add signage to the big window, he will need to come back to the Plan Commission for design review.

Roll Call: Al Kupsik, Doug Skates, John Gibbs, Tom Hartz, Ann Esarco, Tyler Frederick voting "yes." Motion carries 6 to 1 with Hill voting "no".

**Public Hearing and recommendation on a Site Plan Amendment Application filed by Mick and Joanne Wright, 682 Wells Street, Lake Geneva, WI 53147 for modifications to an existing site plan to construct two single unit cabins instead of one duplex cabin at 682 Wells Street, Tax key No. ZOP 00410A**

Michael Rullman spoke on behalf of the applicants as he is their contractor. In 2006 there was a conditional use permit for two 20 by 32 cabins that were adjoined. He wants to do the same layout but have them separated by 10 feet. Mr. Robers said it was approved, but there was 1 building that was never constructed. They needed to come back and amend their site plan as the timeframe has lapsed for that construction. Also it is now a separated building rather than a combined building. It is the same square footage and same number of rooms. They feel that it is easier to rent a separate building rather than two that are combined together. Mr. Rullman noted it would be 10 feet apart which is needed to be done by code for fire safety. Mr. Hartz said there is a big empty space there now so he wasn't sure which ones he was intending to build. Mr. Rullman said in the survey that was submitted, it originally showed as one building. He separated it and handwrote an item in. He is planning on having it surveyed and set out. Mayor Kupsik stated that site has turned around in the last few years, and this can only enhance it. Ms. Hill asked if this was similar to what had been previously approved and if there is any additional building or site plan for the parcel. Mr. Rullman said this would max them out. This is the last space they have to add two buildings. He confirmed the exterior colors, materials, and design will be consistent with what is on the property now.

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

Hill/Skates motion to approve a Site Plan Amendment Application filed by Mick and Joanne Wright, 682 Wells Street, Lake Geneva, WI 53147 for modifications to an existing site plan to construct two single unit cabins instead of one duplex cabin at 682 Wells Street, Tax key No. ZOP 00410A to include staff recommendations, all findings of fact, and the building design be consistent with the current buildings.

Roll Call: Al Kupsik, Doug Skates, John Gibbs, Sarah Hill, Tom Hartz, Ann Esarco, Tyler Frederick voting "yes." Motion carried unanimously.

**Public Hearing and recommendation on a Conditional Use Application filed by T-Mobile, 15660 Midwest Road, Ste 140, Oakbrook, IL 60181 to collocate a wireless antenna facility on the roof top of the Harbor Shores building at 300 Wrigley Drive, Lake Geneva, WI 53147, Tax Key No. ZHC 00100 thru 00523**

Inspector Robers stated the applicants pulled it from the agenda. It is not tabled, it is withdrawn.

**Presentation of a Conceptual Plan for a Planned Development for a Senior Living Development by Golden Years, 270 Ridge Road, Walworth, WI 53184 at an existing site of the former Southland Farms, on Bloomfield Road**

Brian Pollard, representative of Southland Farms, gave a brief history on the property. This site was set aside for senior housing.

Rich Austin, W5631 Sunset Ridge, Walworth, is the Owner of Golden Years. He gave a history of the business. He introduced his son Jeff and son-in-law John, who also were representing the business. He stated you cannot start a nursing home; you have to acquire a license from another facility. They intended to build a new facility in Walworth, but couldn't find another nursing home that was available. They did finally purchase another facility. They really liked the idea of expanding the Golden Years to Lake Geneva. One of their biggest problems is the time constraints that the State of Wisconsin puts on a business once they acquire beds. A business is given 18 months to have the beds up and operating or they will be taken away. They are up against the clock because they had to shift gears. He thinks there is enough time to work through the process. He noted they are a for profit entity. The first phase of this new building would be a 30 bed skilled facility. He expects an employment increase of about 50 individuals. Mayor Kupsik asked for a rough idea of where they are going to start and how it will be phased.

Kevin Madalinski, Senior Project Manager with Hoffman Planning, Design & Construction, gave an overview of the concept. The site plan has the lower acuity on the west end which would be independent apartments to the higher acuity on the east side of the campus, which would be the skilled nursing and memory care. The reason the development will be in multiple phases is the time schedule. There is a sunset on the restricted bed use by the Department of Health and Services for skilled nursing. It is imperative to have it operational. He believes the schedule is attainable for the end of 2017. The project will be a planned development approval. It will have an underlying zoning as a planned office. There are two potential variances that he would like to note that have to do with building height. The site has a unique feature in that there is a 10 to 15 foot fall between the east to the west. The building wants to compliment that natural grade

transition. The majority of the building will be one and two stories. The far west end of the campus will be three story residential apartments built on top of under building parking. The zoning requirement is that the building height be restricted to a maximum 35 feet. It is permissible under conditional use approval to exceed that, which they will include. The initial calculation is would not exceed 54 feet on that side of the building. The second building height variance is in relation to an accessory building for maintenance and vehicle storage. They would like to park a transport van indoors, so the storage garage would exceed the 15 foot restriction. In the future they will ask for a 20 foot maximum.

Commissioner Esarco noted she does not see any walkways. Mr. Madalinski answered it is too preliminary, but there are planned walkways. Mr. Slavney asked for an approximate idea of the setback from the south to the front edge of the buildings in the elevation. Mr. Madalinski said he guessed it would be over 200 feet. Mr. Slavney felt it was farther than that. He suggested the plan development approach for two reasons. The first reason is that we measure height from the average foundation grade of any part of the building to half way up a pitched roof. The grade on the site works against the building height. They need flexibility on height for the principal building. The plan development enables the Plan Commission and Council to grant the flexibility. The other main advantage is they need to secure zoning approval quickly which is the general development plan that would be the next step in the process. If they came just for a conditional use, they couldn't get the flexibility they need and they would need all of the development details on the whole site. The plan development approach allows us to approve the general development plan without all of those details given that the implementation plan provides all of those.

Ms. Hill questioned if the rendering is just a tiny portion of an overall conceptually planned development. City Attorney Draper said it is a separate parcel that was cut out from the Symphony Bay development. The CSM was cut out separately and that is a separate parcel all by itself. It was always set up to be this type of facility. Mr. Robers added only Symphony Bay was approved; it was always a separate section for senior living. Ms. Hill asked if this is meant to be the only senior and assisted living portion of the entire development. Mayor Kupsik said nothing else has been brought up. Ms. Hill said it looks similar to what was approved in the past with regard to elevation, specifically the south elevation. She is ok with variances. Alderman Skates added this is so much better than what was proposed years ago. He feels they made it more of a community rather than a nursing home. There will be more houses out there as well as a church. This would be a great addition to the city. Commissioner Frederick was thrilled to hear Golden Years was coming to Lake Geneva and feels this is an excellent spot to do it. He is pleased with the design, and doesn't see any issues with height requirements. Mr. Hartz questioned how construction traffic will flow. Mr. Madalinski said they haven't discussed construction traffic yet. They like to incorporate a site access map into the contract documents. Mr. Robers requested their application as soon as possible. Mr. Madalinski noted he had it with him.

**Adjournment.** Hill/Skates motion to adjourn at 8:02pm. Motion carried 7 to 0.

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/s/ Stephanie Gunderson, Assistant City Clerk

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