

**CITY PLAN COMMISSION
MONDAY, JULY 18, 2011 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL**

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

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

Hartz/Skates motion to approve minutes of June 20th, 2011 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.

Letter received from Attorney David Williams addressing items 6 & 7 on tonight's agenda.

Presentation of proposed amendment to the Comprehensive Plan by Geneva Ridge representatives. Attorney Mark Sansonetti on behalf of Geneva Ridge Joint Venture, 5521 N. Cumberland, Chicago, IL 60656 approached the podium to request a consideration of an amendment and correction to the City's Comprehensive Plan. He makes reference to their previous Plan Commission's attendance of meetings and his April 2011 and June 2011 letter to the City and how the City's endorsement of the SEWRPC Water Utility Service Plan is in conflict with the City's Comprehensive Plan. Attorney Sansonetti went through his previous packet of information (including maps) that makes reference to the history of the planning of this property, the City and generally the south corridor of the City. Attorney Sansonetti makes note that there is no specific development plan before you tonight which would sometimes request or necessitate such a plan amendment. His specific request (tonight) is being made underneath the guise if the Plan that is currently available on the City's website that allows for the revision of Plans when the plan itself becomes inconsistent with itself or with policies and procedures that are in existence. The current text sections of Planned Neighborhood and Planned Mixed Use are identified correctly. The text definitions are consistent with the placement of the Planned Neighborhood and Planned Mixed use on the Geneva Ridge parcels. However, the map does not reflect the same designation to the Geneva Ridge parcels as the text does, therefore, the Geneva Ridge representatives request for a change to the plan to eliminate the inconsistencies. Hartz asks what conditions have changed since December 2009 that the City should entertain an amendment to the Plan. Sansonetti does not have a specific Plan to make changes to, however, he asks that the Comprehensive Plan, because it has become inconsistent with itself, the SEWRPC plan and the City's own actions to adopt the SEWRPC plan. This is why an amendment should be made to correct the Plan and have it become consistent. Hartz then asked what the intentions are with the property. Sansonetti says that if the Plan is amended, the Geneva Ridge group hopes to embark on development discussion which may move forward if a productive discussion is considered. Hartz asked if the properties that were split into 9 separate parcels will be changed from those into something else. Sansonetti doesn't believe that those were ever recorded (taking the 9 parcels into 18 parcels) and are no longer valid. Hartz asked if we have adopted a Plan for making amendments or if this is a unique situation. Attorney Draper states that we are treating this as a unique situation and part of the plan is to adopt a participation plan of which the City has begun. Mayor Connors confirms the SEWRPC plan that was mentioned and that it was a ground water study - having to do with water supply and whether people were drawing from the shallow aquifer (such as our area) or a deep aquifer and not believing that it had anything to do with sewer service area. Sansonetti agreed and stated that it identifies the areas within the City of Lake Geneva that are to be served by the City's water utility. The Water Utility Map as identified in the Water Utility Plan in SEWRPC recent land use plan calls for urban density on the Geneva Ridge property and to be served by both water and sewer. Hill asks about what is involved with a unique consideration. Attorney Draper stated that the City Council heard the matter and made a recommendation to the Plan Commission. Plan Commission will then make a recommendation back to the Council. Therefore, the Council made the decision that this was a unique consideration. It was determined that the Plan Commission recommended a resolution for a public

participation to the Council (who approved it) at the last meeting. This was the first step in creating a process for amending the Comprehensive Plan. This unique consideration can be done independently from the official (formal) process of amending the Comprehensive Plan (since there is not an official process as of this time).

Public Comment on proposed Comprehensive Plan amendment as presented by Geneva Ridge representatives. Richard Malmin, N1991 S. Lake Shore Drive, Town of Linn, approached the podium and expressed his disapproval of Geneva Ridge.

Margaret Lass Gardiner, Highway 120, Town of Linn, approached the podium and shared how Highway 120 has traffic that goes way too fast. She also expresses her concern in changing the Comprehensive Plan too often. She believes that the Plan needs no correction.

Grace Hanny, W2865 Swinghurst Lane, Town of Linn, She Thanks the City for allowing her to speak. She explains that she has willingly cooperated with all the public facets of putting the City's Plan together. She doesn't believe that the wetlands that are on the Geneva Ridge property should be disturbed as it could cause problems.

Jo Williams, 307 Water Street, City of Lake Geneva, She believes that there is no reason to change the Plan for more development. She explains if the Plan is allowed to change for one group, it will have to be allowed for others. Ms. Williams states that frequent amendments to documents should be avoided or else the Plan becomes meaningless.

Richard Marra, W2290 South Shore Drive, Town of Linn, feels that this property has been given due process. This would be a great financial stress to the City.

David C. Williams, 1629 Evergreen, City of Lake Geneva also speaking on behalf of Lower Density Development, Lois Whiting and Susan Whiting.(Town of Linn). He expresses (as also noted in his letter of correspondence) his objections with making a change to the Comprehensive Plan.

Lynn Ketterhagen, Geneva Lake Conservancy, 398 Mill Street, Fontana. She expresses that the Conservancy recommends not amending the Comprehensive Plan.

Review and recommendation on a proposed amendment to the Comprehensive Plan as presented by Geneva Ridge representatives. Hill asks for a clarification of the zoning designation for the Geneva Ridge land. She asks if it has always been designated as Planned Mixed use until 2009. Slavney states that since he has been involved since 1990 this land had been Planned Neighborhood Development. Slavney states that Geneva Ridge is asking for an amendment to the Comprehensive Plan not a zoning change at this time. The Plan amendment is simply changing the designation of future use. There is a consistency requirement, that the zoning be consistent, but Geneva Ridge has not come in with a specific request for zoning. They are simply asking for a change to the Comprehensive Plan to designate the Geneva Ridge land as a Planned Neighborhood area and the little section as a Planned Mixed Use area. After the Plan is changed, the zoning map change could be done. Typically the change is made by the applicant but it could also be done by the City. Slavney approached the maps on the easel to show the audience the areas that are being talked about and how some boundary lines are not allowed to be moved by the City. A formal request must be made and other jurisdictions need to recommend and approve those changes. Hill asked when the parcel was annexed into the city. It was stated that the lengthy annexation process concluded at the end of 2004. Slavney stated that at this time, the Town of Linn approved its Comprehensive Plan (which showed parts of the Geneva Ridge property for Neighborhood Development) and the City adopted its South Neighborhood Plan (which showed Suburban density requirements). The Town of Linn's density was similar to what was nearby that land, and the City recommended densities that were similar to what was in the city. That is why there is a difference in the densities. Hill stated that the 1999 Plan and the more detailed South Neighborhood plan (zoning designations) were in place until the 2009 Comprehensive Plan was adopted. It was noted that with the adoption of the 2009 Plan that it wipes out all previous zoning designations to have the most current one. Mayor Connors asks Slavney if other municipalities that he works with allow for a yearly change of their Plans. He said most municipalities that he works with do use an annual review cycle. However, some of them haven't had their yearly review for the last couple years due to the market conditions. Generally, all of those plans are written to enable a property owner or the City to initiate a reconsideration of the Plan's recommendations. This is not a quick process. Typically this would take two to three years to get all the approvals, permits, etc. Hartz asked who makes an application to SEWRPC to make a change to the Urban Service area. Slavney stated that the City would initiate the change. Hartz stated that Sansonetti made reference to a large portion of the Geneva Ridge

property was within the City's urban service area or projected service area. Hartz believes that that is incorrect. He asks Slavney to explain. Slavney states that there is a modest portion of the subject property that is within the sewer service area. The projected sewer service area was taken off the draft plan at the final meeting. The City's utility studies which had been done in the late 1980's, indicate this area as efficiently served by public water and sewer. So in the City's utility plans, this area he believes remains identified as an efficiently services area. The formal sewer service boundary only comes into this property at a few points. Slavney states that the City's Plan is full of maps that are full of recommendations represented by many different colors. Therefore, there are different recommendations for different properties. It is noted that certain properties cannot be favored over market circumstances to show unusual discrimination on specific properties. This is property within the City limits. The City planners designation for the Geneva Ridge Property was not followed (Planned neighborhood and Planned Mixed Use) and the City made a change to put the Rural/Ag land use designation on that property. This change was not consistent with previous plans. The next process is to have a public hearing and that will be at the Council meeting August 22nd 2011. This is set statutorily to be in front of the Council. Some sort of recommendation needs to be made for the Council tonight. Slavney says that there is not statutory guidance when it comes to making the recommendation. Therefore, the City can recommend as presented, deny or recommend with changes. More discussion followed. Hartz asked what commitment the City would be making to return back to the May 2009 map. Slavney stated that as a Planner it refers to in the Statues (consistency requirement) which say that decisions related to properties need to be, shall be consistent with the Comprehensive Plan. It doesn't talk about timing or all the things that need to add up to make development happen at a particular time. **Hartz/Connors motion to recommend a change to the Comprehensive Plan utilizing Map 5 from the May 12, 2009 draft as depicted by Vandewalle and Associates only as referenced for the Geneva Ridge properties.** Discussion followed. Roll Call vote: Hartz: Yes, Hill: No, Olson: Yes, Skates: No, Poetzing: Yes, Connors: Yes, Brugger: Yes. **Motion carried 5-2.** **Hartz/ Poetzing recommend a change to the Comprehensive Plan utilizing Map 7 from the December 14, 2009 draft as depicted by Vandewalle and Associates to include the Geneva Ridge properties (as provided for the July 18, 2011 Plan Commission meeting) to update the potential future urban service area.** Roll Call vote: Hartz: Yes, Hill: No, Olson: Yes, Skates: No, Poetzing: Yes, Connors: Yes, Brugger: Yes. **Motion carried 5-2.** Slavney wanted to make note that the motion just made had to do with the boundary shown on the map that he provided the Plan Commission tonight with the red line. Slavney left his seat.

Public Hearing and action on a Conditional Use Application filed by William R. Steininger, 1106 Wisconsin Street, Lake Geneva, WI 53147, for the installation of a decorative fence in excess of three feet in the streetyard at 1106 Wisconsin Street, Lake Geneva, WI 53147, Tax Key No. ZOP 00185. Brugger explains the applicant was unable to be here tonight to answer questions but that he (Brugger) would attempt to answer any questions that may arise. It is an aluminum wrought iron look of a fence that will be inside the existing landscaping along the sidewalk. Skates/Olson motion to close the public hearing. Motion carried. Hartz/ Olson recommend approval on the Conditional Use Application filed by William R. Steininger, 1106 Wisconsin Street, Lake Geneva, WI 53147, for the installation of a decorative fence in excess of three feet in the streetyard at 1106 Wisconsin Street, Lake Geneva, WI 53147, Tax Key No. ZOP 00185 including all staff recommendations. Discussion followed. Motion carried.

Public Hearing and action on a Conditional Use Application filed by Babcock Signs, PO Box 1246, Janesville, WI 53546 for Lake Geneva Chevrolet, 715 Wells Street, Lake Geneva, WI 53147, to change inserts on an existing non-conforming sign at the following location at 715 Wells Street, Lake Geneva, WI 53147, Tax Key No. ZOP 00399B. Richard Peterson, 308 Walnut Street approached the podium on behalf of Lake Geneva Chevrolet and stated that the dealership (and General Motors) wanted to take the name Pontiac off the sign. Pontiac is no longer producing vehicles. It was discussed to add a planter on top of the asphalt and to add some landscaping to the sign. Shawn Murphy from Babcock Signs approached the podium to explain the GM logo box (and interior illumination) is proposed to be removed off the sign as well and the Pontiac insert. Hill/Skates motion to close the public hearing. Motion carried. Skates/ Olson motion to approve the Conditional Use Application filed by Babcock Signs, PO Box 1246, Janesville, WI 53546 for Lake Geneva Chevrolet, 715 Wells Street, Lake Geneva, WI 53147, to change inserts on an existing non-conforming sign at the following location at 715 Wells Street, Lake Geneva, WI 53147, Tax Key No. ZOP 00399B, including any staff recommendations and the addition of installing a planter at the base of the sign. Discussion followed. It was noted that the ten year clock has been re-started as a sunset date for this non-conforming sign. Motion carried.

Public Hearing and action to amend the General Development Plan and Precise Implementation Plan of an existing Planned Development filed by Ralph Toms of Mill Creek Hotel, 123 Center Street, Lake Geneva WI, 53147, to expand the deck area at 123 Center Street, Lake Geneva, WI 53147, Tax Key No. ZMIL 00001-34. Ralph Toms, the operations manager for the Mill Creek Hotel at 123 Center Street approached the podium and explained his project. Mr. Toms excused himself for a drink of water and then returned. He showed pictures showing the steep drop off located just past the planters on the edge of the concrete patio that are of a concern for safety. Mr. Toms also shows the rendering of the proposed deck with the additional railings. He explains that there will be no additional encroachment into the Nature preserve. There is no additional future expansion noted. Hill asked if the entire area of the proposed deck currently concrete patio. Mr. Toms explains yes, except for the planters There are two benches proposed, one where the existing patio and deck met up and one along the side adjacent to the post office. Hill/Skates motion to close the public hearing. Motion carried. Hill/Olson motion to amend the General Development Plan and Precise Implementation Plan of an existing Planned Development filed by Ralph Toms of Mill Creek Hotel, 123 Center Street, Lake Geneva WI, 53147, to expand the deck area at 123 Center Street, Lake Geneva, WI 53147, Tax Key No. ZMIL 00001-34 including all staff recommendations. This project stays within the setback area. Brugger explains that this is more of a resurfacing project. The amendment of the GDP/PIP re-sets the setback lines. Mayor Connors explains that this proposal will be much safer than what was there before. Motion carried.

Review and Action on a Certified Survey Map Application filed by George Jr. and Debra Reuss, 1022 Park Row, Lake Geneva, WI 53147 for a lot line adjustment to existing property at 1022 Park Row, Lake Geneva, WI 53147. Brugger explained the original project from 1999. Unfortunately the CSM which was approved was never recorded. It now needs to be re-approved in order to be recorded. A letter from the City Engineer dated July 18, 2011 addresses some concerns. Brugger agrees with all of them except the last item referring to the certificate names and will re-confirm that it can be left with the City Plan Commission and not the Council as what was once needed back with the original approval. Attorney Draper agreed. Hartz confirmed that we are not creating any lots. Brugger stated even at the original time, it was not creating any new lots. Hartz/Skates motion to approve the Certified Survey Map Application filed by George Jr. and Debra Reuss, 1022 Park Row, Lake Geneva, WI 53147 for a lot line adjustment to existing property at 1022 Park Row, Lake Geneva, WI 53147 including the City Engineers first three recommendations of the letter dated July 18th 2011. Motion carried.

Downtown Design Review

None.

Hartz/Hill motion to adjourn at 9:01 pm. Motion carried.

/s/ Jennifer Special, Building/Zoning Administrative Assistant

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