

**CITY PLAN COMMISSION
MONDAY, SEPTEMBER 19, 2011 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL**

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

Roll Call: Commissioners Skates, Flower, Poetzinger, Alderman Hartz and Commissioner Hill. Also Present: Mayor Connors, City Attorney Draper, Building/Zoning Administrator Brugger, Administrative Assistant Special and City Administrator Jordan (arrived at 6:34pm). City Planner Slavney and Commissioner Olson were excused.

Skates/Poetzinger motion to approve minutes of August 15th, 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.

None.

Continued Public Hearing and action on a Zoning Map Amendment from (ER-1) Estate Residential to (PD) Planned Development for approval of a General Development Plan and Precise Implementation Plan filed by John Matustik of Matustik Builders, 2413 W. Algonquin Rd. Suite 145, Algonquin, IL 60102 on behalf of Natvar Goyal, 817 N. Knoll Lane, Lake Geneva, WI 53147 to build two homes on two separate but substandard lots in the ER-1 zoning district at 817 N. Knoll Lane Lake Geneva, WI 53147 Tax Key Nos. ZYUP 00106D and ZYUP 00106C. John Matustik approached the podium and explained some of the changes that have been made to the project. They have come up with a plan to address the storm water and the road access on N. Knoll Lane. The plan is to consolidate and contain the rain water on site. (Administrator Jordan arrived 6:34pm.) They also plan to improve the drainage to the rear property owners (to the North and to the West). Matustik explains how the road will have changes made to it to bring it up to a better standard. It is planned to be re-graded and leveled off with additional gravel. The overgrown tree canopies will be trimmed back. Brugger asks if the neighborhood has had a chance to get together with Mr. Matustik to try and come to a joint plan on the road. Matustik stated that he did get some packets out to some neighbors who requested them. He also spoke to Mr. Tebbe and told him that he would look at options for different types of road surfaces to improve the road. Mr. Matustik has sent out several emails out to Mr. Tebbe but has not received an email response. He also passed out additional letters in all the neighbors' mailboxes or front doors on both N. Knoll and S. Knoll and Pinetree Lane asking if they had any additional concerns and what has been changed since the last Plan Commission meeting. Hill reiterates Brugger staff report position that if that road is not brought up to minimum street standards in order to provide city services whether it stays a private or becomes a public road, then only one home on the two lots (as no change to it's current use) is what is recommended. Brugger concurs. Administrator Jordan explains that the private roads in the city will be brought up at the Public Works meeting on Tuesday this week and some sort of an agreement can be made how to bring these roads up to a minimum street standard. Brugger also states that the fire chief will allow a twenty foot width as there is only a twenty foot right of way on that street. It's not desirable but it will work. Hartz asked about the liability issue on the City in terms of fire and police if they can't get down a private drive. Attorney Draper stated that it is an existing circumstance so he is not sure the liability would change. We are guided by the guidelines in section 98-905 which sets the standards for us being able to approve a Conditional Use. The liability issue exists now as it is. It's a private road so it's not a liability on the city's part. Flower asked about the

different pieces of the road construction and who is going to monitor that to make sure that the road construction will not deteriorate to its current condition again. Matustik explained how he will accommodate that and Brugger stated the City will not monitor a private road. Jordan states that he agrees that the City should have input in monitoring the road if the residents are going to provide the city services. Mayor Connors asks if the current home will be remodeled. Matustik stated that the intent is to clean up the neighborhood. The house is inhabitable. The house will be torn down when the new house is finished. It is in terrible condition. Skates asked why this is one of the only gravel roads in the City. Brugger stated that he cannot answer this as Somerset was done a long time ago and that the quality of that development wouldn't have permitted a gravel road. Skates also asks if the City is maintaining this road. Brugger stated that he is not claiming that the City maintains it, only to keep it able to be plowed during the winter.

Larry Colvi, 794 N. Knoll Lane. He does not have a problem with the project presented. He is concerned with who is responsible for the cost of the upgrade of the road and other city services that have been provided.

Hartz/Skates motion to close the public hearing. Motion carried. Discussion followed on the private/public road standards for N. Knoll Lane. Flower comments on the drainage issues on each of the lots and reiterates that Staff will take care of the easements. Brugger concurs. **Hill/ Hartz approval on a Zoning Map Amendment from (ER-1) Estate Residential to (PD) Planned Development for approval of a General Development Plan and Precise Implementation Plan filed by John Matustik of Matustik Builders, 2413 W. Algonquin Rd. Suite 145, Algonquin, IL 60102 on behalf of Natvar Goyal, 817 N. Knoll Lane, Lake Geneva, WI 53147 to build two homes on two separate but substandard lots in the ER-1 zoning district at 817 N. Knoll Lane Lake Geneva, WI 53147 Tax Key Nos. ZYUP 00106D and ZYUP 00106C including staff recommendations.** Discussion followed. **Motion carried unanimously.**

Connors/Hartz motion to suspend the rules and go to item 11. Motion carried.

Continued Review and recommendation on a Certified Survey Map application submitted by Doug Olson of Jensen & Olson Land Surveying PO Box 322, Elkhorn, WI 53121 on behalf of Harold Hartshorne Jr., W3601 Hartshorne Lane, Lake Geneva, WI 53147 for land located in the Town of Linn that is within the City's Extra-territorial review jurisdiction. Doug Olson approached the podium and explained the change in the project from last month. Brugger explains the concern that the City Engineer had was an issue with no reference to the easement. Mr. Olson stated that the easement was created in 1947 and there is documentation on a revised CSM. There was a misunderstanding between the surveyor and Zoning Administrator as to which easement they were talking about. Mr. Olson then explains that the easement that is being referenced to in the Crispell Snyder letter is shown in CSM 100. Brugger asked if Mr. Olson can reference that CSM as a note on the current CSM in reference to the easement that Crispell Snyder is having an issue with. **Hartz/ Hill motion to approve the Certified Survey Map application submitted by Doug Olson of Jensen & Olson Land Surveying PO Box 322, Elkhorn, WI 53121 on behalf of Harold Hartshorne Jr., W3601 Hartshorne Lane, Lake Geneva, WI 53147 for land located in the Town of Linn that is within the City's Extra-territorial review jurisdiction including Staff recommendations and the City Engineer's recommendation on adding a note to explain the easement in question as referenced in the letter from Crispell Snyder dated September 15, 2011.** Discussion followed on the land only having one dwelling per parcel and whether the applicant has a problem with that. Mr. Olson stated that he believes the prospective buyer may have a concern over deed restrictions but he believes that these zoning districts will only allow for one dwelling per lot. **Hartz/Hill motion to amend the motion to remove the recommendation of the deed restriction from the Staff recommendations.** Motion carried unanimously.

Public Hearing on a Conditional Use Application filed by Nick Cimeno, 750 Wild Oats Drive, Freeport, IL 60232, for a Restaurant (Indoor Commercial Entertainment) at 131 Wells Street, Lake Geneva, Tax Key Number ZA896 00001. Nick Cimeno approached the podium and explained his project. Skates stated that when he talked with Mr. Cimeno about making a delineated area for pedestrians, Mr. Cimeno contacted the landlord who stated that he has contracted someone to get this done within the next few days. Hartz asked what was in that space before. Quiznos was in that space. Hartz asked if Mr. Cimeno would have his own vehicles for people to make deliveries. Mr. Cimeno stated no, the drivers will use their own vehicles and the vehicles will not be in the parking lot over night. Discussion occurred over the possibility of having a drive through installed. The applicant explained that this could be considered in the future. Skates/Flower motion to close the public hearing. Motion carried. Skates/ Flower motion to approve the Conditional Use Application filed by Nick Cimeno, 750 Wild Oats Drive, Freeport, IL 60232, for a Restaurant (Indoor Commercial Entertainment) at 131 Wells Street, Lake Geneva, Tax Key Number ZA896 00001 including staff recommendations. Motion carried unanimously.

Public Hearing on a Conditional Use Application filed by Andrea Strand, 2910 Moelter Drive, Lake Geneva, WI 53147, for a fitness studio (Indoor Commercial Entertainment) at 116-118 E. Geneva Square, Lake Geneva, Tax Key Number ZA1100 00004. Andrea Strand approached the podium and explained the project of bringing an Anytime Fitness into a space at the Geneva Square Shopping Center. Brugger asked about the entrance into the facility by emergency services after the person is locked in the facility after hours. Ms. Strand indicates that a Knox box is an option and could be used. Hill asks about the security between the facility and the parking lot. Ms. Strand shares several security features that Anytime Fitness provides. The next closest facility is one in Delavan that will be opening soon. Skates asks about the volume. Ms. Strand indicates that is can only be altered when staff is around. Skates/ Flower to close the public hearing. Motion carried. Hartz/ Connors motion to approve the Conditional Use Application filed by Andrea Strand, 2910 Moelter Drive, Lake Geneva, WI 53147, for a fitness studio (Indoor Commercial Entertainment) at 116-118 E. Geneva Square, Lake Geneva, Tax Key Number ZA1100 00004 including all staff recommendations and the installation of a Knox box. Discussion followed. Motion carried unanimously.

Public Hearing on a Conditional Use Application filed by Lowell Management Services, Inc, PO Box 926, Lake Geneva, WI 543147 for Tom Ryan, 9 Hillside Drive, Lake Geneva, WI 53147, for an alteration to an existing deck for the addition of a screen house to an existing single-family residence in the ER-1 District and a dormer using the setback requirements of the SR-4 District located at 9 Hillside Drive, Lake Geneva, Tax Key Number ZA1341 00001. Todd Cauffman from Lowell Management approached the podium and explained the project. This is the second part of a large renovation that Mr. Ryan is doing. Other items were approved not so long ago. Skates asks if the tree on the Southside will be affected at all? It won't. He also asks if there is already a retractable canopy/awning attached to the house. There is. Hartz wants to make sure that this is out of the Lake shore 75' setback. Brugger stated that he didn't believe that the screen porch is out of that area. It is a modification to his existing passive recreation area. The screen porch and the dormer are located within 100' of the lake. Hartz asks what it means to improve the headroom as stated on the application. Mark Dellevar, architect for the project, explains the documentation of improving the headroom in the entryway. Mr. Dellevar explains that at the entry of the home there is a brick arch and that the sides come down at the porch and is a low head height. The owner is very tall and it is not very friendly. Hill/Flower motion to close the public hearing. Motion carried. Flower/ Skates motion to approve the Conditional Use Application filed by Lowell Management Services, Inc, PO Box 926, Lake Geneva, WI 543147 for Tom Ryan, 9 Hillside Drive, Lake Geneva, WI 53147, for an alteration to an existing deck for the addition of a screen house to an existing single-family residence in the ER-1 District and a dormer using the setback requirements of the SR-4 District located at 9 Hillside Drive, Lake Geneva,

Tax Key Number ZA1341 00001 including staff recommendations. Discussion followed. Motion carried unanimously.

Public Hearing on a Conditional Use Application filed by Kurt Carlson, 10940 Partridge Trail, Richmond, IL 60071, for a Frozen yogurt establishment (Commercial Indoor Entertainment) at 253 Center Street, Lake Geneva, Tax Key Number ZOP 00282. Kurt Carlson approached the podium to explain his project. Mr. Carlson also explains his sign. He didn't have a name or colors decided before the packet submission. The colors are proposed to be mandarin orange and magenta. It is to be a projecting sign and will not exceed 3 square feet. The sign will go above the canopy. According to the owners of the building, the front of the entire building will be renovated and if the canopy's come down, this projecting sign will be lowered. He also anticipates the name of the store and the word frozen yogurt on the edge of the valence. The inside of the store will be mostly white with accent colors of magenta and mandarin. The upholstery will be colored as well. Skates asks if deliveries can be made from the back of the building. Yes it will and will come down the hall and into the kitchen directly. Mayor Connors asks if any music will be playing. Mr. Carlson explained that there will be light music playing inside and will not be heard outside. It will be background music only. Hartz asked if there will be manufacturing on site. Mr. Carlson explains that they will be obtaining deliveries of different mixes and then put into the machines to get unique/specialty flavors. This will not be considered manufacturing. Hartz/ Skates motion to close the public hearing. Motion carried. Skates/ Poetzinger motion to approve the Conditional Use Application filed by Kurt Carlson, 10940 Partridge Trail, Richmond, IL 60071, for a Frozen yogurt establishment (Commercial Indoor Entertainment) at 253 Center Street, Lake Geneva, Tax Key Number ZOP 00282 including Staff recommendations, no seating outside on the sidewalk and no music be heard outside. Discussion followed. Motion carried unanimously.

Review and recommendation on a Certified Survey Map application submitted by Keith Garecht and Larry Roche, W3871 Maclean Road, Elkhorn, WI 53121 for land located in the Town of Geneva that is within the City's Extra-territorial review jurisdiction. Keith Garecht approached the podium and explained the application. Mr. Roche lives in the current house on the front two acres and then Mr. Garecht will reside in a home to be built on the back two acres off of Schofield Road. Hartz asked about the requirement that the City Engineer wanted to be completed and whether it was. Brugger briefly spoke about the recommendations on documenting the monument locations and a typo change in the legal description of the *section* number. Mayor Connors/ Hill motion to recommend approval on a Certified Survey Map application submitted by Keith Garecht and Larry Roche, W3871 Maclean Road, Elkhorn, WI 53121 for land located in the Town of Geneva that is within the City's Extra-territorial review jurisdiction including the recommendations made by Crispell Snyder in a letter dated September 15, 2011 and corrections made as suggested by the Department of Administration in a letter dated August 11, 2011. Motion carried unanimously.

Downtown Design Review

253 Center Street. Yogeeze. Mayor Connors/ Hartz motion to approve the sign as submitted only as a 3 square foot sign with the colors as Mandarin orange and Magenta. If any other sign is to be put up, it will need to come to the Commission for approval. Motion carried unanimously.

Skates/ Flower motion to adjourn at 8:05 pm. Motion carried.

/s/ Jennifer Special, Building/Zoning Administrative Assistant

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