

**PLAN COMMISSION MEETING**  
**MONDAY, JANUARY 17, 2022 – 6:00 PM**  
**COUNCIL CHAMBERS, CITY HALL – VIRTUAL MEETING VIA ZOOM/IN PERSON**

Mayor Klein called the meeting to order 6:00 p.m.

**Roll Call.** Present: Mayor Klein, Alderman Tim Dunn, John Gibbs, Kyle Cary, Joel Hoiland, Michael Krajovic. Absent (Excused) Cindy Forster Fueredi, City Administrator Nord. Also Present: City Planner Mich, City Planner Kruesel, City Engineer Rauch, City Attorney Draper, Building & Zoning Administrator Walling, Building & Zoning Administrative Assistant Follensbee.

**Approve Minutes of the December 20, 2021 Plan Commission Meeting as distributed.**  
Krajovic/Hoiland motion to approve. Motion carried unanimously.

**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 5 minutes.**

**Acknowledgement of Correspondence.** None.

Commissioner Gibbs arrived 6:05 p.m.

**Review and Recommendation of Annexation for the applicant Avalon Property LLC. , 875 Geneva Pkwy, Lake Geneva, for the property located at 875 Geneva Pkwy, for the 0.40 acre property located at Tax Key No. N LY3100002, currently located in the Town of Lyons.**

Peter Juergens, N2689 Sunset Blvd, Lake Geneva, representing the applicant, presented the request. Commissioner Krajovic asked what the company produced. Juergens said the company, Plas-Tech Engineering, makes medical devices and specialized equipment. Krajovic is encouraged by the idea of expansion in manufacturing here in Lake Geneva. Commissioner Hoiland asked about the ownership of land and how it will be used. Juergens said the applicant bought the parcel 6 months ago and it will be developed in two phases, first, adding 28,000 square feet to the current operation and second, adding another 28,000 square feet at a later time. Juergens said this annexation is needed to create a proper CSM for this development. Planner Mich said the staff recommends approval of the proposed annexation and suggests the Plan Commission ask for a temporary zoning district, Planned Business Park, for this parcel. Mich explained the State statutes relating to annexation, in which a parcel being annexed is given a temporary zoning district and can be rezoned when specific development plans are proposed.

Krajovic/Hoiland motion to recommend approval of the proposed annexation and recommend Planned Business Park as a temporary zoning district for the 0.40 acre parcel and include all staff recommendations and fact finding in the affirmative.

Roll Call: Klein, Dunn, Gibbs, Cary, Hoiland, Krajovic “yes.” Motion carried unanimously. 6-0

**Public Hearing and Recommendation to amend the existing General Development (GDP) & Precise Implementation Plan (PIP) for Geneva Theater, 244 Broad St., to allow for additional Commercial Indoor Entertainment and Outdoor Commercial Entertainment to allow for an outdoor beer garden. Located in the Central Business (CB) zoning district. Tax Key Nos. ZOP00246, ZOP00247, & ZOP00248.**

Peter Juergens, N2689 Sunset Blvd, Lake Geneva, representing the applicant, presented the request to change the use of the building: modifying the old building to allow for live performances in theaters 1 & 2 while theaters 3 & 4 will be converted to a tap room and a proposed beer garden will be located in back, just outside of tap room. Juergens explained the beer & wine license requires the tap room to be separated from the theater lobby. The applicant is asking to modify their PIP amendment to add a wall to separate the theater lobby and the tap room. Hoiland asked about the occupancy in the theater. Mayor Klein asked if the theater will still show movies. Shad Brannen, owner of Geneva Theater, said with the addition of the balcony, the total seating would be 300. Brannen said movies will be shown and with the retractable screen, the venue could accommodate a variety of entertainment. An organ will be installed so silent movies can be shown as well. Dean Rosco, Vice President of the Dairyland Theater Organ Society and organist for the Milwaukee Brewers, said the installation

of the organ caught their attention because it could expand Dairyland's offerings such as a silent film series and opportunities to use the instrument in different ways to enrich the cultural life of this community. Hoiland asked where the organ would be located. Rosco said the organ would be placed high on the left side of the stage in the original organ chamber & shared a brief history of the Wurlitzer organ and explained the organ for this theater is in its original state from the factory back in 1925. Krajovic asked if food would be served in the beer garden. Paul McGraw, W7769 Island Road, Delavan, stated light food would be available like charcuterie boards & light sandwiches in the tap room. Krajovic referenced discussion from the last meeting regarding an emergency exit in the beer garden. Juergens said a crash bar will be placed on an exit door for emergency exit only. Mich stated this application is to amend the GDP & PIP and suggested the Plan Commission address the GDP & PIP separately for a clear record of approval. Mich said the applicant was given flexibilities for the marque sign in the original GDP& PIP permit and since the applicant will continue to use the marque sign, this new approval would carry forward these flexibilities for the signage. Attorney Draper stated at the last meeting the CUP was approved for the beer garden so the approval this evening would focus on the building and interior changes for the GDP & PIP.

Speaker #1: Bill Huntress, 1015 Pleasant Street, shared his concerns regarding the TIF money given to the applicant for the restoration of the theater.

Klein/ Hoiland motion to close the Public Hearing. Motion carried unanimously.

Draper stated the TIF grant Mr. Huntress mentioned has nothing to do with this plan but could be taken up by the City Council. Draper also said the liquor license is relevant for the Plan Commission because a separation is needed between the two businesses for a liquor license which is the reason for the proposed wall and should be part of the amendment of the GDP & PIP.

Krajovic/Dunn stated the Council should expand on the TIF Grant questions since it is not the place of the Plan Commission.

Hoiland/Dunn motion to approve the amendment of the existing General Development Plan to allow additional Commercial Indoor Entertainment and Outdoor Commercial Entertainment to allow for an outdoor beer garden, to include a wall to separate the 2 businesses and include all staff recommendations and fact finding in the affirmative.  
Roll Call: Klein, Dunn, Gibbs, Cary, Hoiland, Krajovic "yes." Motion carried unanimously. 6-0

Hoiland/Cary motion to approve the amendment of the existing Precise Implementation Plan to allow additional Commercial Indoor Entertainment and Outdoor Commercial Entertainment to allow for an outdoor beer garden, to include a wall to separate the 2 businesses and include all staff recommendations and fact finding in the affirmative.  
Roll Call: Klein, Dunn, Gibbs, Cary, Hoiland, Krajovic "yes." Motion carried unanimously. 6-0

**Public Hearing and Recommendation of a Conditional Use Permit for Todd Birkholz, 280 Sterns Rd., Fontana, WI, 53125, for a proposed Commercial Indoor Lodging land use for the property located at 912-914 Williams St., in the General Business (GB) zoning district, Tax Key No. ZA85500002.**

Todd Birkholz, 280 Sterns Road, Fontana, presented his request for Commercial Indoor Lodging located above the Lake Geneva Laundry Cleaners. Birkholz said he would like a 6 foot fence in the back of property and has submitted a site plan showing the location and 11 parking spaces. Hoiland asked if the dry cleaning is done at this property. Birkholz said everything takes place on site. Hoiland asked about the environmental aspects of the business and the impacts on the apartment above. Birkholz said the detergent used in the dry cleaning is environmentally friendly and the apartment will be advertised as above a dry cleaning business. Draper clarified the company is owned by Birkholz Property Management LLC so the Conditional Use would be granted to the company, not the individual.

Klein/Hoiland motion to close the Public Hearing. Motion carried unanimously.

Commissioner Gibbs asked if there is sufficient parking for this use since he only counted 6 spaces. Mich explained the location of the 11 parking spaces and how a Commercial Indoor Lodging land use requires a buffer for neighboring residential properties. Therefore, the applicant is installing a fence. Mich suggested a "Limited Conditional Use" permit for the Commercial Indoor Lodging land use per the zoning code. Krajovic asked for name clarification of owner. Draper stated the owners name is Birkholz Property Management LLC.

Krajovic/ Cary motion to approve the Limited Conditional Use Permit for Birkholz Property Management LLC to allow for Commercial Indoor Lodging on the 2<sup>nd</sup> floor, to include a 6 foot fence and include all staff recommendations and fact finding in the affirmative.

Roll Call: Klein, Dunn, Gibbs, Cary, Hoiland, Krajovic “yes.” Motion carried unanimously. 6-0

**Public Hearing and Recommendation of a Conditional Use Permit filed by John Engerman d.b.a. Woodley Assets, W3411 Linton Rd., Lake Geneva, for a request that would allow for the construction of a new Single Family home at 925 Maytag Rd., in the Estate Residential -1 (ER-1) zoning district, Tax Key No. ZCE00020.**

John Engerman, 1877 Loramore Lane, & Justin Busey, his architect, presented his request for a new single family home on a lot which is less than one acre and meets the requirements & setbacks for ER-1 zoning. Engerman said Naomi from Kapur asked for an 8” deep rain garden which is the max depth per DNR. Engerman said the impervious surface is at 26% which much lower than the maximum amount of 40%.

Speaker #1: Mary Jo Fesenmaier, 1085 S Lake Shore Drive, shared her concerns for the condition of the road after construction, specifically asking the Plan Commission to add a guarantee that the city would not be responsible to fix the road, if damaged. Walling said Maytag is a public road.

Klein/Hoiland motion to close the Public Hearing. Motion carried unanimously.

Alderman Dunn asked if there is a guarantee the city will not have to pay for the road to be restored if damage occurs during construction. Draper said the city has never required individuals to restore the road after construction since it is tough to prove the damage to the road. Dunn asked if this property size similar to others in ER-1. Walling said most lake lots are less than 1 acre which is why the CUP is required to ask for flexibilities and thorough review of application.

Hoiland/Gibbs motion to approve the construction of a new single family home in the ER-1 zoning district using and include all staff recommendations and fact finding in the affirmative.

Roll Call: Klein, Dunn, Gibbs, Cary, Hoiland, Krajovic “yes.” Motion carried unanimously. 6-0

**Public Hearing and Recommendation to a Site Plan Review for Walmart RE Business Trust, 702 SW 8<sup>th</sup> St., Bentonville, AR, 72716. To relocate the online purchases pick up location to the North parking area of the property located at 201 N. Edwards Blvd. in the Planned Business (PB) zoning district, Tax Key No. ZWAL00001.**

Kevin Spurgeon, LK Architects, Wichita, KS; Leila Loomis, Project Manager; Joseph Parsley, civil consultant, presented the request to move the grocery pick-up canopy from the south side of the parking lot to the north side of the parking lot and closer to the side of the store. Parsley said there will be more space for the associates to bring orders to the customers. Gibbs asked where the associates would exit the store. Parsley referred to the plans in the packet to explain the location. Planner Sonja Kruesel, stated this application is for a site plan change moving the pick-up area from the south side to the north side of the site, expanding from 17 stalls to 23 stalls.

Klein/Hoiland motion to close the Public Hearing. Motion carried unanimously.

Hoiland/Gibbs motion to approve a Site Plan Review to relocate the online purchases pick-up location to the north parking area, with the following two conditions: the applicant shall submit detail of any proposed parking lot canopy structure for staff approval prior to issuance of permits and all site and building signage shall comply with the Sign Code and shall obtain necessary permits prior to installation and include all staff recommendations and fact finding in the affirmative.

Roll Call: Klein, Dunn, Gibbs, Cary, Hoiland, Krajovic “yes.” Motion carried unanimously. 6-0

**Adjournment.** Dunn/Hoiland motion to adjourn at 7:18 p.m. Motion carried unanimously.

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/s/ Brenda Follensbee, Building & Zoning Administrative Assistant

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