

PLAN COMMISSION MEETING

MONDAY, DECEMBER 19, 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 Mary Jo Fesenmaier, John Gibbs, Joel Hoiland, Cindy Forster Fueredi, James Marquardt. Absent (Excused) Kyle Cary. Also Present: City Planner Mich, City Planner Kruesel, City Engineer Rauch, City Attorney Draper, City Administrator Nord, City Building & Zoning Administrator Walling, Building & Zoning Administrative Assistant Follensbee.

Approve Minutes of the November 21, 2022 Plan Commission Meeting as distributed.

Hoiland/Gibbs 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. None.

Acknowledgement of Correspondence. None.

Review and Recommendation of a proposed Final Plat Review for Fairwyn SB, Inc. to allow for the acceptance of the Phase 7 of Symphony Bay in the Planned Development (PD) zoning district, Tax Key No. ZSB00335.

Rick Zirk, Fairwyn SB, presented the request to allow the final plat of Phase 7 of Symphony Bay from the original GDP. Zirk explained the duplex lots are platted into separate lots on the final plat and the easement for a fall zone of an existing communications tower. Zirk addressed questions from the church regarding the shared drainage between the two properties and referred to the original approved plan. Alderman Fesenmaier asked if the pedestrian walkway connects from Townline Road to Bloomfield Road, with curb cuts for the walkway on both roads, since the question was asked at the Council Meeting. Zirk said the walkway map for the entire property was submitted with the clubhouse plan and verified the curb cuts would be done by Fairwyn SB. Fesenmaier asked about stop signs & Outlot 1 on the overall map named the Woodland Conservancy. Zirk said the stop sign location information was included in the overall site plan and Outlot 1 found on the map was conveyed to the City as a park dedication. Attorney Draper said Outlot 1 is not a registered conservancy. Fesenmaier asked if the church's approval allowed drainage to the adjacent property. Draper said yes, it was part of the overall plan for the whole project. Fesenmaier asked for the detention pond be reviewed and submitted to the city which will be covered in the PIP. Zirk said the agreement states the detention will be maintained by the HOA. Hoiland asked if a resolution has been reached between the church and the subdivision regarding the drainage on these properties. City Engineer Rauch said this concern came up today from the church so Rauch looked at the plans for the church and spoke with Rick Zirk and a church representative. The final engineering plans & final plat are complete for the PIP and have been reviewed by Kapur Engineering & Nielson, Madsen & Barber Engineering. Nielson, Madsen & Barber also reviewed & approved the grading plan, the storm water management plan and utilities. Rauch said Phase 7 meets the requirements of the ordinance. Rauch believes both property owners want to do the right thing and meet the storm water management of their site. Rauch stated the approved plans for the church shows part of the church parking lot drains to the swale and drains to their pond. Presently, the church also meets the requirements of the ordinance. If the desire is to not use a shared swale, work would have to be done on both properties. If changes are desired, the applicants would have to come back to Plan Commission for approval.

Hoiland/Gibbs motion to approve the Final Plat for Phase 7 of Symphony Bay and include all staff recommendations and fact finding in the affirmative.

Roll Call: Klein, Gibbs, Hoiland, Fueredi, and Marquardt "yes" and Fesenmaier "no." Motion carried 5-1.

Public Hearing and Recommendation for a Precise Implementation Plan for Fairwyn SB, Inc. to allow for the acceptance of the Phase 7 of Symphony Bay in the Planned Development (PD) zoning district, Tax Key No. ZSB00335.

Rick Zirk presented the information for item #6 & #7 in combination and offered to answer any questions regarding the PIP.

Speaker #1: Bill Henry, architect & engineer at Kehoe-Henry & Associates, architects for the Geneva Lakes Church project, and today was asked to represent the church at this hearing. Henry said the original design for drainage & the storm water pond on the east side of the property may have been designed to accommodate the drainage from those five lots and said he will check with the designer, Cardinal Engineering, tomorrow. Henry said to his knowledge, the agreement for joint maintenance of the storm water pond between the church & Symphony Bay has not been drafted yet. Henry gave a history of this property before it was divided into the church and Symphony Bay. Henry stated there is no storm water easement on the CSM for water draining from the north or northeast onto the church's property. There are storm water easements along Bloomfield Road & storm sewer in Harmony Drive that comes south to Bloomfield Road and goes east and discharges onto the church's property and into the pond. Henry said the church would like to get together with Symphony Bay to draft & execute the joint maintenance agreement for the pond.

Klein/ Hoiland motion to close the Public Hearing. Motion carried unanimously 6-0.

Commissioner Gibbs asked why there needs to be more discussion since the GDP was approved. Draper said the properties storm drainage has been engineered and approved as a part of the overall plan. Engineer Rauch said the church's site plan shows the swale and Phase 7 shows the same swale.

6:55 p.m. - Commissioner Fueredi left the zoom meeting.

Hoiland/Fesenmaier motion to continue the Precise Implementation Plan application for Phase 7 of Symphony Bay. Roll Call: Klein, Fesenmaier, Gibbs, Hoiland, and Marquardt "yes." Motion carried unanimously 5-0.

Public Hearing and Recommendation for a Limited Conditional Use Permit for David Scotney, 140 Lincoln Pkwy, Williams Bay, to allow for the request of Commercial Indoor Lodging land use located at 830 Williams St. which is located in the General Business (GB) zoning district, Tax Key No. ZRA00017.

David Scotney, owner of 830 Williams Street, presented his request to allow a Commercial Indoor Lodging for rental purposes. Scotney said renovations have been made to the 4 bedroom home which has 7 parking spaces for the guests.

Klein/Hoiland motion to close the Public Hearing. Motion carried unanimously 5-0.

City Planner Mich said this application will be a "Limited" Conditional Use Permit, limited to the current owner of the property. Mich said this application meets all standards for Commercial Indoor Lodging. Hoiland complimented Scotney on the updates made to the property.

Hoiland/Klein motion to approve the proposed Limited Conditional Use Permit to allow for Commercial Indoor Lodging and include all staff recommendations and fact finding in the affirmative.

Roll Call: Klein, Fesenmaier, Gibbs, Hoiland, and Marquardt "yes." Motion carried unanimously 5-0.

Continuation of a Public Hearing and Recommendation for a General Development Plan (GDP) & Precise Implementation Plan (PIP) request for 6801 Investments LLC, 6801 Roosevelt Rd, Berwyn, IL 60402 that will permit building renovations to include a drive-thru food service window at 393 N Edwards Blvd in the Planned Development (PD) zoning district., Tax Key No. ZRED00002.

Tim Hague, Keystone Ventures; along with Luigi Randazzo, architect; Eric Pedersen, Keystone Ventures; Joey Bounavolanto, Buona Group; and Luay Aboona, KLOA, traffic engineer, presented the request for continued GDP & PIP at 393 N Edwards Blvd, for a partial renovation of the building and partial new construction. Hague summarized the issue of traffic concerns from the last meeting, specifically the egress from the property. There are 3 access points with 2 entrances near Walgreen's with a cross-access easement and 1 entrance to property. After the discussion at the last meeting, a solution was given to include a left turn lane out, a right turn lane out and a middle lane to enter the property. Luay Aboona, explained the review they conducted since the last meeting, checking the traffic volume, car cuing and patterns, and location of the access drive for this area on N Edwards Blvd. Hoiland shared his concerns on the traffic patterns, the curves near the entrance of the property and the potential to become a public safety issue. Aboona used the ITE Industry standard when generating the traffic study and explained the various factors which went into their calculations. Aboona stated the City's consultants have reviewed the study and are in general agreement with KLOA's findings for the appropriateness of access to the site. Rauch has worked with Neal Styka, another traffic consultant who worked on improvements on Edwards Blvd in 2021.

Neal Styka has reviewed the crash history & traffic volume on N Edwards Blvd. Styka agrees with Aboona using the IT Trip generation manual to project out 11 years. Styka was concerned with the sight distance, for example, if a person driving along can stop when another person leaves the driveway too soon. Aboona reviewed the sight distance for 35 mph and found there is adequate time for a car to stop. Aboona also provided truck turning movements going in and out of the driveway. Fesenmaier asked what impact there would be if the speed limit was reduced. Styka said it may help to lower the speed limit but it would be more of an enforcement issue. Posting a lower speed limit would not change driver behavior unless there is strong police enforcement. Styka suggested options such as narrowing the roadway, making it more urban or compact, or planting trees along the roadway, may slow cars down. Fesenmaier asked if the plantings list in the packet include native plantings published by the DNR. Zoning Administrator Walling said the list of native plantings is used for the shoreland properties in the ER-1 zoning district & the commercial plantings schedule is identified in the back of the zoning ordinance. Mayor Klein asked if the building signs meet the City standards. City Planner Kruesel said the City provided to the applicant, the sign code requirements & allowances for wall signs & monument signs. The applicant then submits the sign application to the building & zoning staff for review. The Plan Commission does not approve the signs for this project. Hoiland asked about deliveries such as the size of trucks and the location of the deliveries. Hague said the deliveries include trucks showing up 2-3 times a week with additional deliveries in box trucks. Luigi said supplies would be taken to the north of the building and then to the sidewalk on the east side of the building which slopes down toward the basement. Deliveries would take place at non-operational hours. Klein asked for hours of operation: 10:30am - 10:30pm. Hoiland asked about parking for employees & customers. Joey Bounavalanto said 8-10 parking spaces would be used by employees and recently 25% of customers dine-in, doordash drivers, and online orders. Fesenmaier asked if the pedestrian walkway had a connection to the walkway along Hwy 50. Hague said yes. Fesenmaier asked about traffic volume in cross access points to Walgreens. Aboona said 70-80% of people will use Edwards Blvd to the main driveway but some people will use the first access point to get to Buona. Styka did not see a crash concern with the first right-in driveway.

Speaker #1: Alderman Joan Yunker, 101 Broad Street, shared her concerns regarding the shared lane with the Walgreens drive-thru and the left turn out of the driveway onto Edwards Blvd.

Klein/Hoiland motion to close the public hearing. Motion carried unanimously 5-0.

Hoiland asked the City to consider lighted or flashing signs to help slow down traffic but he is in support of the business on this property. Klein thanked the applicant for the building design while keeping the octagonal portion of the building as a nod to the City's history.

Realizing the agenda item wording was a bit confusing, Draper suggested the Plan Commission should make a motion for the GDP portion of the project and then have the public hearing for the PIP.

Hoiland/Gibbs motion to approve the GDP, with the right turn and left turn lanes leaving the site, allow flexibilities from the Planned Business base zoning district, and amendment to the prior Planned Development approvals at this location, include approval of the requested land uses to include Indoor Commercial Entertainment and In-Vehicle Sales and Service, and flexibility regarding paved surface setbacks and including all staff recommendations and fact finding in the affirmative.

Roll Call: Klein, Fesenmaier, Gibbs, Hoiland and Marquardt "yes." Motion carried unanimously 5-0.

Hague stated much of the PIP details were covered in the GDP discussion and asked for any items which may need to be explained further.

City Planner Kruesel provided an overview: GDP establishes the allowable land uses, the flexibilities being used by the Planned Development zoning process: adding the land use for in-vehicle sales & services (drive-thru lane), traffic impact, flexibility in pavement set-backs.

PIP establishes the more specific look and feel for the site planning & site design components: site layout, parking stall dimensions, parking-drive isles, number of stalls, architecture, landscaping, and lighting. The Plan Commission does not approve the signage at this level.

Klein/Hoiland motion to close the Public Hearing. Motion carried unanimously. 5-0.

Gibbs asked if the building will be remodeled or if there will be an addition. Hague stated the eastern portion of the building will be saved and the western side of the building will be demolished for the new construction, but the basement will stay in place. The new section will house the Buona restaurant and the older section will be for the ice cream shop.

Hoiland/ Fesenmaier motion to approve the PIP and including all staff recommendations and fact finding in the affirmative.

Roll Call: Klein, Fesenmaier, Gibbs, Hoiland and Marquardt “yes.” Motion carried unanimously 5-0.

Discussion/Action regarding setting public hearing for citywide design standards (Gateway Ordinance).

Walling stated the Public Notice for the Citywide Design Standards will go to the newspaper to be published for the January 16, 2023 meeting.

Klein/Hoiland motion to set a Public Hearing for the Citywide Design Standards (Gateway Ordinance) for January 16, 2023.

Roll Call: Klein, Fesenmaier, Gibbs, Hoiland and Marquardt “yes.” Motion carried unanimously 5-0.

Discussion/Recommendation regarding monthly staff reports including but not limited to: building permits, code enforcement, short-term rentals, ADA compliance, Comprehensive Plan implementation (request per Ald. Fesenmaier).

Fesenmaier explained the internal staff reports she has requested. This staff report process has begun in other committees to gather data which may help in decision-making going forward. Klein asked if staff is being asked to do additional tasks and if this type of request needs to go to FLR. Draper said maybe the Personnel Committee. Draper asked Fesenmaier what type of reports are needed for the Building Permits. Fesenmaier said the reports would be something the staff is already doing. Fesenmaier asked if the Plan Commission can pick one item to discuss and the other items can be carried to future meetings. Fesenmaier wants to pick Short Term Rentals since she feels residents are concerned with this item. Hoiland asked what she would be looking for in Short Term Rentals. Fesenmaier said the report has already been created regarding the applicants, locations, number of Short Term Rentals. Fesenmaier said it would be presented as a regular monthly report to the Plan Commission. Klein wants to be sure this request goes through the correct procedure. Fesenmaier is interested in the list which was published in the newspaper. Walling suggested a quarterly report since there isn't much change month to month. Gibbs asked what the Plan Commission should do with the quarterly information once submitted. Fesenmaier referenced the Short Term Rental document which she provided at this meeting, stating the information on the document could be discussed and a decision could be made if the document is needed for a STR application or license for tracking purposes, getting information to the public or changing Ordinances. Further discussion followed. Gibbs asked Draper if the Plan Commission can enforce code requirements. Draper said having the reports doesn't give the Plan Commission the authority to go forward with any action. Fesenmaier wants the Plan Commission to analyze data.

Fesenmaier/Hoiland motion to ask the building & zoning staff to submit quarterly Short Term Rental reports similar to the list provided to the Lake Geneva Regional News.

Roll Call: Klein, Fesenmaier, Hoiland and Marquardt “yes” and Gibbs “no.” Motion carried 4-1.

Fesenmaier/Hoiland motion to continue the other items to the January Plan Commission meeting.

Roll Call: Klein, Fesenmaier, Gibbs, Hoiland and Marquardt “yes.” Motion carried unanimously 5-0.

Adjournment.

Motion by Klein to adjourn, second by Hoiland. Motion carried unanimously. Meeting adjourned at 8:23 p.m.

/s/ Brenda Follensbee, Building & Zoning Administrative Assistant

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