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www.summitvillage.org

Summit Village Hall • 37100 Delafield Road • Summit, WI 53066

AGENDA

Village of Summit Plan Commission Thursday, November 16, 2023 5:30 p.m. At the Summit Village Hall, 37100 Delafield Road

1. CALL TO ORDER
2. ROLL CALL AND CONFIRM POSTING
3. PLEDGE OF ALLEGIANCE
4. MINUTES
 - October 19, 2023
 - October 30, 2023
5. Next meeting date – proposed for Thursday, December 21, 2023 at 5:30 p.m.
6. **PUBLIC HEARING**
 - A. Receive comments regarding a request from Rebecca Carsey on behalf of White Stag 1894 to amend the text of the Village of Summit Zoning and Shoreland Protection Ordinance to allow the rental of agricultural buildings in the A-1 Agricultural District as a Conditional Use. Specifically, the applicant is proposing to create Section 111-357(d)(3) to allow rental of agricultural buildings for activities or events in the A-1 Agricultural District as a Conditional Use and create Section 111-321(7) to provide the standards and conditions that must be met in order for the rental of agricultural buildings to be considered.
7. **REGULAR BUSINESS:**
 - A. Discussion and action on request from Rebecca Carsey on behalf of White Stag 1894 to amend the text of the Village of Summit Zoning and Shoreland Protection Ordinance to allow the rental of agricultural buildings in the A-1 Agricultural District as a Conditional Use. Specifically, the applicant is proposing to create Section 111-357(d)(3) to allow rental of agricultural buildings for activities or events in the A-1 Agricultural District as a Conditional Use and create Section 111-321(7) to provide the standards and conditions that must be met in order for the rental of agricultural buildings to be considered.
 - B. Discussion and provide feedback on request of Jessica and Christopher Kadow to amend the text of Chapter 111 Village of Summit Zoning and Shoreland Protection Ordinance to allow tree service operations in the A-2 Agricultural District

***** Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service contact the Village Hall at 567-2757.

***** It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any other governmental body except by the Village of Summit Plan Commission noticed above.

- C. Possible action to schedule a public hearing based on the request of Jessica and Christopher Kadow for an amendment to the text of Chapter 111 Village of Summit Zoning and Shoreland Protection Ordinance to allow tree service operations in the A-2 Agricultural District
- D. Discussion and provide feedback on request of Mackenzy and Megan Raabe, agent, on property owned by Amy Raabe, to divide a property into two properties located at 38758 Genesee Lake Road (SUMT0655992) & to acquire acreage owned by the Village of Summit.
- E. Discussion and provide feedback on request of Jeff Stoll, Stolley's Hogg Alley, to install parking at 34311 Venice Beach Road (SUMT0669056).
- F. Discussion and provide feedback regarding potential viable uses on property owned by Johns Living Trust-Family Trust located at 2133 N. Sawyer Road (SUMT0670997).

8. **ADJOURN** Plan Commission meeting

Respectfully submitted,

Amy Barrows, Village Planner

Posted: November 10, 2023

Next meeting date: December 21, 2023

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MINUTES

Village of Summit Plan Commission Thursday, October 19, 2023

CALL TO ORDER

Chairperson Siepmann called to order the Village of Summit Plan Commission meeting at 5:30pm on Thursday, October 19, 2023 at Summit Village Hall 37100 Delafield Rd. Summit WI.

ROLL CALL AND CONFIRM POSTING

Deputy Clerk/Deputy Treasurer Sarah LaValliere took roll call and confirmed that the meeting was noticed to the local media as required and requested and posted on the Village posting board and website.

Commissioners present were:

Annette Kaja, Jim Petronovich, Matt Katz, Sandra Murray, Paul Schmitter, and Alternate Joan Gucciardi.

Also present were: Chairperson Jim Siepmann, Planner Amy Barrows, and Deputy Clerk/Deputy Treasurer Sarah LaValliere.

MINUTES

- September 21, 2023

MOTION: (Murray, Scmitter) *to approve the minutes from September 21, 2023 with typo corrections suggested by Alternate Joan Gucciardi.. - Carried*

Next meeting date – proposed for Thursday, November 16, 2023 at 5:30 p.m.
All on site confirm attendance

PUBLIC HEARINGS

Chairperson Siepmann Opened the Public Hearing at 5:36 pm.

To receive comments regarding a request from Attorney Donald Murn, on behalf of property owner, Creek Woods North, LLC, to rezone the subject properties from R-1 Estate Residential to A-1 Agricultural, in order to accommodate a lot combination and to classify existing outbuildings as principal structures. The subject properties are described as Parcel 1 of Certified Survey Map No. 2903, Vol. 21/243, and lands being a part of the SW ¼ of Section 23, T7N,

R17E, Village of Summit, Waukesha County, Wisconsin. The properties are known as 35652 Genesee Lake Road (SUMT0667994), 35940 Genesee Lake Road (SUMT0667996007), and part of SUMT0667996. The Wetland Conservancy, Floodplain Overlay, and Environmental Corridor Overlay boundaries will remain.

Planner Barrows provided a brief overview of the property and the surrounding parcels.

Chairperson Siepmann opened the public hearing at: 5:36 pm
There are no questions from the public at this time

A question regarding addressing is brought up from the plan commission, and the recommendation is to remove the address with the County as part of the CSM.

Chairperson Siepmann closes the hearing at: 5:37pm

Chairperson Siepmann opens the Public Hearing at 5:48 pm to:

Receive comments regarding a request from Devin Wolf, on behalf of property owner, DSL Investments, LLC, to amend an existing Conditional Use for a quarry and associated activities to allow for an existing office building located on the east side of N. Sawyer Road to be used for office space unrelated to the quarry use. The Conditional Use applies to several properties including, Lot 2 of Certified Survey Map No. 11085, Vol. 108/255, Parcel 1 of Certified Survey Map No. 8561, Vol. 75/151, Lot 1 of Certified Survey Map No. 11648, Vol. 116/283, and part of the SE ¼ of Section 26, T7N, R17E, Village of Summit, Waukesha County, Wisconsin. The properties are known as 410 Summit Avenue (SUMT0680999002), 612 N. Sawyer Road (SUMT0675988001), SUMT0680999003, and SUMT0677999005.

Planner Barrows provides a brief overview of the application and request contained in the Plan Commission pack.

Staff was made aware of potential non conformity of use from a neighbor, and will need to ensure that all uses are legal non-conforming uses. Plan commission should determine if the proposed use is no greater non conformity than what was currently existing.

Devin Wolf

Responded to the question regarding occupancy of a roofing company stating it is a mistake on google. Currently himself and one or two other staff currently in the building.

He also addressed the concern that materials are being imported. Stating that they are digging out foundation and old asphalt, trying to restore the site. Found fill that included asphalt and brought sand from across the street. There are materials being exported but not imported.

Planner Barrows stated that the conditional use covers multiple properties and asks Devin to provide additional content.

Devin Wolf reviews the parcels, and stated they have taken an old building down and found asphalt. Devin provides additional detail regarding the parcels.

Planner Barrows asks about imported materials on the west side of the road.

Devin Wolf responded that there are no materials imported. Activity has increased because the gravel company has moved sites. (Johnson Gravel)

Chairperson Siepmann opens the hearing at: 5:48 pm

Leonard Jurgenson
1025 S Squire Ct
Oakshire Subdivision

Requests assurances that the conditional use permit is in compliance before any consideration is given to the application. He questioned the relationship to Johnson Gravel and stated that it could be a violation of the conditional use permit.

It should be noted the building was enlarged sometime between 2010 & 2011 and at that time he agreed with the request. Additionally, stating that DSL wants to hold on to their permit yet work outside the conditions of the permit.

Converting the structure into an office and bringing tenants into the structure is an extreme overreach of the permit.

The use of the building as office space will not improve the residents around it, but improve the bottom line of DSL investments.

Mike Harro
156 E Wisconsin Ave
Oconomowoc WI 53066

Listed property for rent over the last 6 months there has not been any tenants as far as he knows. An occupied building is better than an unoccupied building.

It is requested that Planner Barrows review the Conditional Use updated in 2020 and provisions regarding importing materials. The property owner as part of amending the conditional use, should be updated because, the ownership is DSL investments and additional LLCs should be included in the new Conditional Use. This conditional use expires in 2025 and the applicant expects to modify the uses and the recommendation is to extend the conditional use to 2029 and at that time the uses may be terminated.

Devin Wolf

Addresses ownership and stated there are not multiple suites in the building, it is set up for one tenant and his own business. Having a tenant full time would be helpful to deter the dumping that is currently happening.

He also addressed the use being requested is the same as what has been occurring.

Devin also requests that the LLC is 612 Sawyer Rd LLC – Name change of business that is using parcel should be updated.

The plan commission inquires as to how long Johnson Gravel will be operating.

Applicant Devin Wolf responded that he is not sure how long it will take. They are currently cleaning up and reshaping the pond.

Additional conversation is had about the property and requests for additional public input.

Terry DiCicco
N6887 Cty Rd A
Oconomowoc WI

Stated the use is downsized and not a nuisance.

Chairperson Siepmann Closed public hearing at: 6:06 pm

REGULAR BUSINESS:

Discussion and action on request from Attorney Donald Murn, on behalf of property owner, Creek Woods North, LLC, to rezone the subject properties from R-1 Estate Residential to A-1 Agricultural, in order to accommodate a lot combination and to classify existing outbuildings as principal structures. The subject properties are described as Parcel 1 of Certified Survey Map No. 2903, Vol. 21/243, and lands being a part of the SW ¼ of Section 23, T7N, R17E, Village of Summit, Waukesha County, Wisconsin. The properties are known as 35652 Genesee Lake Road (SUMT0667994), 35940 Genesee Lake Road (SUMT0667996007), and part of SUMT0667996. The Wetland Conservancy, Floodplain Overlay, and Environmental Corridor Overlay boundaries will remain.

Summary:

The subject properties consist of a total of 54.8 acres. The properties are located on both sides of the Bark River north of Genesee Lake Road. Bowron Lake is located east of the properties. There are currently three legal lots of record. There are two outbuildings located on the east side of the Bark River. There is a 30 ft. private driveway easement that provides access to a property on the west side of the river.

The applicant is proposing to combine all three lots. The owner may place a portion of the property in a conservation easement with the Waukesha Land Conservancy. As part of the CSM review, the Village has also requested the applicant contact Waukesha County Parks and Land Use Department and the Village of Summit Staff to determine compliance with the County and Village Park and Open Space Plans. Because there are lands separated by the river, the CSM includes an Outlot 1 and Outlot 2. There is a note on the CSM that states “Outlots 1 and 2 cannot be sold separately, provided that an outlot may be sold separately from Lot 1 if the purchaser owns land contiguous to the outlot.”

The two smaller lots are zoned R-1 Estate Residential and the larger lot is zoned A-1 Agricultural. If the lots are combined, they should all be in a single zoning district. The applicant intends on building a home in the building area noted on the CSM. Plans for the new home have not been submitted. The Village’s ordinances do not allow an accessory building without a

principal building. However, a primary agricultural structure is considered a principal building in the A-1 Agricultural District. Since the proposed lot meets the minimum 35-acre lot size requirement and will contain outbuildings without a residence, Village Staff advised the applicant to rezone the entire acreage to the A-1 Agricultural District.

Zoning on Adjacent Properties

Adjacent property to North	A-1 Agricultural
Adjacent property to East	R-3 Village Residential and A-1 Agricultural
Adjacent properties to West	R-1 Estate Residential and A-2 Agricultural
Adjacent property to South	R-1 Estate Residential

There are similar resource overlay districts on the adjacent properties, including a combination of Wetland, Floodplain and Environmental Corridor Overlays.

Once the lots are combined, the proposed zoning category is consistent with the surrounding zoning for larger lots.

MOTION: (Schmitter, Katz) *to recommend that Village Board approve the amendment to the Zoning Map of the Village of Summit Zoning and Shoreland Protection Ordinance from the R-1 Estate Residential Zoning District to the A-1 Agricultural Zoning District on properties known as 35652 Genesee Lake Road (SUMT0667994), 35940 Genesee Lake Road (SUMT0667996007), and part of SUMT0667996, subject to the following restriction being complied with prior to the zoning amendment being effective:*

- 1. A Certified Survey Map shall be reviewed and approved by the Village of Summit and recorded with Waukesha County Register of Deeds for a lot combination that is in substantial compliance with the Certified Survey Map submitted for consideration at the October 19, 2023 Plan Commission meeting.*

-Carried

Discussion and action on request from Attorney Donald Murn, on behalf of property owner, Creek Woods North, LLC, to combine lots by Certified Survey Map on properties described as Parcel 1 of Certified Survey Map No. 2903, Vol. 21/243, and lands being a part of the SW ¼ of Section 23, T7N, R17E, Village of Summit, Waukesha County, Wisconsin. The properties are known as 35652 Genesee Lake Road (SUMT0667994), 35940 Genesee Lake Road (SUMT0667996007), and SUMT0667996.

Planner Barrows added additional comments regarding the Parcels. There are resource features with EC and FP and preservations restrictions will be requested on the certified survey map. The area along the river is also designated as Bark River Greenway and the Village has also requested access to the river in this area as part of the Parks and Open Space Plan. It would be helpful if the applicant would work with Village and County so conservancy easement could incorporate us as potential partners in the future. Recommendations include:

- Flood Plain boundary and elevations should be shown on CSM
- Identify use of the 2 buildings
- Building Envelope should be taken out completely
- Since the site is large and they have the right to build in multiple locations on the property.
- Reference to Waukesha County and Oconomowoc that should be removed.
- Notes that should be tweaked and wetland delineation should be required and 25' setback should be part of the site.

Kathleen Bodenbach
Attorney for Property Owner

- Building Envelope can be modified and the balance is what is benefitted by conservation easement.

Applicant goal is to conserve the area and make it palatable for all parties involved. She asks for additional input on what the easement would look like.

Planner Barrows stated that the goal of the Village would be to provide access to the river. It is not clear at this point what “access” is. The owner can be involved in the preparation of the easement language.

MOTION: (Schmitter, Katz) *to recommend that Village Board approve the Certified Survey Map subject to the following conditions:*

- A. *APPROVALS FROM ALL OBJECTING AND APPROVING BODIES: Petitioner shall satisfy all comments, conditions and concerns of the Village Engineer, Surveyor, and Planner prior to approval of the final Certified Survey Map.*
- B. *SUBJECT TO REIMBURSEMENT OF EXPENSES. As a condition precedent to this conditional CSM approval taking effect, the Petitioner shall pay all fees, costs, and assessments due and owing to the Village of Summit, and for reimbursement of any expenses, costs and disbursements which have been incurred by the Village of Summit in the drafting, review or enforcement of this conditional CSM approval, including without limitation by reason of enumeration, design, engineering, inspection and legal work.*
- C. *NO BUSINESS OR COMMERCIAL USE. There shall be no commercial or business use on this lot, except as specifically permitted within or pursuant to the applicable Zoning Code.*
- D. *ONE YEAR TO SATISFY CONDITIONS. Subject to the Petitioner satisfying all of the aforementioned conditions within one year of the Village Board granting conditional final approval of the CSM*
- E. *SUBJECT TO PLANNER AND SURVEYOR COMMENTS regarding BUILDING ENVELOPE per discussion at plan commission meeting.*

Carried

Discussion and action on request from Devin Wolf, on behalf of property owner, DSL Investments, LLC, to amend an existing Conditional Use for a quarry and associated activities to allow for an existing office building located on the east side of N. Sawyer Road to be used for office space unrelated to the quarry use. The Conditional Use applies to several properties including, Lot 2 of Certified Survey Map No. 11085, Vol. 108/255, Parcel 1 of Certified Survey Map No. 8561, Vol. 75/151, Lot 1 of Certified Survey Map No. 11648, Vol. 116/283, and part of the SE ¼ of Section 26, T7N, R17E, Village of Summit, Waukesha County, Wisconsin. The properties are known as 410 Summit Avenue (SUMT0680999002), 612 N. Sawyer Road (SUMT0675988001), SUMT0680999003, and SUMT0677999005.

Summary:

The property has been operating as a quarry and associated activities with nonconforming conditional use approvals from Summit since 1988. There is an office building on the property located on the east side of N. Sawyer Road (CTH P) approved for the supervision and coordination of a sand and gravel operation, and related activities. The approved use of this building is described on page 5 of the existing Conditional Use Agreement, which is included in the packet. The applicable section is titled “The final activity”.

The applicant would like to amend the Conditional Use Permit to allow for unrelated office space in the office building located on the east side of N. Sawyer Road. Based on information provided by a neighbor and the google imagery map provided by the applicant, the building is currently or has been occupied by a roofing company. The applicant would like to lease out at least a portion of the 1st floor to an IT business (Brew City PC). The interior of the building would remain the same. A floor plan of the building is included in the packet. A portion of the lower level would still be occupied by the applicant as part of the quarrying operation. The applicant is utilizing about 5% of the building area. The applicant is willing to limit the unrelated office use to five years from the date of approval. The intent is to restore and develop the site for residential purposes.

The Zoning Ordinance implies that legal nonconforming uses, which may or may not include conditional uses, may change to another use upon petition to and approval of the plan commission provided that the plan commission determines that the new use would not result in a greater, or no less, degree of conformity; and that the new use shall thereafter determine the degree of legal nonconformity.

At the September 21, 2023 Plan Commission meeting, it was determined that a public hearing should be scheduled. The hearing has been properly noticed.

Village staff was notified from a neighbor that the applicant may be operating outside of the scope of the current approval. Condition No. 2 of the existing Conditional Use Permit provides for stockpiling of raw materials now present on the site. Importation is limited to clean fill materials, topsoil, or other materials necessary to implement the restoration plan; oils and asphaltic products to be blended with quarried materials to produce bituminous road mix’ and salt to be blended with quarried materials to produce a mix to be used to control ice. Restoration of the site includes the creation of one lake from each pit and the restoration of the surrounding lands to ultimately produce residential lots in conformance with the underlying zoning. The

neighbor is concerned that sand, gravel, and topsoil material is being imported and stockpiled on the property for production, not restoration. It is recommended the property owner and operator (Johnson Sand & Gravel) review the terms of the Conditional Use Permit and ensure compliance at all times.

Additional conversation is had about timing and urgency.

Recommendation to assist and hold a special plan commission meeting at 4:30 pm on October 30th.

MOTION: (Katz, Murray) to *approve the proposed Conditional Use Amendment, subject to the Planner bringing an updated Conditional Use Agreement to the November Plan Commission meeting for review and approval by Plan Commission. The agreement shall be amended to reflect current ownership of the properties, extending the Conditional Use for an additional five years, and adding a condition allowing the proposed unrelated office use for a maximum of five years. No other conditions shall change. Any office use operators shall apply for a Business Plan of Operation for review and approval by Plan Commission prior to operating.*

If there are any violations taking place on the property, they shall be rectified in the timeframe required by Village Staff, or enforcement action may be taken. -Carried

MOTION: (Murray, Kaja) to *have a special plan commission meeting for Conditional Use Update and review business plan of operation for proposed IT business tenant. - Carried*

Discussion and action to schedule a public hearing on request of White Stag 1894, LLC to amend the text of the zoning ordinance to provide for a rental event venue on properties zoned A-1 Agricultural.

Planner Barrows reviewed the Summary contained in the Plan Commission Pack:

The applicant is proposing a text amendment that would allow the rental of agricultural buildings for activities and events in the A-1 Agricultural District only as a Conditional Use. The proposed text amendment presented by the applicant includes “Rental of Agricultural Buildings for activities or events” as a Conditional Use in Section 111-357(d)(7). The reference should read Section **111-357(d)(3)**.

The application also included a list of criteria that must be met in order for the use to occur as a Conditional Use Permit. The use would only be allowed in agricultural buildings that exist as of September 1, 2023. All of the criteria are listed in the application included in the packet. It does not appear that any properties in the Village would meet the criteria listed in the ordinance. However, a single property would meet the criteria if the acreage were reduced to 150 acres. The property is illustrated below:



Since the applicant's proposal would potentially allow the applicant to pursue a Conditional Use request, discussion related to the applicant's proposed operation should not occur during the meeting. Property specific discussion should occur during the public hearing of such application.

Attorney James Hammas

Presented information about the Village's Ordinance on A-1 property, stating that nursery operations are allowed, whether planted and sold or imported and sold. He references Village of Waukesha and Vernon ordinances conditions; he utilized in compiling the new text.

This is the only property in the Village that would apply with direct access to state highway, and have acreage that limit the ordinance to this property.

Planner Barrows asks for 2 changes

- 150 acres or more instead of 200
- Subsection 1(d) 7 – should be (d)3

MOTION: (Katz, Schmitter) to *Schedule a public hearing for a Zoning Ordinance Text Amendment to allow for the rental of existing agricultural buildings in accordance with the application materials and as further discussed at the Plan Commission meeting.* - Carried

Discussion and feedback on request of Terry De Cicco to construct two condominium units on property located at 37518 Valley Road (SUMT0612996).

Planner Barrows reviewed the Summary contained in the Plan Commission pack.

In January of this year, the applicant attended a Plan Staff meeting and requested feedback regarding four condominium units on the subject property. Staff did not object to the proposal considering there is a condominium development directly east of the property. Plan Staff recommended the applicant discuss the proposal with the adjacent property owner to the west.

The applicant revised his proposal with two single-family homes and two large outbuildings, 1,200 sq. ft. each. Plan Staff considered the matter in September and recommended the applicant attend a Plan Commission meeting for discussion. No action is proposed.

The property is approximately 48,700 sq. ft., excluding the road right-of-way. The property is served by public sewer and a private well. Unless the applicant is allowed to benefit from the nonconforming use provisions, the request requires an amendment to the land use plan and zoning district to accommodate the density of two units. Each unit is also required to have at

least 100 ft. of lake frontage. The property has approximately 115 ft. of lake frontage total. The development will need to be part of a Planned Development Overlay District to accommodate two structures on a lot.

The existing home is currently used as a duplex. The Village will need to determine if this use is legal nonconforming. The Zoning Ordinance implies that legal nonconforming uses, which may or may not include conditional uses, may change to another use upon petition to and approval of the plan commission provided that the plan commission determines that the new use would not result in a greater, or no less, degree of conformity; and that the new use shall thereafter determine the degree of legal nonconformity.

The applicant Terry DiCicco provided a memo that he has shared his plans with the neighbor to the west and they approve of the plan provided the applicant plants pine trees along the lot line. The applicant understands that he may have to relocate the structures to fit on the property while meeting setbacks and not impacting the existing well. The applicant is proposing a rain garden to handle the rain. There is currently a significant amount of impervious surface on the property.

Requested Action: Provide feedback regarding the applicant's proposal prior to the applicant pursuing detailed civil and architectural renderings.

The Plans presented are reviewed by the Plan Commission.

Terri DiCicco provides additional information regarding well and pump house needed to service 2 buildings.

Is requested to provide evidence that the multifamily goes back to the 60's and is legal non-conforming. The code was created in 1958 and would have to find evidence that it existed prior to the code date. The Plan commission could say that the plans are not more non-conforming than what exists currently.

Terry DiCicco stated that the property was originally zoned B-3.

Additional conversation is had about conformity and authority to grant use.

There is concern about lake frontage requirements and recommendations being 100' per unit.

Comments from the plan commission, include something that looks like a single-family home with garages underneath or attached. Pabst farms subdivision has some great examples of condo's that look like single family homes.

Plan commission provided feedback and recommended:

- Get proof of non-conformance
- Get Plan Commission to endorse proof of non-conformance
- Then move forward with proposing development

Chairperson Siepmann provided a recap of the conversation.

- Eliminate Business existing on property
- Less impervious surface
- Duplex, compared to single buildings no additional garages or buildings in back. – Check out Pabst Farms
- Architecture should blend with homes on Valley Rd
- 1 pier in lake that follows the Village of Summit frontage guidelines.

Discussion and action on compliance of property owned by Robb Brinkmann, Brinkmann Construction, located at 2215 N. Dousman Road (SUMT0657999).

Summary:

The property is subject to a Legal Non-Conforming Conditional Use to operate a landscape business for the sale and storage of sand, stone, gravel, bark, and the use of related equipment and masonry supplies. The Conditional Use approval was recently modified in 2022.

The Conditional Use approval is subject to several conditions, including the following:

“OUTSIDE STORAGE: Outside storage shall be in the areas shown on the approved site plan or as set forth in this permit, with maximum quantities and in the location shown on the approved site plan revised on May 3, 2022 and equipment list dated May 4, 2022, **Exhibit B**. The material bins are limited to the 15-yard capacity of each bin. The limestone pile is limited to 15 ft. in height.”

The applicant acquired a secondary business, which includes the addition of several new water tankers and accessory equipment. According to the applicant, this equipment is not stored on the property. There may be a few additional vehicles and equipment, but that is unclear based on the updated list provided by the applicant earlier this year.

A resident of the Village, representing the Middle Genesee Lake Management District, contacted the Village with concern related to the water tankers drawing water from an unregistered high-capacity well on-site. Google maps indicate that the property owner is using a well on-site to fill the water tankers. Village Staff will reach out to WDNR to see if any state permits are required. There does not appear to be any historical record at Village Hall that would indicate that the applicant has proposed to have regular water tanker traffic coming and going from the property to fill tanks with a well from the property. If this use would have been discussed as part of a proposal, the Village would have ensured that the well was properly registered with the WDNR. The Middle Genesee Lake Management District is concerned that the well usage is impacting the water levels of the lake.

Staff is requesting direction from Plan Commission regarding the proper application process and/or enforcement action.

Rob Brinkmann
Brinkman Pools

There is a well on the property late 40's early 50's; pre 1980 DNR has no record of wells. Definition of High capacity is 70 gal a minute. He is waiting on the well company to work with DNR to get it certified as High Capacity.

With purchase of Waterman the additional trucks are offsite out of county and out of state. There are 100 locations (fill sites) in Wisconsin (give or take 5-10) Currently fill 3-4 in the morning and some throughout the day. Potentially 6 trucks a day; during peak season is 12 – 18 trucks.

Filled a swimming pool in Mequon and it came from the city of Mequon. Out of 70 truckloads of water; 3-4 came from the Summit property. The estimate is a 1million gallons of water in the season. Location determines where trucks are filled.

Chairperson Siepmann reviews the conditional use that is held currently. At this time tankers are not covered under the conditional use. When the company was acquired, there was no additional request to modify the Conditional Use. There is also no mention in the CU about drawing water.

Planner Barrows does respond that there is a certain amount of water trucks allowed in the Conditional use but there is no mention about drawing water. Staff is currently working with Brinkmann to get a list of equipment that is stored on and off site.

There maybe a well analysis study completed with the DNR.

Rob Brinkmann additionally stated that water season is coming to an end, and there are currently 3 business entities that should be listed on the Conditional use.

- Brinkmann Water LLC
- Rob Brinkman Construction
- Rob Brinkmann Pools

The well is about 28 – 30 feet deep Rob estimated.

This property is in the groundwater recharge area for the village so it is a sensitive topic. Brinkmann needs to work with DNR and the Village needs to have access to information and the Conditional use needs to be updated again to reflect changes in use.

Recommendation for Site compliance.

ADJOURN Plan Commission meeting

MOTION: (Schmitter, Murray) to *ADJOURN the Plan Commission meeting at: 7:50 pm-*
Carried

Respectfully submitted,
Sarah LaValliere

Next meeting date: November 16, 2023



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Summit Village Hall • 37100 Delafield Road • Summit, WI 53066

MINUTES

Village of Summit Plan Commission Special Meeting

October 30, 2023

CALL TO ORDER

Chairperson Siepmann called the meeting to order at 4:30 p.m. on Monday, October 30, 2023 at Summit Village Hall, 37100 Delafield Road, Summit WI.

ROLL CALL AND CONFIRM POSTING

Administrator-Clerk/Treasurer Debbie Michael took roll call and confirmed the meeting was notified to the local media as required and requested and posted on the Village of Summit website and posting board. Commission members present were: Paul Schmitter, Sandra Murray, Jim Petronovich, Annette Kaja, and Alternate Joan Gucciardi. Also present were: Chairperson Jim Siepmann, Planner Amy Barrows, and Administrator-Clerk/Treasurer Debbie Michael.

Next meeting date – proposed for Thursday, November 16, 2023 at 5:30 p.m. Commissioner Kaja will not be in attendance.

REGULAR BUSINESS:

Discussion and action on an amendment to the Conditional Use Agreement to allow for an existing office building located on the east side of N. Sawyer Road to be used for office space unrelated to the quarry use. The Conditional Use applies to several properties including, Lot 2 of Certified Survey Map No. 11085, Vol. 108/255, Parcel 1 of Certified Survey Map No. 8561, Vol. 75/151, Lot 1 of Certified Survey Map No. 11648, Vol. 116/283, and part of the SE ¼ of Section 26, T7N, R17E, Village of Summit, Waukesha County, Wisconsin. The properties are known as 410 Summit Avenue (SUMT0680999002), 612 N. Sawyer Road (SUMT0675988001), SUMT0680999003, and SUMT0677999005.

Note: The public hearing was held and closed at the October 19, 2023 Plan Commission meeting.

Planner Amy Barrows reviewed the following updates:

At the public hearing, the neighbor mentioned potential violations regarding roofing operations and importing of materials, Devin Wolf met with neighbor and provided proof that there never was this type of use related to roofing operations and provided a written statement that they do not import materials. The neighbor did apologize for the misunderstanding.

Planner Barrows added that we are extending the Conditional Use Permit until January 1, 2029 and allowing the unrelated office use on the east side for five years.

MOTION: (Kaja, Schmitter) *to approve the enclosed Conditional Use Agreement, subject to Attorney review, for a*

quarry and associated activities that reflects the proposed changes presented at the October 19, 2023 Plan Commission meeting, including amendments to the current ownership of the properties, extending the Conditional Use for an additional five years, and adding a condition allowing the proposed unrelated office use for a maximum of five years. Carried.

Discussion and action on request of Kevin Brendel, Brew City PC LLC, to obtain a Business Plan of Operation for an information technology (IT) business out of the main building on the property located at 612 N. Sawyer Road (SUMT0675988001). The property is subject to a Legal Nonconforming Conditional Use Permit as part of a quarry operation.

Planner Amy stated this company will use the entire first floor, there will be no customer traffic, but trucks coming to drop off equipment, is part of the conditional use permit amendment that was just approved, they may change the non-conforming use, but not make it more non-conforming. Still being maintained as an office building, and helps the property owner to maintain the building to be up kept. There are 27 -29 parking spaces on the property. Parking is to be 1 space for each 250 square feet plus 1 space for each 2 employees which equates to needing to provide 25 parking spaces, the tenant has stated that they only intend to use about ½ of those. There will be 10 full-time employees, with operational hours of Monday – Friday 8 a.m. to 6 p.m. They will utilize the existing 4’x4’ post sign and adding a new face, it is believed that this sign is currently located in County right of way, so the petitioner will have to work with them on the location allowed.

Steve Weisse, 2353 Woodland Park Drive, Delafield, WI, stated he is representing his brother who is out of town. The existing posts in the ground with two small lights shining up will be utilized and they are proposing a sign that fits in the same area. Their business entails wiring new homes for computer, camera and information technology, so they may have a customer that comes to look at their options occasionally but nothing like a retail environment.

Chairperson Siepmann stated if the sign is just being replaced with a like size and type, he is ok with staff review and approval.

MOTION: (Murray, Schmitter) *to approve the applicant’s request for a Business Plan of Operation to operate an IT related office on the entire first floor of the office building at 612 N. Sawyer Road provided the operation ceases to operate prior to October 30, 2028. The business shall operate in conformance with the Plan of Operation submitted to and discussed at the October 30, 2023 Plan Commission meeting and with the updated signage to be reviewed and approved by Village staff prior to installation. Carried.*

ADJOURN Plan Commission meeting

MOTION: (Murray, Kaja) *to adjourn at 4:45p.m. Carried.*

Respectfully submitted,

Debra J. Michael, WCMC
Administrator-Clerk/Treasurer

Next meeting date: November 16, 2023



Village Hall, 262-567-2757
Fax, 262-567-4115
Highway Dept., 262-567-2422
Police Dept., 262-567-1134
Building Inspector, 262-490-4141
www.summitvillage.org

Summit Village Hall • 37100 Delafield Road • Summit, WI 53066

PUBLIC HEARING NOTICE
VILLAGE OF SUMMIT, WISCONSIN

Thursday, November 16, 2023

Please be advised that the Village of Summit Plan Commission will be convening a public hearing on **Thursday, November 16, 2023, at 5:30 p.m.**, at the Summit Village Hall located at 37100 Delafield Road, Summit, Wisconsin. The purpose of this hearing is to receive comments regarding a request from Rebecca Carsey on behalf of White Stag 1894 to amend the text of the Village of Summit Zoning and Shoreland Protection Ordinance to allow the rental of agricultural buildings in the A-1 Agricultural District as a Conditional Use. Specifically, the applicant is proposing to create Section 111-357(d)(3) to allow rental of agricultural buildings for activities or events in the A-1 Agricultural District as a Conditional Use and create Section 111-321(7) to provide the standards and conditions that must be met in order for the rental of agricultural buildings to be considered.

Information regarding this application is available for review at the Village of Summit Village Hall, 37100 Delafield Road, during regular business hours. For more information regarding this public hearing, please contact Amy Barrows, Village Planner, at the Summit Village Hall (262) 567-2757.

All interested parties will be heard.

VILLAGE OF SUMMIT

Amy Barrows, Village Planner

Published: November 2 and November 9, 2023
Posted: October 31, 2023

**Zoning Ordinance Text Amendment – Rental of Agricultural Buildings
11/16/2023 Plan Commission Meeting**

Staff Report

Village of Summit, Wisconsin

Applicant: Rebecca Carsey, White Stag 1894, LLC

Possible Motions:

Recommend Village Board adopt the proposed text amendments provided by the applicant in an ordinance form approved by the Village Planner and Village Attorney.

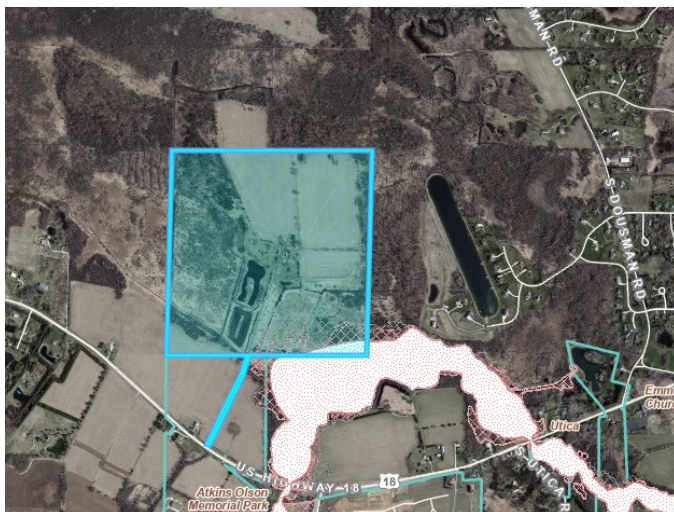
OR

Recommend Village Board deny the proposed text amendments provided by the applicant for the following reasons: (Plan Commission insert reasons).

Summary:

The applicant is proposing a text amendment that would allow the rental of agricultural buildings for activities and events in the A-1 Agricultural District only as a Conditional Use. The proposed text amendment presented by the applicant includes “Rental of Agricultural Buildings for activities or events” as a listed Conditional Use in the A-1 Agricultural District.

The application also includes a list of criteria that must be met in order for the use to occur as a Conditional Use Permit. The use would only be allowed in agricultural buildings that exist as of September 1, 2023. All of the criteria are listed in the application included in the packet. Based on the proposed required minimum lot size of 150 acres and proposed requirement that the property abut directly upon, or have direct access to, a State Trunk highway, there is only one property that would meet the criteria. The property is located north of US-18 and west of the Still Waters Subdivision.



Text amendments to allow Event Barn/Facilities have been proposed two other times, once in 2017 and once in 2020. The amendment in 2017 was proposed by a previous property owner of the parcel illustrated above. Both proposed text amendments were ultimately denied.

Event Facility Text Amendment

Since the applicant's proposal would potentially allow the applicant to pursue a Conditional Use request, discussion related to the applicant's proposed operation should not occur during the meeting. Property specific discussion should occur during the public hearing of such Conditional Use application.



AXLEY BRYNELSON, LLP



JAMES W. HAMMES
(262) 409-2298
jhammes@axley.com

October 24, 2023

Via Email Only [abarrows@sehinc.com]

Amy Barrows
Senior Planner, Project Manager
Short Elliott Hendrickson Inc.

RE: Village of Summit Zoning Code
Our Client: Rebekah M. Carsey, White Stag 1894
Axley File No. 102381

Dear Amy:

I enclose a redline and clean copy of the zoning ordinance which incorporates the changes passed at the Planning Commission meeting of October 19, 2023. If there are further changes or modifications needed, please advise.

Thank you.

Very truly yours,

AXLEY BRYNELSON, LLP

James W. Hammes

James W. Hammes
JWH:dkw

Enclosures

cc: Rebekah Carsey (via email only)

ORDINANCE NO. _____

AN ORDINANCE CREATING SECTIONS 111-357(d)(~~73~~) and 111-321(7)
OF THE ZONING CODE OF THE VILLAGE OF SUMMIT

THE VILLAGE BOARD OF THE VILLAGE OF SUMMIT DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 111-357(d)(~~73~~) is hereby created to read as follows:

(~~73~~) Rental of Agricultural Buildings for activities or events.

SECTION 2: Section 111-321(7) is hereby created to read as follows:

(7) Rental of Agricultural Buildings.

a. *Definitions.*

1. Agricultural Buildings shall mean one (1) or more of existing Agricultural Buildings originally constructed prior to September 1, 2023 for agricultural uses as that term is defined in Section 91.01(2), Wis. Stats., and either presently part of activities conducted on the property in accordance with the A1 Agricultural Zoning designation of this Code, or remaining buildings on the property following termination or reduction in such activities.
2. Rental of Agricultural Buildings for activities or events shall mean a rental by the property owner of Agricultural Buildings to individuals or groups, for a rental fee or other form of remuneration, to accommodate private functions, gatherings and/or celebrations including, but not limited to, meetings, banquets, social gatherings, and educational or other scientific seminars or presentations.

b. *Conditional Use Permit.* A Conditional Use Permit authorizing the rental of Agricultural Buildings for activities or events shall be issued subject to the following conditions:

1. The minimum area of the property shall be not less than ~~200~~150 acres.
2. The property must abut directly upon, or have direct access to, a State Trunk highway.
3. No Agricultural Building, structure, or outdoor use associated with any activity or event shall be located less than 100 feet from any adjacent lot line permitting a residential use.
4. No parking shall be located less than 50 feet from any adjacent lot line permitting a residential use. No Agricultural Building, structure, outdoor

use or parking associated with the activity or event shall be located less than 250 feet from any residence not owned by the property owner.

5. The rental of Agricultural Buildings for activities or events shall not exceed twenty-four (24) consecutive hours. Activities or events shall not begin prior to 8:00 am or continue past 11:59 pm on Friday and Saturday and shall not begin prior to 8:00 am or continue past 10:00 pm Sunday through Thursday. These limitations do not apply to set-up and take-down activities associated with an activity or event and the arrival and departure of attendees.
6. Activities or events shall be limited to not more than three (3) rentals per calendar week beginning with Sunday of any given week.
7. There shall be no more than 350 attendees per activity or event.
8. The rental and use of any Agricultural Building rented for an activity or event shall comply with all federal, state and local fire and building code regulations, as well as all federal, state and local health sanitation regulations.
9. Alcohol shall not be served past 11:00 pm on Friday and Saturday and 9:00 pm on Sunday through Thursday. The sale of alcohol shall be subject to issuance of an alcohol beverage license or permit, as may be required, by the Village of Summit.
10. There shall be no outdoor sound amplification devices used in association with any outdoor activity or event area before 9:00 am or after 10:00 pm.
11. Exterior lighting to be used in association with activities or events shall not exceed fifteen (15) feet in height above the ground and light sources shall not be visible from the lot lines measured five (5) feet above the lot line.
12. The number of parking spaces shall be equal to one (1) parking space per three (3) attendees at any activity or event. Parking areas shall be clearly defined and designed with appropriate surface materials as described on the Site Plan and Plan of Operation, and taking into consideration topography, drainage, and potential for dust.
13. Any area occupied by outdoor tents shall not exceed the square footage of the Agricultural Buildings.
14. The exterior of Agricultural Buildings to be used for an activity or event may be repaired or refurbished but shall not be substantially modified as to significantly alter the character of the Agricultural Buildings as of the approval of the Conditional Use Permit.

SECTION 3: All ordinances or parts of this ordinance conflicting or violating the provisions of this ordinance are hereby repealed.

SECTION 4: This ordinance shall be effective upon passage and publication as required by law.

PASSED AND ADOPTED by the Village Board of the Village of Summit, Waukesha County, Wisconsin this ____ day _____, 2023.

VILLAGE OF SUMMIT

BY: _____
Village President

ATTEST:

Village Clerk

ORDINANCE NO. _____

**AN ORDINANCE CREATING SECTIONS 111-357(d)(3) and 111-321(7)
OF THE ZONING CODE OF THE VILLAGE OF SUMMIT**

THE VILLAGE BOARD OF THE VILLAGE OF SUMMIT DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 111-357(d)(3) is hereby created to read as follows:

- (3) Rental of Agricultural Buildings for activities or events.

SECTION 2: Section 111-321(7) is hereby created to read as follows:

- (7) Rental of Agricultural Buildings.

a. *Definitions.*

1. Agricultural Buildings shall mean one (1) or more of existing Agricultural Buildings originally constructed prior to September 1, 2023 for agricultural uses as that term is defined in Section 91.01(2), Wis. Stats., and either presently part of activities conducted on the property in accordance with the A1 Agricultural Zoning designation of this Code, or remaining buildings on the property following termination or reduction in such activities.
2. Rental of Agricultural Buildings for activities or events shall mean a rental by the property owner of Agricultural Buildings to individuals or groups, for a rental fee or other form of remuneration, to accommodate private functions, gatherings and/or celebrations including, but not limited to, meetings, banquets, social gatherings, and educational or other scientific seminars or presentations.

b. *Conditional Use Permit.* A Conditional Use Permit authorizing the rental of Agricultural Buildings for activities or events shall be issued subject to the following conditions:

1. The minimum area of the property shall be not less than 150 acres.
2. The property must abut directly upon, or have direct access to, a State Trunk highway.
3. No Agricultural Building, structure, or outdoor use associated with any activity or event shall be located less than 100 feet from any adjacent lot line permitting a residential use.
4. No parking shall be located less than 50 feet from any adjacent lot line permitting a residential use. No Agricultural Building, structure, outdoor

use or parking associated with the activity or event shall be located less than 250 feet from any residence not owned by the property owner.

5. The rental of Agricultural Buildings for activities or events shall not exceed twenty-four (24) consecutive hours. Activities or events shall not begin prior to 8:00 am or continue past 11:59 pm on Friday and Saturday and shall not begin prior to 8:00 am or continue past 10:00 pm Sunday through Thursday. These limitations do not apply to set-up and take-down activities associated with an activity or event and the arrival and departure of attendees.
6. Activities or events shall be limited to not more than three (3) rentals per calendar week beginning with Sunday of any given week.
7. There shall be no more than 350 attendees per activity or event.
8. The rental and use of any Agricultural Building rented for an activity or event shall comply with all federal, state and local fire and building code regulations, as well as all federal, state and local health sanitation regulations.
9. Alcohol shall not be served past 11:00 pm on Friday and Saturday and 9:00 pm on Sunday through Thursday. The sale of alcohol shall be subject to issuance of an alcohol beverage license or permit, as may be required, by the Village of Summit.
10. There shall be no outdoor sound amplification devices used in association with any outdoor activity or event area before 9:00 am or after 10:00 pm.
11. Exterior lighting to be used in association with activities or events shall not exceed fifteen (15) feet in height above the ground and light sources shall not be visible from the lot lines measured five (5) feet above the lot line.
12. The number of parking spaces shall be equal to one (1) parking space per three (3) attendees at any activity or event. Parking areas shall be clearly defined and designed with appropriate surface materials as described on the Site Plan and Plan of Operation, and taking into consideration topography, drainage, and potential for dust.
13. Any area occupied by outdoor tents shall not exceed the square footage of the Agricultural Buildings.
14. The exterior of Agricultural Buildings to be used for an activity or event may be repaired or refurbished but shall not be substantially modified as to significantly alter the character of the Agricultural Buildings as of the approval of the Conditional Use Permit.

SECTION 3: All ordinances or parts of this ordinance conflicting or violating the provisions of this ordinance are hereby repealed.

SECTION 4: This ordinance shall be effective upon passage and publication as required by law.

PASSED AND ADOPTED by the Village Board of the Village of Summit, Waukesha County, Wisconsin this ____ day _____, 2023.

VILLAGE OF SUMMIT

BY: _____
Village President

ATTEST:

Village Clerk

Review of Zoning Code Amendments related to Uses in the A-2 Agricultural District, Specific to Tree Service Operations

6/15/23 PC Meeting – Tabled with No Discussion
7/20/2023 PC Meeting – Tabled with Discussion
8/17/2023 PC Meeting – Tabled with Discussion
9/21/2023 PC Meeting – Includes Site Visit
11/16/2023 PC Meeting

Request of Jessica and Christopher Kadow

Staff Report

Village of Summit, Wisconsin

Possible Motion: *Schedule a Public Hearing to consider text amendments that would allow tree service operations in the A-2 Agricultural District for the next scheduled Plan Commission meeting*

Existing Zoning: A-2 Agricultural District, (10-35-acre lot size), WC Wetland Conservancy, EC Environmental Corridor Overlay, and FO Floodplain Overlay

Existing Land Use Plan: SF Residential 2.4-acre density, Primary Environmental Corridor and Wetland

Summary:

The applicant owns property located at 740 N. Griffith Road, which is located on the east side of STH 83, on N. Griffith Road. The property includes a residence and two outbuildings. According to the application, a portion of the property is farmed with agricultural practices including gardening and hay operations. The applicant also splits woods for their personal property and mills wood for making dimensional lumber. There is hay harvesting equipment on-site for operations that occur off-site on rented property. The applicant has also conducted a family-operated business on the property since 2000, according to the applicant's timeline in the application materials. Current operations include the following:

- Snowplowing operations (2000)
- Landscape company (2012)
- Tree service company (2017)

The applicant piles woodchips from the operations to be used for various purposes. In 2022, all woodchips were donated to the WI Department of Agriculture to help with composting of chickens involved in the Avian Flu Outbreak at the S&R Egg Farm near Palmyra. The applicant also delivers wood chips to any resident in the Village of Summit.

In 2022, the Village was notified that the applicant may be running a business on the property. None of the above operations have been approved by the Village. After reviewing the ordinance

carefully, snowplowing operations, landscape operations, and tree services are not permitted in the A-2 Zoning District. A copy of the A-2 Zoning District standards is included in the packet.

In order to resolve the matter of having an illegal business operation, the applicant would like to amend the text of the A-2 Agricultural Zoning District to allow a tree service operation subject to several conditions, including:

- The business shall not exceed two operating tree service crews (5-6 personnel).
- The business shall not exceed four full size pickup trucks, three gooseneck style trailers, two chippers, one skidsteer, two lifts, and two material handlers. All equipment shall be parked inside of a pole barn type structure.
- The business shall perform tree service work off-premises.
- The business shall not create noise above permissible decibel levels.
- There shall be no public retail/wholesale component permitted on the property.
- Parking for employees shall not exceed 10 cars. Cars shall be parked out of public view.
- Other than personal/agricultural use, the business shall limit the amount of wood product brought back to the property.
- Typical business operations shall not exceed Monday – Friday between 7 am and 6 pm

Considerations:

The Plan Commission should consider the proposed text amendments, giving consideration to the fact that the amendments would apply to all properties in the A-2 Agricultural District, unless otherwise restricted by the conditions stated in the ordinance. Plan Commission should consider the following:

- If the use is deemed reasonable, should it be limited to A-2 Agricultural District? Typically, the allowable uses are similar to those in the A-1 Agricultural District.
- If the use is deemed reasonable, should the use be permitted by right or be listed as a Conditional Use?
- Should the use be limited to properties that about a County or State Highway?
- Should the use be limited to a property of a certain size? The subject property is approximately 17.67 acres in size.
- Tree service operations should be defined. Are there other operations that should be considered as part of the text amendments, including snowplowing operations and landscape company operations? The Plan Commission may want to request additional information regarding these uses from the applicant.
- Should outside storage of materials and equipment be prohibited, screened, or located in the side or rear lot?
- Should there be greater setbacks and offsets for structures and/or storage of materials and equipment?
- Should there be limitations on the type of equipment stored or used on-site?
- Should signage be allowed? If so, should there be size restrictions?

At the request of the Plan Commission, the Village Planner met with the applicant on August 14, 2023, to summarize the discussion that took place at the July meeting. The Planner recommended that if the applicant was going to pursue the application, the applicant should

provide additional conditions/restrictions that would apply to the use by the end of day, August 10, 2023. The applicant did not submit any additional information prior to the deadline, but did submit minor modifications prior to the meeting. The most current submittal is included in the packet (*note: the date of the letter was not modified and still reads 5/16/2023*).

Plan Commission discussed the proposed text amendments with the applicant at their meeting on August 17, 2023. The Plan Commission scheduled a site visit for September 21, 2023 and did not take any action.

Plan Commission visited the property on September 21, 2023 and discussed their findings with the applicant during the regularly scheduled Plan Commission meeting. Plan Commission expressed concern regarding the number of properties that would be allowed similar operations if the text amendment passes. At the meeting, it was recommended the applicant work with an attorney to get through the requested amendment. The matter was tabled until the November meeting as requested by the applicant. No additional information has been submitted. The applicant reached out to Village Staff in early November requesting a time extension due to illness and the need to consult with an attorney.

Sec. 111-358. Agricultural District (A-2).

- (a) *Intent.* The village applies the A-2 Agricultural District classification to areas in order to provide for, maintain, preserve and enhance lands historically used for agricultural production but which do not meet the size requirements of the A-1 Agricultural District and which are generally best suited for smaller farm units, including truck farming, horse farming, orchards and other similar agricultural-related farming activities.
- (b) *Principal permitted uses.*
- (1) Apiculture (beekeeping).
 - (2) Dairy farming.
 - (3) Forestry.
 - (4) Grazing or pasturing of agricultural animals for the commercial purpose of food or fiber production.
 - (5) Home occupation.
 - (6) Orchards.
 - (7) Plant nurseries.
 - (8) Raising of field crops.
 - (9) Raising of livestock, except commercial feed lots and fur farms, for the commercial purposes of food or fiber production.
 - (10) Single-family residential dwelling.
 - (11) Animal hospitals.
 - (12) Commercial stable facility.
 - (13) Sales of nursery products raised or transported onto the site.
- (c) *Accessory uses.*
- (1) Barns, sheds and similar structures customarily accessory to a permitted agricultural use.
 - (2) Guest houses, provided such structure shall not be rented, leased or used continually for permanent habitation.
 - (3) Quarters for household or farm employees, provided that these quarters shall be occupied only by individuals employed full time on the premises and their families.
 - (4) Conversion or construction of single-family residence to accommodate an additional dwelling unit as described in section 111-321(1).
 - (5) Not more than three dogs or three cats, or a combination thereof, which are over the age of 12 months.
 - (6) Home occupation.
 - (7) One nonilluminated sign not larger than six square feet in area for use in advertising of products produced on the property.
 - (8) One roadside stand for the sale of selected farm products that are produced on the premises and not exceeding 150 square feet in floor area, the location of which shall be approved by the plan commission.
 - (9) Attached or detached private garages.

-
- (10) Private greenhouses.
 - (11) Private boathouses.
 - (12) Private residential outdoor recreational facilities.
 - (13) Private residential stable.
 - (14) Any other use normally accessory to a permitted use.
- (d) *Conditional uses.*
- (1) Hobby kennels, by regulated household animal conditional use permit as described in section 111-321(3).
- (e) *Bulk regulations (A-2).*
- (1) Density factor/area per dwelling unit: 435,000 square feet.
 - (2) Minimum lot area: 130,000 square feet.
 - (3) Minimum lot width: 300 feet.
 - (4) Maximum structure coverage: three percent of lot area.
 - (5) Maximum impervious coverage: five percent of lot area.
 - (6) Minimum front/street setback: 50 feet from base setback line.
 - (7) Minimum side yard setback: 50 feet.
 - (8) Minimum rear yard setback: 50 feet.
 - (9) Minimum pavement setback: 15 feet.
 - (10) Maximum structure height.
 - a. Principal structure: 35 feet.
 - b. Accessory structure(s): 45 feet / 35 feet when located within 75 feet of the ordinary high water mark.
 - (11) Minimum residential first floor area: 1,200 square feet.
 - (12) Minimum total residential floor area: 1,800 square feet.
 - (13) Shoreland development requirements. In addition to compliance with the aforementioned regulations, all properties within shoreland areas as defined herein are also subject to the following additional requirements:
 - a. The maximum impervious surface within 300 feet of the ordinary high water mark of any navigable waterway shall be as follows:
 - 1. Impervious surfaces may not exceed 30 percent of the lot or parcel within 300 feet of the ordinary high water mark, in accordance with section 111-99(c).
 - 2. Existing impervious surfaces that were lawfully placed when constructed but do not comply with the standards in subsection (1) and (2) above, are subject to section 111-99(C)(1)b.
 - 3. Treated impervious surfaces that comply with section 111-99(d) are excluded from this calculation but still must comply with the minimum shore setback standards in section 111-347(E)(2)b.
 - b. Minimum shore setback:

-
1. Seventy-five feet from the ordinary high water mark. Where an existing pattern of development exists less than the requirement listed above, refer to section 111-96(a)(9)g.
 2. Fifty feet for a structure that has no sides or has only railings for sides, subject to section 111-96(a)(9)h.

(f) *Signage.* As described in article VII of this chapter.

(Ord. No. 31-2015 , § 12.13, 10-1-2015; Ord. No. 63-2018 , §§ 26, 27, 8-20-2018; Ord. No. 112-2022 , §§ 8—12, 10-13-2022)

Jessica & Christopher Kadow

5/16/2023

740 N Griffith Rd

Oconomowoc, WI 53066

262 269-8701

Amy Barrows

37100 Delafield Rd

Oconomowoc, WI 53066

262 567-2757

Request for Text Amendment to the A-2 Zoning Code for the property at 740 N Griffith Rd located within the Village of Summit

Enclosed you will find a proposal for a specific text amendment to the A-2 zoning code for the property at 740 N Griffith Road within the Village of Summit. Also included you will find: a property description, a map that shows/describes the above-mentioned property, background information, and a description of property practices/operations. Thank You in advance for your time and consideration in this matter.

Property Description

Our property is located on the corner of Highway 67 and Griffith Rd. It is zoned A-2 Agricultural. All of our neighbors plant crops with one exception and that is a horse stable. Excluding immediate family (at 722 N Griffith Rd) there are no houses that can be seen in any other direction. I would estimate the closest house is 7-800 feet away

(See attached map/property description.)

Background Information

We are Jessica and Christopher Kadow and we live at 740 N Griffith Rd in the Village of Summit. Jessica has lived here for 50+ years and, as a family with our three children we have lived here for 25 years. We built our own house and associated outbuildings by hand while at the same time creating a unique property that is hidden in plain sight along the Bark River. (see included map of property) The property has been farmed for most of its developed existence up to the present day. The property is recognized by the United States Department of Agriculture as a farm and has an associated farm number. (documents included) For most of those 50 years this family has operated a roadside vegetable stand that has become a local landmark when it comes to purchasing locally grown vegetables and giving directions in the Village of Summit. We rent/co-op approximately 60 acres of haying grounds off property, but store all related equipment and hay on property.

Since approximately the year 2000 in one form or another, a small family operated business has been located on this property. (See timeline)

- CK Snow Services began as a snowplowing service in 2000-2001 1st Customer was Summit Vet Clinic in Oconomowoc on Hwy 67
- CK Snow Services was not taxable as a snowplowing service from 2000-2006 (see WI Department of Revenue documentation)
- CK Snow Services became taxable in 2007 (see tax returns) (available thru 2018 if needed)
- CK Snow Services LLC established 1/16/2008 (see WDFI for corporate listings)
- CK Snow Services LLC bank account established (see Landmark Credit Union paperwork 2/21/08)
- Village of Summit Incorporation (7/29/2010)
- CK Snow Services LLC name change to CK Services of Western Waukesha LLC (a landscaping and snow service company)(see Wisconsin Dept Of Financial Institutions corporate listings 10/29/2012) (also see 2nd page of CK Services of Western Waukesha LLC WDFI document) (also see checkbooks)
- CK Snow Services LLC Personal Property Tax Bill and Paid Receipt (1/28/2016)
- CK Snow Services LLC Personal Property Tax Bill and Paid Receipt (1/30/2017)
- CK Snow Services LLC Personal Property Tax Paid Receipt (1/30/2018)
- KM Tree Services LLC formed (see WDFI corporate listings 12/26/2017)
- Business Card Evolution (see attached business cards)

This timeline shows with documentation that business has taken place at 740 N Griffith Rd since 2000. Taxes have been paid since 2007. Three business have evolved from one into the next utilizing the same property and similar equipment over the years. Acknowledgement of a business on the property came in the form of business taxes paid directly to the Village of Summit in 2015-2018. j

Property Practices/Operations

As stated above, we own a farm and there are many farm related practices that take place on the property very similar to what is described in the A-2 Agricultural explanation of the Village of Summit Zoning code descriptions. Some of them include:

- * Extensive vegetable gardening which requires motorized farm equipment such as tractors, plows, discs, cultivators, mowers, small scale irrigation, skidsteers, wagons, and pick up trucks.
- * Hay operations which require larger machinery such as: tractors, (7) bale wagons, discbine, gooseneck trailers, hay rakes/tedders, skidsteers, grain drills, balers and buildings to both store hay/hay equipment and a shop to work on equipment.
- * Wood splitter for making firewood. All of our indoor heat and domestic hot water during the winter is created by firewood. (Average 7-10 cords per winter) As a result we have piles of firewood in various stages whether it is in trunk form, or split wood drying. We make firewood years in advance.
- * We have a portable saw mill for making dimensional lumber. Every building on our property has been built with wood from tree trunks, or repurposed barn beams. This too involves having a dry inventory or logs piled up. We have had this piece of equipment since we have lived here and it is not used very often.

- * Forestry operations- We also operate a small family-operated tree service. The extent of this operation involves (2) Pick up trucks, (1) Chip truck (1) Chipper (1) Lift. They are parked on the property in buildings out of site. They leave the property in the morning and return in the afternoon. No business related tree work is done on the property it is merely a place to park these vehicles. Presently the business has (2) part time employees We do occasionally bring back chips and logs, but those are typically only: logs that we use for firewood/milling or chips that we spread on the property as mulch in the gardens to keep weeds down and add to topsoil for our fields. (Mulch piles will turn into topsoil within 1-2 years.) Generally speaking, we try to bring back as little as possible. The business has been in operation in one form or another since we have lived here.

(Noteworthy) We donated all our woodchips from 2022 to The WI Dept of Agriculture to help with the composting of the chickens involved in the Avian Flu Outbreak at the S&R Egg Farm near Palmyra. (Also Noteworthy) As a means of reducing wood chips on the property, we deliver free mulch chips in the Village of Summit to any resident.

Text Amendment Proposal

We are requesting a text amendment to the A-2 Zoning Code that would allow for our family operated business (Kettle Moraine Tree Services) to be operated at 740 N Griffith Rd in the Village of Summit with the following parameters:

- * The business shall be on a property that is located within 250' of a State Highway
- * The business shall be located on a property that is 15 acres or more in size
- * The business shall not exceed (2) operating crews (5-6 Personnel)
- * The business shall not exceed (2) operating crews = (4) full size pickup trucks , (3) gooseneck style trailers (2) chippers, (1) skidsteer, (2) Lifts (2) material handlers, All of which would be parked inside of a pole barn type structure. (Contingent on permit approval of structure. Presently we are in the process of filling out an application for the construction of a pole building)
- * The business shall perform business related work off premises
- * The business shall not create noise above permissible decibel levels
- * There is no public retail/wholesale component permitted on the property
- * Parking for employees will not exceed 6 cars. Cars will be parked out of public view or screened if necessary.
- * Other than personal/agricultural use the business shall limit the amount of wood product brought back to the property
- * Typical Business operation Monday-Friday between 7am and 6pm
- * Up to date pictures from 2023 showing difference in stored wood materials to follow

Again, Thank You for your time and consideration in this matter. Any questions please feel free to call us directly at 262 269-8701

Respectfully Submitted,

Jes & Chris Kadow

**Concept Discussion Regarding Land Division
Raabe Property, SUMT0655992
11/16/2023 Plan Commission Meeting**

Staff Report

Village of Summit, Wisconsin

Property Owner: Amy Raabe
Applicant: Mackenzy & Megan Raabe
Location: 38758 Genesee Lake Road, SUMT0655992

Summary:

Zoning: A-2 Agricultural (10-35 acres) w/ WL, EC, and Floodplain Overlays

Land Use Plan: SF Residential 2.4-acre density w/ WL & PEC

The applicant would like to split a 21-acre lot, which was created by Certified Survey Map #7025 and recorded in 1993, into two legal lots of record. The land division would accommodate the construction of an additional residence for a family member of the property owner. There is a large area in the center and north end of the property that consists of wetland, primary environmental corridor and floodplain. There is also an outlot located on the south side of Genesee Lake Road, which is required to be attached to Lot 1 (subject property).

- The land use plan category of 2.4 acres per dwelling unit would accommodate a land split.
- The zoning category of A-2 would not accommodate a land split because conservancy lands are not included in the density calculations. The upland acreage is inclusive of approximately 9 - 10 acres total. There are similar properties located to the west that are zoned R-1 Estate Residential (130,000 sq. ft. density/min. 2-acre lot size).
- A second home would most likely be constructed in the northern field, which would require that the area be accessed via an easement or narrow strip of land. In accordance with Section 109-16(d), every lot shall front or abut on a public street. Lots with an access only to private drives or streets shall be permitted only with plan commission approval. In order to comply with the zoning code requirements of the R-1 Zoning District, the lot width at the base setback line would need to be 220 ft. for a conventional lot and 180 ft. for a conservation development lot.
- The property should have the soils tested at the building site for seasonal high groundwater conditions and septic suitability.

This matter was discussed at the April Plan Staff meeting and it was determined that the applicant does not have access to the lot on the east side of the property because the Village of Summit owns a strip of land. The Village may be willing to transfer ownership. However, the deed limits the use of the strip of land to a gravel pit only. Attorney Macy has provided a few different options that may be available to the Village for transferring the land and removing the restriction. The legal description presented in the deed does not match the legal description shown on GIS. Staff is researching the legal descriptions and the best method for proceeding to transfer land ownership.

Requested Action: Provide feedback regarding the applicant's proposal to create a lot that does properly abut a public road and the request to rezone the property to allow the land division.

**Concept Discussion Regarding Additional Parking for Hogg Alley
34311 Venice Beach Road, SUMT0669056
11/16/2023 Plan Commission Meeting**

Staff Report

Village of Summit, Wisconsin

Property Owner: 34311 Venice Beach Road LLC
Applicant: Jeff Stoll
Location: 34311 Venice Beach Road, SUMT0669056

Summary:

Zoning: R-4 Cottage Residential (20,000 sq. ft. lot size)

Land Use Plan: Mixed Use Commercial

The applicant is the new property owner of property located directly west of Hogg Alley. The applicant is proposing additional parking to accommodate the restaurant. Parking on the shoulders of Venice Beach Road and CTH DR has been an issue since the remodeling project has been completed. After receiving feedback at a recent Plan Staff meeting, the applicant is proposing two options.

Option 1: Add 21 parking stalls outside of existing road right of way. The existing driveway accessed from CTH DR would be removed and access would only be provided from Venice Beach Road. The parking area would extend over the interior lot line and into Outlot 1, located south of the existing structures. The existing residential and accessory structures would remain. Parking would comply with the dimensional standards. A greenbelt of at least 10 ft. in width is required between the parking area and all property boundaries that surround the parking area. The proposed plan does not comply with this standard. The applicant is proposing three additional light poles. Landscape screening would be provided on the west side of the parking lot.

Option 2: Vacate a portion of Venice Beach Road and add 31 parking stalls. The applicant would ask to vacate a portion of Venice Beach Road so that the properties are combined as a single property. Venice Beach Road would terminate on the north end of the property with a hammerhead turnaround. Emergency access and access during flooding events would still be provided through the site, but it would normally be chained from through traffic. This would prevent patrons of Hogg Alley from travelling through Venice Beach Road and prevent residents of the road from driving east through the proposed Hogg Alley site. As part of this option, the applicant would remove the nonconforming garage that is located partially in the road right-of-way and construct a new conforming garage. The applicant would propose the same parking as Option 1 and add 10 additional parking spaces in the current right-of-way of Venice Beach Road. Drainage and flooding of Venice Beach Road would need to be considered if this option is pursued further. The applicant would be willing to extend a fence along the entire north property line of Hogg Alley to accommodate tree removal associated with the creation of a drainage swale that the Village of Summit is currently proposing on the adjacent property to the north to alleviate existing drainage issues.

Considerations

- Both options would require a Certified Survey Map to combine lots.
- Option 2 would require a road vacation.
- Option 2 would require review from Western Lakes Fire Department.
- Option 2 impacts existing traffic flow for the residents of Venice Beach Road. These owners should be notified of any changes.
- Both options require review and approval by the Village Engineering staff.
- Floodplain impacts, if any, will need to comply with Village Ordinances.
- Off-site parking is currently prohibited. If Option A is pursued, a text amendment would be required.
- Business parking is not a permitted use in a residential district. Plan Commission should discuss how to address this matter.

Requested Action: Provide feedback regarding the applicant's request. No formal action is requested.

November 5, 2023



To the Village Summit

Please see attached conceptual drawings for proposed parking for Stolley's Hogg Alley.

Option 1:

- 21 additional parking spots outside of right away
- Enter and exit off Venice Beach Road
- Storm water management plan TBD
- Lighting TBD
- Landscaping TBD
- Keep all buildings on property, 34311 Vencie Beach Rd, as is, with seasonal furniture storage for Stolley's Hogg Alley

Option 2:

- Everything in option 1
- 11 additional parking spots for Stolley's Hogg Alley with hammerhead turnaround at North property line
- Assist the Village of Summit in the following but not limited to:
 - hammerhead layout
 - stormwater management
 - fence installation and tree removal North property line
 - maintain "access" Venice Beach Road as necessary through Stolley's Hogg Alley property due to flooding or emergencies

In closing, option 1 is a great benefit for both parties, however, option 2 allows for the overall safety of Stolley's Hogg Alley customers and staff by containing them on to one property. Other benefits for option 2 include cost sharing of tree line cleanup, fencing, drainage issues and cost savings on road installation and maintenance.

Respectfully,

Jeff & Alicia Stoll

