



## AGENDA

### Village of Summit Plan Commission

**Thursday, January 18, 2024 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
  - November 16, 2023
  - December 21, 2023
5. Next meeting date – proposed for Thursday, February 15, 2024 at 5:30 p.m.
6. **PUBLIC HEARINGS**
  - A. Receive comments regarding a request from Devin Wolf, on behalf of property owners, DSL Investments, LLC; and Sean P Wolf Et Al, and 612 Sawyer Rd 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, amend the ownership, and extend the Conditional Use five years. The request was subject to a public hearing and Plan Commission action on October 19, 2023, and the associated Conditional Use Agreement was approved by Plan Commission on October 30, 2023. A subsequent Public Hearing was held on December 21, 2023 in order for proper notification related to the requested ownership change, accurate legal description, and request to extend the Conditional Use timeframe five years. This public hearing is intended to provide individual notification to all property owners within 300 ft. of the subject property boundaries. The Conditional Use applies to two properties including 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) and 612 N. Sawyer Road (SUMT0675988001).
  - B. Receive comments regarding a revised 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.
  - C. Receive comments regarding a request from Christopher and Jessica Kadow, property owners at 740 N. Griffith Road, to amend the text of the Village of Summit Zoning and Shoreland Protection Ordinance to allow commercial vehicle parking on properties zoned in the A-2

Agricultural District as a Conditional Use. Specifically, the applicant is proposing to modify Section 111-431 Definitions, add Section 111-358(d)(2) Conditional uses in the A-2 Agricultural District, and modify Section 111-321 Conditional uses permitted.

**7. REGULAR BUSINESS:**

- A. Discussion and action on request from Devin Wolf, on behalf of property owners, DSL Investments, LLC and Sean P Wolf & 612 Sawyer Rd 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, amend the ownership, and extend the Conditional Use five years. 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) and 612 N. Sawyer Road (SUMT0675988001).
- B. 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.
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- D. Discussion and action on request of Phil Zagrodnik to amend Business Plan of Operation approval for Ole's Tap on property located at 34324 Delafield Road (SUMT0669053).
- E. Discussion and action on request of Phil Zagrodnik to amend the Signage for Ole's Tap on property located at 34324 Delafield Road (SUMT0669053).

**8. ADJOURN** Plan Commission meeting

Respectfully submitted,

Amy Barrows, Village Planner

**Posted: January 12, 2024**  
**Posted Amendment: January 16, 2024**

**Next meeting date: February 15, 2024**



Village Hall, 262-567-2757  
Fax, 262-567-4115  
Highway Dept., 262-567-2422  
Police Dept., 262-567-1134  
Building Inspector, 262-490-4141  
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## AGENDA

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\*\*\*\*\* 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. Receive comments regarding a request from Christopher and Jessica Kadow, property owners at 740 N. Griffith Road, to amend the text of the Village of Summit Zoning and Shoreland Protection Ordinance to allow commercial vehicle parking on properties zoned in the A-2 Agricultural District as a Conditional Use. Specifically, the applicant is proposing to modify Section 111-431 Definitions, add Section 111-358(d)(2) Conditional uses in the A-2 Agricultural District, and modify Section 111-321 Conditional uses permitted.

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- D. Discussion and action on request of Phil Zagrodnik to amend Business Plan of Operation approval for Ole's Tap on property located at 34324 Delafield Road (SUMT0669053)

**8. ADJOURN** Plan Commission meeting

Respectfully submitted,

Amy Barrows, Village Planner

**Posted: January 12, 2024**

**Next meeting date: February 15, 2024**

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## MINUTES

### Village of Summit Plan Commission Thursday, November 16, 2023 5:30 p.m.

#### CALL TO ORDER

Chairperson Siepmann called to order the Summit Plan Commission meeting at 5:30 p.m. on Thursday, November 16, 2023 at the Summit Village Hall, 37100 Delafield Road, Summit, Wisconsin.

#### ROLL CALL AND CONFIRM POSTING

Deputy Clerk LaValliere took roll call and confirmed notification to the media as required and requested and posting on the Village of Summit website and posting board.

Commissioners present were: Sandra Murray, Matt Katz, Jim Petronovich, Annette Kaja, Paul Schmitter, and Alternate Joan Gucciardi

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

#### MINUTES

- October 19, 2023
- October 30, 2023

MOTION: (Petronovich, Schmitter) *To approve October 19, 2023 & October 30, 2023 minutes.* - Carried

Next meeting date – proposed for Thursday, December 21, 2023 at 5:30 p.m.  
All in attendance will be here except Commissioner Schmitter.

#### PUBLIC HEARING

Chairperson Siepmann opened the public hearing at 5:37 pm 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.

Attorney James Hammes provided overview of the meetings had with neighboring properties and requests that the Plan Commission Adjourn the public hearing until December 21 and during that time republish notice regarding Public Hearing with amended information.

Planner Barrows added that if the Plan Commission would have any comments regarding the original application, it would be acceptable to make any statements and recommendations.

ADJOURN the public hearing until December 21, 2023

MOTION: (Katz, Schmitter) *to adjourn the public hearing until December 21, 2023 pending Village of Summit Attorney approval.* - Carried

**REGULAR BUSINESS:**

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.

No motion is made, this is tabled until the next meeting December 21, 2023

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.

Planner Barrows provided a review of prior events leading up to this meeting.

Michael Van Klunen for the Kadow's proposed conceptual discussion for tonight and turn into feedback and draft ordinance in order to prepare for a public hearing.

Atty. Van Klunen provided a review of the applicable proposed restrictions on this parcel that could be included in the text amendment.

- Dedicating a certain portion or percentage and or location of the property to Tree Cutting Service
- Structure that relates to use and all equipment when not used stored in the structure
- Associated structure attached to a principal structure
- Establish minimum lot area of 5 acres
- Vehicles or associated equipment has to be owned or leased by owner of the property
- Vegetation and tree cutting that would be perhaps generated offsite collected by the owner and processed at an alternate location that is owned by the individual.
- Within a certain number of feet from a county or state trunk highway
- Not looking for excessive commercial activity on site where money is transacted this is ancillary to larger use that is not occurring on the property

As part of the Site plan and plan of operation

Parking for employees would be limited to 8 – screened by fencing or natural buffer

Site plan and plan of operation would be submitted to staff for review.

Feedback is requested from the Plan commission regarding the proposal.

Planner Barrows interjected that one item to consider is a 15-acre minimum which would help restrict and limit it to state highways both will tighten up the number of properties impacted by the amendment.

Additional conversation is had and there is recommendation to reorganize the text amendment and resubmit for the next meeting. An additional recommendation is made to approach neighboring properties and provide feedback and input at the next meeting to gauge response from neighboring properties which can impact the public hearing.

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.

Applicant, requests to bring back an updated amendment/application at the next plan commission meeting. There is no motion made at this time.

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.

Planner Barrows provided an overview of the information contained in the Plan Commission Pack

The Plan commission provided feedback regarding the applicant's proposal to create a lot that does not properly abut a public road and the request to rezone the property to allow the land division.

Feedback as follows:

- work with petitioner to rezone R-1 & CSM
- If possible, put in a public street
- If no street the property cannot be further divided this should be listed on CSM

Discussion and provide feedback on request of Jeff Stoll, Stolley's Hogg Alley, to install parking at 34311 Venice Beach Road (SUMT0669056).

This topic is skipped since applicant is not present moved to the end of the agenda.

Discussion and provide feedback regarding potential viable uses on property owned by Johns Living Trust-Family Trust located at 2133 N. Sawyer Road (SUMT0670997).

Planner Barrows reviewed information related to the property owned by Johns Living Trust – Family Trust located at 2133 N Sawyer Road (SUMT670997).

The Plan Commission discussed potential and viable uses on the property, and the potential of Tax Incremental Financing.

It is determined the Village Board is the body to consider Tax Incremental Financing if it is determined that it would be brought into consideration.

It is recommended the Planner is involved with discussion with neighboring properties (at the expense of the parcel owner), and have a conversation with DOT about access. Planner Clarified that access would be from County Highway.

Discussion and provide feedback on request of Jeff Stoll, Stolley's Hogg Alley, to install parking at 34311 Venice Beach Road (SUMT0669056).

Planner Barrows reviewed the proposed options provided in the Plan Commission packet.

Jeff Stoll  
Solley's Hogg Alley  
Stated his parking preference would be Option #2

Plan Commission prefers option #2, and makes recommendation to:

- to have Western Lakes fire District look at it right away
- get Village Board position on parking options
- Applicant should get neighbor feedback on options prior to next meeting

**ADJOURN** Plan Commission meeting

MOTION: (Schmitter, Katz) to ADJOURN the Plan Commission meeting at: 7:00 pm

Respectfully submitted,

Sarah LaValliere  
Deputy Clerk/ Deputy Treasurer

**Next meeting date: December 21, 2023**



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## **Minutes Village of Summit Plan Commission December 21, 2023**

### **CALL TO ORDER**

Chairperson Siepmann called to order the Village of Summit Plan Commission meeting at 5:30 pm, on Thursday December 21, 2023 at Summit Village Hall 37100 Delafield Rd. Summit WI.

### **ROLL CALL AND CONFIRM POSTING**

Deputy Clerk/Deputy Treasurer Sarah LaValliere took roll and confirmed notification to the media as required and requested and posting on the Village of Summit website and posting boards. Commissioners present were: Jim Petronovich, Sandra Murray, Joan Gucciardi, Matt Katz, Jay Obenberger. Also, present were: Chairperson Jim Siepmann, Planner Amy Barrows, & Deputy Clerk Deputy Treasurer Sarah LaValliere

### **PLEDGE OF ALLEGIANCE**

### **MINUTES**

- November 16, 2023

NO MOTION Minutes are not available and will be presented at the January Plan Commission meeting.

Next meeting date – proposed for Thursday, January 18, 2024 at 5:30 p.m.  
Alternate - Joan Gucciardi not able to attend January 18

### **PUBLIC HEARING**

Chairperson introduced the first public hearing to:

Receive comments regarding a request from Devin Wolf, on behalf of property owners, DSL Investments and Sean P Wolf & 612 Sawyer Rd 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, amend the ownership, and extend the Conditional Use five years. The request was subject to a public hearing and Plan Commission action on October 19, 2023 and the associated Conditional Use Agreement was approved by Plan Commission on October 30, 2023. However, the public hearing notice did not include the requested ownership change or request to extend the Conditional Use timeframe five years. No additional changes are requested that were not discussed during the October 19, 2023 public hearing. 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) and 612 N. Sawyer Road (SUMT0675988001).

Planner Barrows provided a review of the information leading up to this public hearing.

Chairperson Siepmann opens the hearing for public comment.

Leonard Jorgensen, 1025 S Squire Ct. – No activity has taken place in the pit in the past 10 years and DSL requests questionable change in ownership. He reported 3 possible violations at the last public hearing in October. After visiting the location following the meeting, he saw the building was vacant and apologized. Leonard continues to question ownership and conditional use. Mr. Jorgensen makes a request for someone to visit the property in order to properly assess the conditional uses.

Zacahry Rewasiewicz, 34850 Breens Rd -Something has changed on the parcels and last 6 months have noticed increased noise, pounding, excavation dust and traffic. Questions if the conditional use permit is accepted does it mean that activities will continue?

Jason Church, 34954 Breens Rd - Lives across from the quarry. Understands the complaints from the neighbors, and stated the property is zoned A-1 and is trying to bypass zoning and ordinance. Objects to the Conditional use approval and wishes for reconsideration

Planner Barrows reviews conditional and legal non-conforming use currently in place for audience awareness.

Devon Wolf, 716 N Deerfield Lane – Reviews current situation of the quarry and parcels. Claims restoration of the land is what is currently making the bulk of the noise. Devon addresses the quarry heritage and existing activities and name change for the Plan Commission. Stating ownership has not changed only names have for tax purposes. Ultimately the goal is to develop and it would be residential development.

Planner Barrows reads a letter submitted in the mail

Patricia Burns 35008 W Oakshire Dr – (provide copy for minutes) does not agree with changes to conditional use.

Chairperson Siepmann closes the public hearing at 6:00 pm

Chairperson Siepmann then opened the public hearing to:

Receive comments regarding a revised 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.

Planner Barrows provided a review of the activities that led up to this continuation of public hearing opened in November 2023, and provided a review of the proposed changes to the amendment. Stating that the Village has had 2 other requests for Event Venues and both were denied, and the language looked different each time.

Attorney James Hammes – Provided a review of the conditions/changes requested to the text. Which were also included in the meeting packet.

Tents are questioned by the plan commission and it is agreed this is a loose term that can have many meanings.

Atty Hammes agrees to make modifications to language as requested regarding set up and take down.

Steve Hanke, 37124 Delafield Rd – Addressed the Plan commission by reviewing the restrictions he was subjected to upon his application to the Plan Commission for a proposed Agricultural Event Venue. His application was subject to paving a parking lot, connection to City water and City sewer, and sprinkler system.

Brian Porter, 37005 Stillwater Dr- Addressed the Plan Commission regarding size and frequency of events being a concern and stating some of the items in the ordinance are lacking. He did support that the proposed ordinance should eliminate opportunity for someone to turn this into a full-time business operating year-round.

Dave Hotchkiss, 37471 Stillwater Dr- expressed concerns about weddings and provided that they are very loud. The ordinance language allows for latitude to have a crazy party.

Dave Schleif, 1216 N Laurel Ln - Is concerned about ordinances being too specific only applying to one parcel.

The Plan Commission reviewed the points included in ordinance:

**NOTE:** *This list only a brief overview of the conversation not to be used as a checklist.*

- Time of operation – request for more specific time or operation than 24 hours if continued operation is too long.
- Business Hours and Hours of operation – refinement requested
- 300 attendees – capacity should include staff
- Look at language that addresses event type Private vs Public
- Hours of Alcohol – Village issues Class B License for Alcoholic Beverages on site
- Outdoor sound/ outdoor amplification subject to decibel levels of the nuisance ordinance that the village of Summit really has
- Numbers 10 & 15 should be reviewed and adjusted and brought together
- Number 11 Exterior lighting not to exceed 15 ft – no light pollution off of property
- Parking – Surface and materials
- Combine 16 & 13 together – provide tent parameters

Dave Strobel, 37467 Stillwater Dr – Voiced concerns about noise.

Brain Porter, 37005 Stillwater Dr -There is nuisance ordinance for sound, should not let sound levels allowed get to nuisance level.

Dave Schleif, 1216 N Laurel Ln – Noise is important along with light worried about cars on property, parking, and pavement. Site occupancy rate, traffic, stoplight, regulation

Public hearing is held over until next plan commission meeting January 2024

**MOTION:** (Katz, Murray) to adjourn until next month's meeting. – Carried

Chairperson Siepmann closes the public hearing at 7:10 pm

## REGULAR BUSINESS:

Discussion and action on request from Devin Wolf, on behalf of property owners, DSL Investments, LLC and Sean P Wolf & 612 Sawyer Rd 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, amend the ownership, and extend the Conditional Use five years. 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) and 612 N. Sawyer Road (SUMT0675988001).

Plan commission has additional questions for Devon Wolf, Devon Wolf responded for clarification. The pits are currently being utilized for quarry and restoration once restoration is complete there should be no more disturbance.

**MOTION:** (Katz, Murray) Approve the proposed Conditional Use Amendment, subject to the enclosed Conditional Use Order being reviewed by the Village Attorney and subject to all signatures. – Carried

Planner Barrows is recommended to visit the site., and to provide reclamation plan on file at next meeting

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.

### **No MOTION for 7b. Public Hearing continued 01/18/2024**

Discussion and action to schedule a public hearing on request of Jessica and Christopher Kadow to amend the text of Chapter 111 Village of Summit Zoning and Shoreland Protection Ordinance, specifically Section 111-431 to define the term “Commercial vehicle parking”, Section 111-358(d)(2) to allow Commercial Truck Parking as a Conditional Use in the A-2 Agricultural District, and other related sections as deemed necessary.

Planner Barrows provided a brief review of the request.

Plan commission requests applicant notify public hearing to his neighbors as well.

**MOTION:** (Katz, Obenberger) Schedule a Public Hearing to consider text amendments that would allow commercial vehicle parking as a Conditional Use Permit subject to certain conditions being met in the A-2 Agricultural District for the next scheduled Plan Commission meeting - Carried

Report Village Board findings regarding request of Jeff Stoll, Stolley’s Hogg Alley, to vacate a portion of Venice Beach Road.

Planner Barrows provided feedback from Village Board regarding road vacation. Village Board was seemingly interested in road vacation that includes following recommendations: Get feedback from neighbors regarding the proposed parking as part of an open house.

Discussion and provide feedback on request of Jeff Stoll, Stolley's Hogg Alley, to install parking at 34311 Venice Beach Road (SUMT0669056).

Code needs to be reflective of change to mixed use commercial and additional definition.

Report Village Board findings regarding discussion and action on procedures for property owner initiated Zoning Code Text Amendments and procedures for Village Code updates related to Conditional Uses.

Planner Barrows summarized her staff report that was presented earlier to Village Board. The Village Board indicated that property owners should be able to continue initiating text amendments, but staff should prepare project scope to reconsider incorporated uses as permitted or conditional use.

**ADJOURN** Plan Commission meeting

**MOTION:** (Murray, Obenberger) to adjourn the Plan Commission meeting at: 8:00 pm

Respectfully submitted,  
Sarah LaValliere

**Next meeting date: January 18, 2024**



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**PUBLIC HEARING NOTICES**  
**VILLAGE OF SUMMIT, WISCONSIN**

*Thursday, January 18, 2024*

Please be advised that the Village of Summit Plan Commission will be convening a public hearing on **Thursday, January 18, 2024, 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 Devin Wolf, on behalf of property owners, DSL Investments, LLC; and Sean P Wolf Et Al, and 612 Sawyer Rd 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, amend the ownership, and extend the Conditional Use five years. The request was subject to a public hearing and Plan Commission action on October 19, 2023, and the associated Conditional Use Agreement was approved by Plan Commission on October 30, 2023. A subsequent Public Hearing was held on December 21, 2023 in order for proper notification related to the requested ownership change, accurate legal description, and request to extend the Conditional Use timeframe five years. This public hearing is intended to provide individual notification to all property owners within 300 ft. of the subject property boundaries. The Conditional Use applies to two properties including 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) and 612 N. Sawyer Road (SUMT0675988001).

Immediately following the above noticed public hearing, a public hearing will be continued by the Village of Summit Plan Commission at the Summit Village Hall located at 37100 Delafield Road, Summit, Wisconsin, at which time the Plan Commission will receive comments regarding a revised 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.

Immediately following the above noticed public hearing, another public hearing will be held by the Village of Summit Plan Commission at the Summit Village Hall located at 37100 Delafield Road, Summit, Wisconsin, at which time the Plan Commission will receive comments regarding a request from Christopher and Jessica Kadow, property owners at 740 N. Griffith Road, to amend the text of the Village of Summit Zoning and Shoreland Protection Ordinance to allow commercial vehicle parking on properties zoned in the A-2 Agricultural District as a Conditional Use. Specifically, the applicant is proposing to modify Section 111-431 Definitions, add Section 111-358(d)(2) Conditional uses in the A-2 Agricultural District, and modify Section 111-321 Conditional uses permitted.

Information regarding these applications is available for review at the Village of Summit Village Hall, 37100 Delafield Road, during regular business hours. For more information regarding these public hearings, 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: January 4 and 11, 2024  
Posted: January 4, 2024



PAID 350.00  
CL# 1103  
REC'D OCT 03 2023

Village Hall, 567-2757  
Fax, 567-4115  
Highway Dept., 567-2422  
Police Dept., 567-1134  
Building Inspector, 646-2577

Summit Village Hall • 2911 N. Dousman Road • Oconomowoc, WI 53066

Date Filed: 10/3/23

\$300.00 Application Fee Paid

### Conditional Use Permit Application Packet

Based on Chapter 235 Article X of the Code of the Village of Summit

Please read and complete this application carefully. All applications must be signed and dated.

1. APPLICANT OR AGENT

Devin Wolf

2. PROPERTY OWNER

DSL Investments LLC + (AB added)

Sean P Wolf

612 Sawyer Rd LLC

Phone #

Phone #

FAX # ( )

FAX #

3. To Whom Should the Permit be Issued?

DSL Investments LLC

4. Property Address and Legal Description of the Property: (May appear on the tax bill)

612 N Sawyer Rd

Lot 1 CSM # 11648 VOL 116/283 RECAS DOC # 4315466 PT NW 1/4 + SW 1/4 of SW 1/4 SEC 25 T7N R17E

5. Tax Key Number: SUMT 0675988001 ↓

SUMT 0680999002

6. What is the Property Zoning Classification in the Village of Summit? Residential

What is the Property Zoning Classification in Shoreland Floodland Protection Ordinance Code? \_\_\_\_\_

REC'D OCT 03 2023

7. Identify the type of use immediately adjacent to this property.

North Residential      South Residential

REC'D SEP 27 2023

East Residential	West Agricultural / Quarry
------------------	----------------------------

8. Is this a New Use? No OR Is this an existing use to be expanded? Yes

9. Describe the proposed use, how it fits within the listed Conditional Uses allowed in the current zoning of the property, and the general plan for the property.

We are looking to Amend our conditional use to lease out some office space, on the first floor of the existing building located at 612 N Sawyer Rd. (Wolf Paving office) The Paving business needed more space so they are renting a larger office. The current space I am using 10% of for office space and we are looking to rent out some of the unused space temporarily while we continue to restore the site and prepare it for residential development

10. List the dimensions and levels of ALL buildings in coordination with site plan information that will be submitted to the Plan Commission for review.

	Outside Dimensions	Number of levels	
Current Building "A":	<u>132' x 36'</u>	<u>Randa w/ Basement</u>	<u>+ 5 yr extension (AB added)</u>
Building "B":	<u>NA</u>	<u>_____</u>	
Building "C":	<u>NA</u>	<u>_____</u>	
Total Floor Area is	<u>6,858</u>	square feet.	

11. Identify the proposed use of EACH building and remaining outdoor area.

Building "A": NA  
 Building "B": NA  
 Building "C": NA  
 Outdoor Uses? NA

12. How many employees will be working in this operation? 10-15

13. What hours of the day will the business be operating? 8:00 am - 5:00 pm

14. What days of the week will the business be operating? Mon - Friday

15. Will there be any unusual odors, smoke or noise generated by the proposed use that do not exist on the site at the present time? YES \_\_\_ NO X If yes, please describe below.

16. Locate each sign on the site plan and submit the drawings, including area of each sign, color, number of faces, and overall height (if free-standing).

Number of Free-standing signs: Possibly one - in the same location as the Wolf Paving Sign was in.  
Number of Wall-mounted signs: NA

17. Please locate all the proposed parking on the site plan.

Number of Parking spaces proposed on the property? Same - no change  
approximately 24

If not currently hard surfaced, the parking lot and any expansions will be paved by?

They are already asphalt

18. Is there a need for any special type of security fencing?

YES  NO  Type of fencing proposed: \_\_\_\_\_

19. Is there any special lighting proposed?

YES  NO  Type of lighting proposed: \_\_\_\_\_

20. Will a special license be required from the Village, County or State in order to operate this business? YES  NO  If yes, please describe below.

\_\_\_\_\_  
\_\_\_\_\_

21. Has the State or County acted on your project proposal to date, either with building plan reviews, site plan reviews, Conditional Use activities or other design reviews? YES  NO  If yes, please describe below, along with contact name and office.

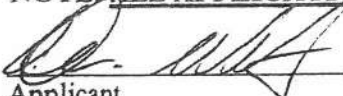
\_\_\_\_\_  
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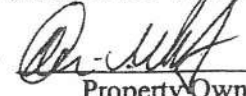
22. Timetable: Describe the proposed timetable for the completion of any building construction, parking or grading improvements, landscaping, occupancy date, opening date, etc.

Not Applicable - no construction  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

23. SIGNATURES

**NOTE: ALL APPLICATIONS MUST BE SIGNED BY THE PROPERTY OWNER**

 9-27-23  
Applicant date

 9-27-23  
Property Owner date  
DSL Investments LLC

-----

Use this space to further describe the proposal, or detail points from above

We are working to develop this property as soon as possible and while working on the restoration and development plans, we are looking to rent out excess office space on shorter term rentals to provide us flexibility when selling or developing as soon as possible. We are currently only utilizing about 5% of the office space in the building and would like to sublet or rent additional space to another small business.

The current potential tenant is looking to rent out office space on the first floor only and they currently have only 10 employees. I have attached a printout of their website so you can see what they do providing IT services to local businesses.

We are looking for an amendment to sublet additional office space as needed for up to 5 years. We hope to have this property developed before that, but the process takes time for the restoration.

Attachment A: (4 pages) The website for the potential tenant

Attachment B: (2 pages) An overview of the office we are looking to rent.

Attachment C: (1 page) The floor plan of the existing buildings interior showing office spaces available.



Attachment A - (4 pages)

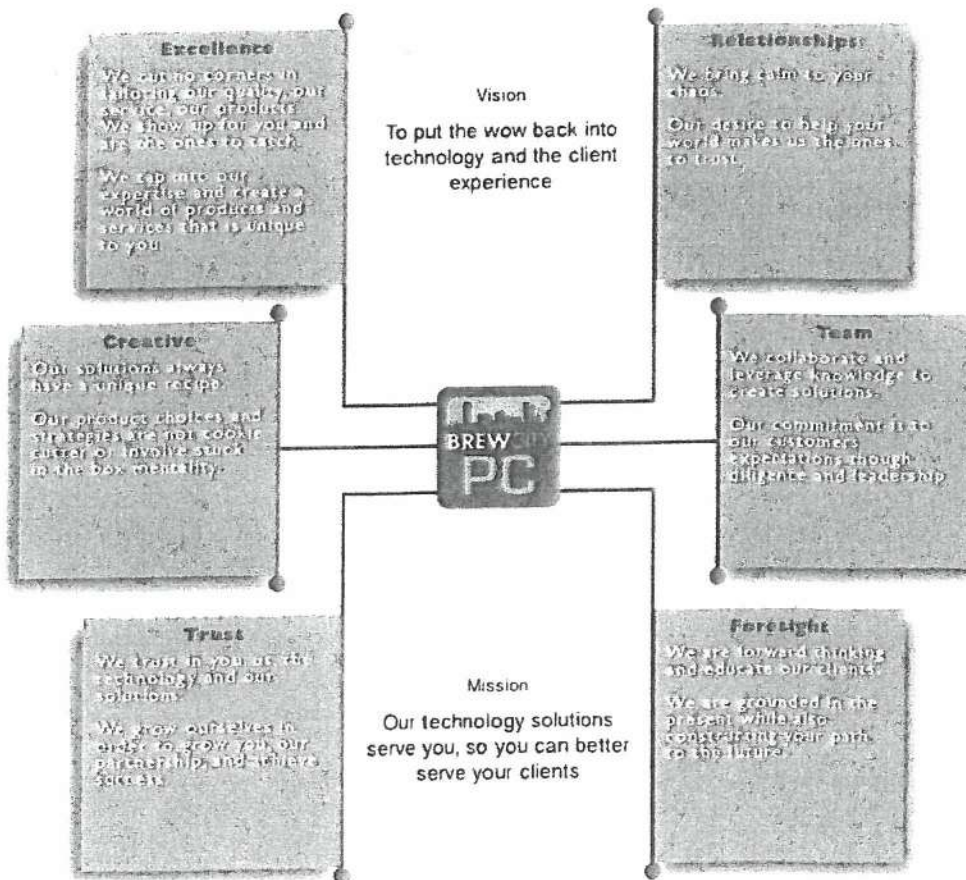
# ABOUT US

The IT Company For You

- This is the printed webpage of the current possible tenant looking to move in to utilize some office space.

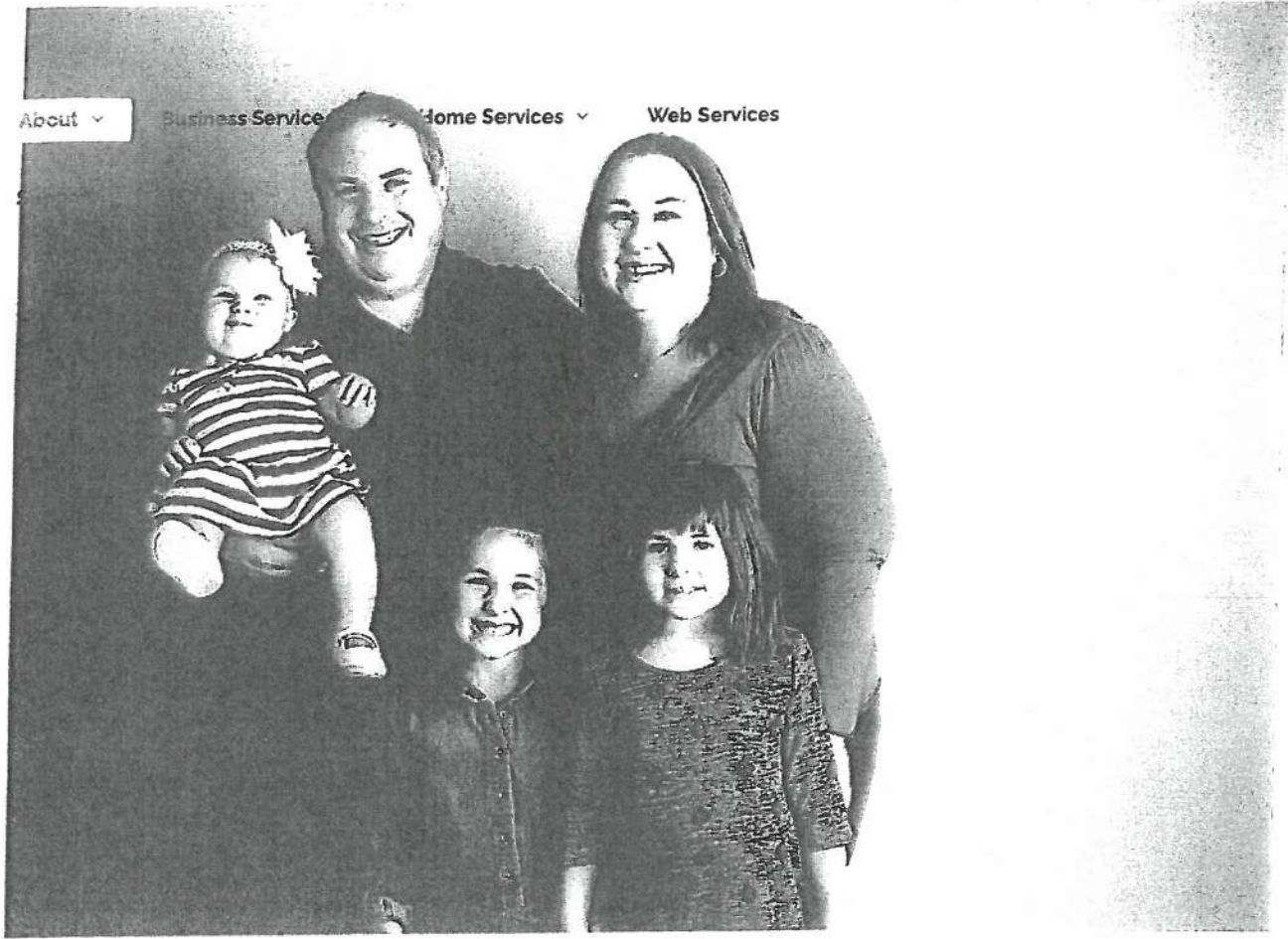
## Brew City PC Cares About You

The IT Solutions You Need From The People You Trust.



Brew City PC is a family owned business. We are a company who cares.





## Why Choose Brew City PC?

Honest, Reliable, Passionate and Really Fast!

We have the IT solutions you have been waiting for. Brew City PC is that one company whose phone number you never hesitate to give out to a friend, family member or colleague because we will NEVER let you down. Our goal is to create life-long customers through great, honest, reliable work that gets the results you want quickly. Technology is our passion and it shows every day in the solutions we deliver to our clients. Our savvy remote connectivity allows us to fix your technology mishaps on the fly.

We don't stop at PCs. Our services range from home or business computer support and service to security systems and commercial phone and POS systems. Want to know more, call us today and see what it truly feels like to have a partner serving your technology needs.

High Class Support

Personable Services

High Quality Services



About ▾

Business Services ▾

Home Services ▾

Web Services

Support ▾

Contact ▾



**Kevin Brendel**  
President

M.S. Computing – Marquette University, B.S. Graphic Communications Management – University of Wisconsin-Stout



**Jennifer Brendel**  
Office Manager

B.S. Hospitality and Tourism – University of Wisconsin-Stout

## Satisfaction Guarantee

All services have a 30 day on-site warranty

All new parts have a 12 month manufacture warranty

This warranty covers all hardware and software purchased. This warranty will be void if the customer installs any hardware device, software, virus infection, acts of God or any other issue that is not directly related to the services that have been originally performed. Brew City PC shall not be liable for any data stored on the customers drive. We encourage customers to make back-ups of any important data before an installation is performed.



About ▾

Business Services ▾

Home Services ▾

Web Services

Support ▾

Contact ▾

## Memberships and Organizations



Contact Us

[sales@brewcitypc.com](mailto:sales@brewcitypc.com)

262-696-9097

ADDRESS

PHONE

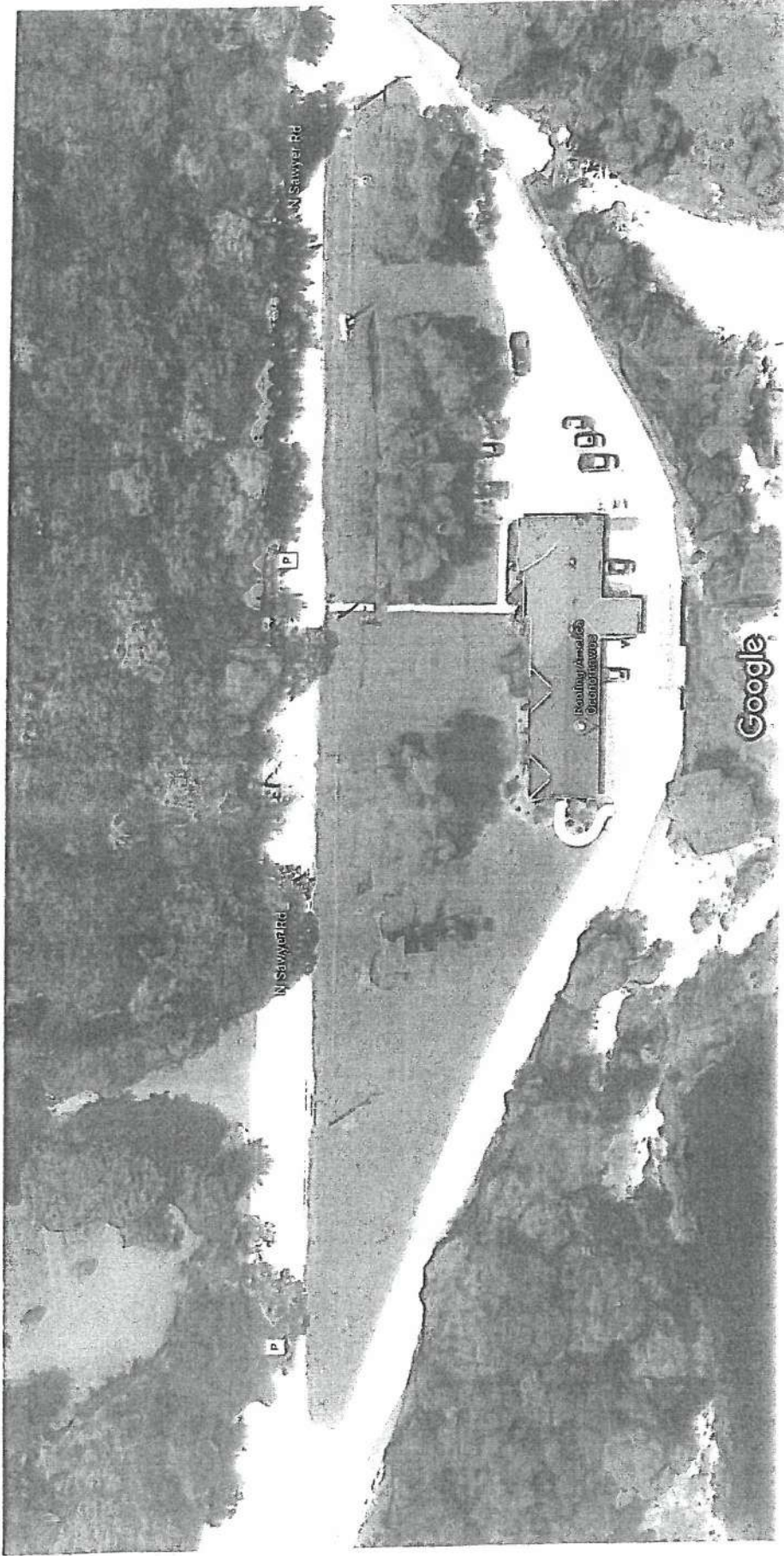


Search



Copyright Brew City PC, LLC © 2023

Google Maps



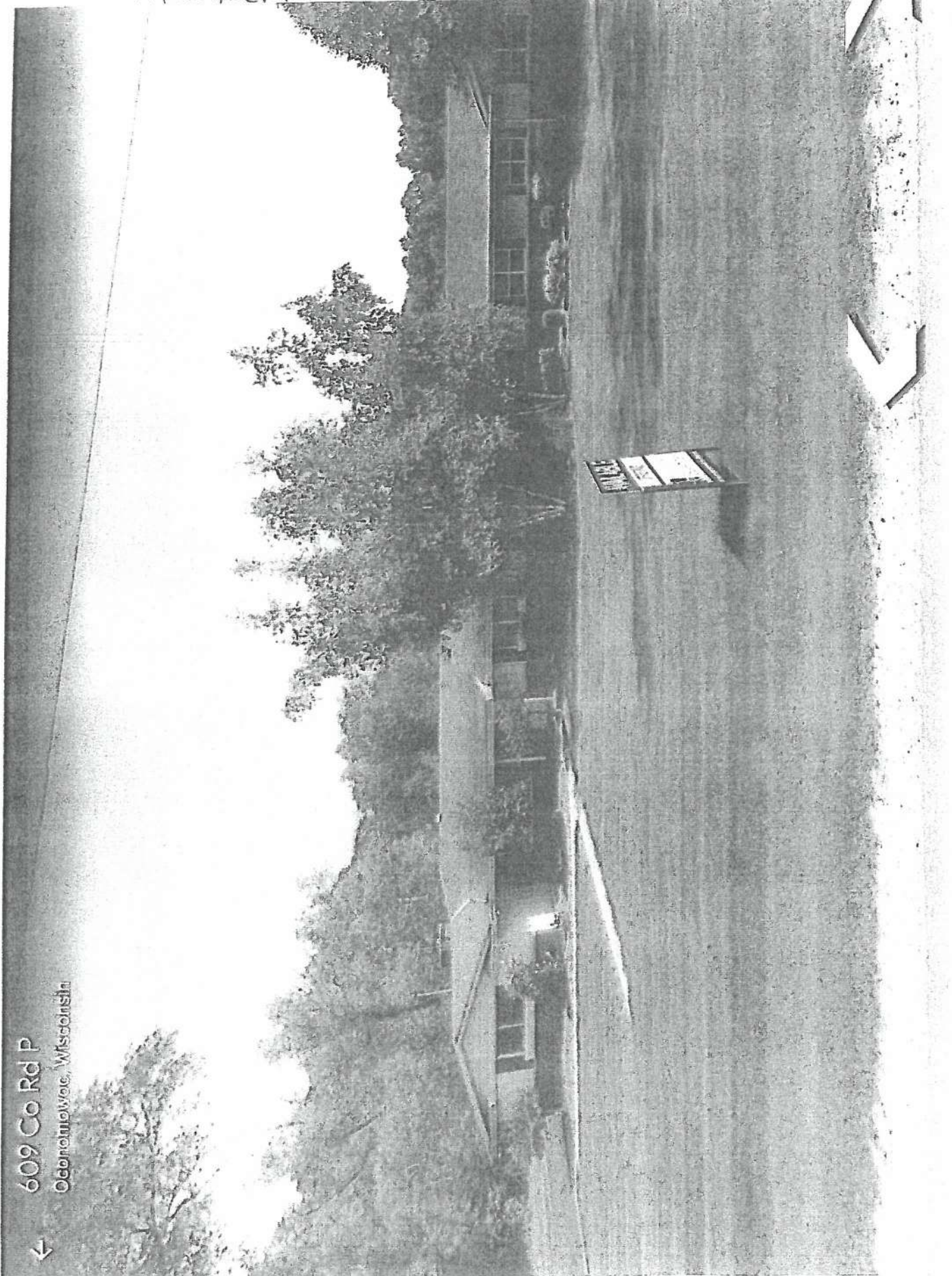
Imagery ©2023 Google, Imagery ©2023 Airbus, CNES / Airbus, Maxar Technologies, U.S. Geological Survey, Map data ©2023 50 ft

Attachment B (page 1)

← 609 Co Rd P

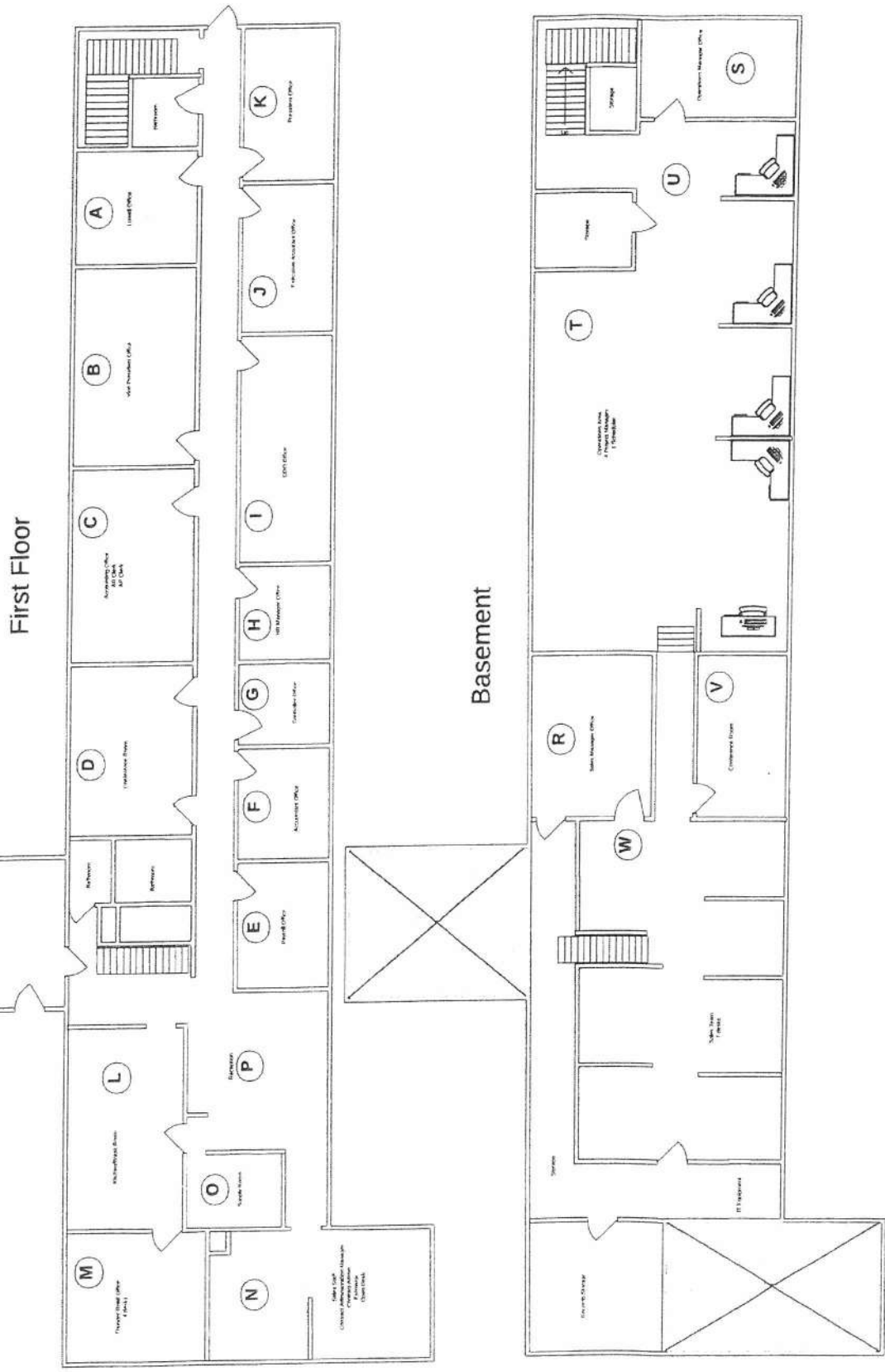
Oconomowoc, Wisconsin

Attachment B - page 2



# Attachment C

This is our current and future floor plan. We are looking to lease out some offices on the first floor only. The potential tenant we are talking with (Brew City PC) has approximately 4 employees and is looking to use any of the offices on the first floor. (since they are not being used)



## Amy Barrows

---

**From:** Debra K. Weber <DWeber@axley.com>  
**Sent:** Thursday, January 4, 2024 12:41 PM  
**To:** Amy Barrows  
**Cc:** Rebekah Carsey; James W. Hammes  
**Subject:** Carsey/White Stag - Village of Summit proposed Ordinance  
**Attachments:** REVISIONS to Ordinance Creating 111-357(d)(3) and 111-321(7) Summit zoning REDLINED (01.04.2024) 4893-7558-1594.1.pdf; REVISIONS to Ordinance Creating 111-357(d)(3) and 111-321(7) Summit zoning CLEAN COPY (01.04.2024) 4880-8720-9370.1.pdf

### *As dictated by James Hammes*

Amy – I'm enclosing a further revision to the proposed Ordinance which would create a Conditional Use Permit allowing the rental of Agricultural Buildings.

In reviewing the latest revisions, I have incorporated the suggested changes made at the last Plan Commission meeting. Note that I have added a new subsection which addresses the conditional use permit as it relates to public activities or events. From a drafting standpoint, I thought it better to address the use of the property for those types of activities or events separately from the private activities or events. You will note that the conditions relating to the private activities or events are incorporated into the provision relating to public activities or events, but that additional requirements including approval of a Site Plan by the Village Police Chief is now included in the section which addresses public activities or events.

Please let me know if you have any additional thoughts or comments prior to this matter being published and placed on the Agenda as my clients would like to get this matter reviewed, approved and a decision made by the Plan Commission at its next meeting so that a conditional use permit application can then be prepared and submitted.

Thank you.

*James W. Hammes*

Deb Weber  
Legal Assistant to James W. Hammes

**Debra Weber**  
Legal Assistant

**AXLEY ATTORNEYS**  
N17W24222 Riverwood Dr. Ste 250 | Waukesha, WI 53188  
Phone: 262.409.2276 | Fax: 262.524.9200  
Email: DWeber@axley.com | axley.com  
AXLEY BRYNELSON, LLP

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Redlined with changes  
since December PCW meeting

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 public or 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 have direct access to a State Trunk Highway or U.S. 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 be permitted between May 1<sup>st</sup> and October 31<sup>st</sup> ~~provided, however, that no activity or event shall 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 300 attendees at any private per activity or event. For purposes of this subparagraph, the term "attendees" shall include staff and caterers associated with the private 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 private 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 O~~outdoor tents may be used for any activity or event, provided however, that any outdoor tent used for any activity or event must be removed within twenty-four (24) hours following the conclusion of the activity or event. Permanent outdoor tents are not permitted. ~~shall not exceed the square footage of the Agricultural~~

Buildings. The location of outdoor tents shall be depicted on the Site Plan submitted to and approved by the Plan Commission.

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.

15. There shall be no outdoor amplified music permitted by any activity or event.

16. ~~No wedding tents shall be permitted.~~

17. In accordance with the requirements of Section 18-6 of the Village Code, the sound level and decibels determined at the property line shall be limited to the decibel level permitted for residential uses. Noise rating daytime levels shall not exceed 77, and noise rating nighttime levels shall not exceed 60.

c. Public Activity or Event. In addition to the requirements set forth in subparagraph b above, the following additional conditions shall apply to public activities or events, such as art shows, craft fairs and classic automobile shows:

1. The maximum number of public activities or events shall not exceed four (4) in any calendar year.

2. The Permittee is responsible to manage all facets of all activities or events conducted at the site.

3. The Permittee shall at least twenty (20) days prior to any public activity or event, submit to the Village of Summit Police Chief a Site Plan which shall include all areas of the property that would be used for the proposed public activity or event. The Site Plan shall designate all areas of the property which would be used for exhibits or products offered for sale to the general public, as well as the internal policing and public safety procedures to be used for the public activity or event and shall be approved by the Village of Summit Police Chief, or the Police Chief's designee, in writing, not less than ten (10) days prior to the date of the proposed public activity or event. Such approval may include reasonable conditions or requirements imposed by the Police Chief if, in the determination of the Police Chief, such conditions are necessary to ensure public peace and safety.

4. Temporary overflow parking, as depicted on the proposed Site Plan for the public activity or event, shall be permitted, provided however, that at least twenty days (20) days prior to any public activity or event, the Permittee shall submit to the Police Chief a Site Plan designating and defining the areas proposed for any overflow parking. The use of the proposed overflow parking areas shall be contingent upon approval of the Police Chief, in writing, at least

ten (10) days prior to the commencement of the proposed public activity or event. Such approval may include reasonable conditions or requirements imposed by the Police Chief if, in the determination of the Police Chief, such conditions are necessary to ensure public peace and safety.

~~17.~~

**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 \_\_\_\_\_, 2024.

VILLAGE OF SUMMIT

BY: \_\_\_\_\_  
Village President

ATTEST:

\_\_\_\_\_  
Village Clerk

Clean copy - Jan. 18, 2024  
version

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.

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- (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 public or private functions, gatherings and/or celebrations including, but not limited to, meetings, banquets, social gatherings, 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 have direct access to a State Trunk Highway or U.S. 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 be permitted between May 1<sup>st</sup> and October 31<sup>st</sup>. 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.
6. Activities or events shall be limited to not more than three (3) rentals per calendar week beginning with Sunday of any given week.
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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.
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13. 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.

14. There shall be no outdoor amplified music permitted by any activity or event.
  15. In accordance with the requirements of Section 18-6 of the Village Code, the sound level and decibels determined at the property line shall be limited to the decibel level permitted for residential uses. Noise rating daytime levels shall not exceed 77, and noise rating nighttime levels shall not exceed 60.
- c. *Public Activity or Event.* In addition to the requirements set forth in subparagraph b above, the following additional conditions shall apply to public activities or events, such as art shows, craft fairs and classic automobile shows:
1. The maximum number of public activities or events shall not exceed four (4) in any calendar year.
  2. The Permittee is responsible to manage all facets of all activities or events conducted at the site.
  3. The Permittee shall at least twenty (20) days prior to any public activity or event, submit to the Village of Summit Police Chief a Site Plan which shall include all areas of the property that would be used for the proposed public activity or event. The Site Plan shall designate all areas of the property which would be used for exhibits or products offered for sale to the general public, as well as the internal policing and public safety procedures to be used for the public activity or event and shall be approved by the Village of Summit Police Chief, or the Police Chief's designee, in writing, not less than ten (10) days prior to the date of the proposed public activity or event. Such approval may include reasonable conditions or requirements imposed by the Police Chief if, in the determination of the Police Chief, such conditions are necessary to ensure public peace and safety.
  4. Temporary overflow parking, as depicted on the proposed Site Plan for the public activity or event, shall be permitted, provided however, that at least twenty days (20) days prior to any public activity or event, the Permittee shall submit to the Police Chief a Site Plan designating and defining the areas proposed for any overflow parking. The use of the proposed overflow parking areas shall be contingent upon approval of the Police Chief, in writing, at least ten (10) days prior to the commencement of the proposed public activity or event. Such approval may include reasonable conditions or requirements imposed by the Police Chief if, in the determination of the Police Chief, such conditions are necessary to ensure public peace and safety.

**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 \_\_\_\_\_, 2024.

VILLAGE OF SUMMIT

BY: \_\_\_\_\_  
Village President

ATTEST:

\_\_\_\_\_  
Village Clerk



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

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**PUBLIC HEARING NOTICES**  
**VILLAGE OF SUMMIT, WISCONSIN**

*Thursday, December 21, 2023*

Please be advised that the Village of Summit Plan Commission will be convening a public hearing on **Thursday, December 21, 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 Devin Wolf, on behalf of property owners, DSL Investments, LLC and Sean P Wolf, and 612 Sawyer Rd 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, amend the ownership, ensure the Conditional Use is applicable to an accurate legal description, and extend the Conditional Use five years. The request was subject to a public hearing and Plan Commission action on October 19, 2023, and the associated Conditional Use Agreement was approved by Plan Commission on October 30, 2023. However, the public hearing notice did not include the requested ownership change, accurate legal description, or request to extend the Conditional Use timeframe five years. The Conditional Use applies to two properties including 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) and 612 N. Sawyer Road (SUMT0675988001).

Immediately following the above noticed public hearing, another public hearing will be continued by the Village of Summit Plan Commission at the Summit Village Hall located at 37100 Delafield Road, Summit, Wisconsin, at which time the Plan Commission will receive comments regarding a revised 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 these applications is available for review at the Village of Summit Village Hall, 37100 Delafield Road, during regular business hours. For more information regarding these public hearings, 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: December 7 and 14, 2023  
Posted: December 7, 2023

## Amy Barrows

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**From:** Debra K. Web  
**Sent:** Tuesday, November 28, 2023 12:34 PM  
**To:** Amy Barrows  
**Cc:** James W. Hammes; Rebekah Carsey  
**Subject:** FW: Village of Summit - proposed Ordinance (Axley File 102381)  
**Attachments:** FINAL REVISIONS to Ordinance Creating 111-357(d)(3) and 111-321(7) Summit zoning redlined (11.28.2023) 4873-2747-0740.1.pdf; Ordinance Creating 111-357(d)(3) and 111-321(7) Summit zoning - FINAL (11.28.2023) 4866-8004-0852.1.pdf

Amy – per your request, the proposed Ordinance has been revised.

Please see the attached redlined version – updating b.2 and also leaving the year blank as I'm not certain this is going to take place in 2023.

Also attached is a pdf copy of the FINAL proposed Ordinance.

Please let Attorney Hammes know if you have any further questions or concerns.

Thank you.

Deb Weber  
Legal Assistant

**Debra Weber**  
Legal Assistant

**From:** James W. Hammes  
**Sent:** Tuesday, November 28, 2023 10:55 AM  
**To:** Debra K. Weber  
**Subject:** FW: Village of Summit - proposed Ordinance (Axley File 102381)

**James Hammes**  
Attorney

ORDINANCE NO. \_\_\_\_\_

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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 ~~have direct access to a State Trunk Highway or U.S. Highway, abut a State Trunk Highway or a U.S. 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 be permitted between May 1<sup>st</sup> and October 31<sup>st</sup> provided, however, that no activity or event shall 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 300 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.
15. There shall be no outdoor amplified music permitted by any activity or event.

16. No wedding tents shall be permitted.

17. Compliance with Section 18-6 of the Village Code will be required for all activities and events.

**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 \_\_\_\_\_, 202320.

VILLAGE OF SUMMIT

BY: \_\_\_\_\_  
Village President

ATTEST:

\_\_\_\_\_  
Village Clerk

ORDINANCE NO. \_\_\_\_\_

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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 have direct access to a State Trunk Highway or U.S. 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 be permitted between May 1<sup>st</sup> and October 31<sup>st</sup> provided, however, that no activity or event shall 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 300 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.
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  13. Any area occupied by outdoor tents shall not exceed the square footage of the Agricultural Buildings.
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PASSED AND ADOPTED by the Village Board of the Village of Summit, Waukesha County, Wisconsin this \_\_\_\_ day \_\_\_\_\_, 20 \_\_\_\_.

VILLAGE OF SUMMIT

BY: \_\_\_\_\_  
Village President

ATTEST:

\_\_\_\_\_  
Village Clerk



JAMES W. HAMMES

November 17, 2023

*Via Email Only [jmacy@ammr.net]*

John P. Macy, Esq.  
Municipal Law & Litigation Group

RE: White Stag 1894 – Village of Summit

Dear John:

Following the October 19, 2023 Plan Commission meeting, my client met with neighbors at the request of the Plan Commission. As a result, several changes have been made to the proposed ordinance creating a text amendment allowing rental of agricultural buildings as a conditional use. In addition, the Plan Commission requested another change at the November 16, 2023 meeting. All of these changes would establish more restrictive conditions. I enclose a copy of the revised ordinance (both a redlined version and a clean version) which includes the revision requested by the Plan Commission.

The Plan Commission convened the Public Hearing last evening, and then adjourned the hearing until December 21, 2023 so that the revised ordinance can be posted and notice published advising the public that the Public Hearing has been adjourned and will be reconvened on December 21, 2023.

There is no need to reapply for a CU as no changes have been made to the application. The adjournment and supplemental notice is more than adequate compliance with the notice requirements of the Code and Sec. 62.23, Wis. Stats. However, the motion to adjourn was subject to your confirmation that the process complies with the requirements relating to notice. Please confirm that the Public Hearing can move forward as I have outlined in this correspondence.

Very truly yours,

AXLEY BRYNELSON, LLP

*James W. Hammes*

James W. Hammes  
JWH:dkw

cc: (via email only)  
Amy Barrows [planner@summitvillage.org]  
Rebekah Carsey [rebekah.carsey@gmail.com]

ORDINANCE NO. \_\_\_\_\_

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

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a. *Definitions.*

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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 a State Trunk Highway or a U.S. Highway ~~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 be permitted between May 1<sup>st</sup> and October 31<sup>st</sup> provided, however, that no activity or event 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 3500 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.
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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.
15. There shall be no outdoor amplified music permitted by any activity or event.

~~14.16.~~ No wedding tents shall be permitted.

~~15.17.~~ Compliance with Section 18-6 of the Village Code will be required for all activities and events.

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

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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

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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 a State Trunk Highway or a U.S. 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.

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VILLAGE OF SUMMIT

BY: \_\_\_\_\_  
Village President

ATTEST:

\_\_\_\_\_  
Village Clerk



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. \_\_\_\_\_

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

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

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a. *Definitions.*

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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.
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  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.
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**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. \_\_\_\_\_

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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



AXLEY BRYNELSON, LLP

• • • • •

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

October 5, 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:

The enclosed ordinance, which, if adopted, would establish a Conditional Use Permit for the rental of Agricultural Buildings for activities or events in the A-1 Zoning District.

This ordinance combines the two earlier draft ordinances which were discussed at the recent staff meeting.

I would request that the matter be placed on the Plan Commission Agenda of October 19, 2023 for the purpose of scheduling a public hearing with respect to the proposed adoption of this ordinance.

Very truly yours,

AXLEY BRYNELSON, LLP

*James W. Hammes*

James W. Hammes  
JWH:dkw

Enclosure

cc: Rebekah Carsey (via email only)

ORDINANCE NO. \_\_\_\_\_

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

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

**SECTION 1:** Section 111-357(d)(7) is hereby created to read as follows:

- (7) 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 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



Village Hall, 262-567-2757  
 Fax, 262-567-4115  
 Highway Dept., 262-567-2422  
 Police Dept., 262-567-1134  
 Building Inspector, 262-646-2577

Summit Village Hall • 37100 Delafield Rd • Oconomowoc, WI 53066

## Application to Appear Village Plan Commission

Based on Chapter 235 Section 55 of the Code of the Village of Summit

Please read and complete this application carefully. All applications must be signed and dated.

1. OWNER Christopher + Jessica AGENT \_\_\_\_\_  
Kadow \_\_\_\_\_

Phone # \_\_\_\_\_ Phone # ( ) \_\_\_\_\_

2. Property Address: 740 N Griffith Rd Ocon. 53066

3. Tax Key Number: SUMT 0678 994 602

4. I/We would like to appear before the Plan Commission on the following application:

- |  |   |
|--|---|
| <input type="checkbox"/> Conceptual Plan Review          | <input type="checkbox"/> Site and Architectural Plan Review (*) |
| <input type="checkbox"/> Preliminary Plat Review (*)     | <input type="checkbox"/> Final Plat Review (*)                  |
| <input type="checkbox"/> Conditional Use Permit (*)      | <input type="checkbox"/> Certified Survey Map Review (*)        |
| <input checked="" type="checkbox"/> Zoning Amendment (*) | <input type="checkbox"/> Master Plan Amendment                  |
| <input type="checkbox"/> Other _____                     |   |

(\*) items require application fees in addition to Reimbursement Agreement

5. Attach signed Professional Services Reimbursement Notice

6. Attach any plans or information relating to the application to this form.

7. **ALL APPLICATIONS MUST BE SIGNED BY THE PROPERTY OWNER**

Chris Kadow date \_\_\_\_\_ CK Property Owner 12/15/23 date

Use this space to further describe the proposal, or detail points from above

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Ordinance No. \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 111-431, REPEALING AND RECREATING SECTION 111-321(4), AND CREATING SECTION 111-358(d)(2) OF THE MUNICIPAL CODE OF THE VILLAGE OF SUMMIT**

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**NOW, THEREFORE**, the Village Board of the Village of Summit, Waukesha County, Wisconsin does ordain as follows:

**SECTION 1:** Section 111-431 of the Village of Summit Municipal Code is amended by inserting the following term:

*Commercial vehicle parking* means parking and storage of commercial or industrial vehicles, such as trucks, construction vehicles, grading equipment, semi-trailers, tractors, and similar vehicles and related equipment. All such vehicles and equipment shall be fully operative and in active use.

**SECTION 2:** Section 111-321(4) of the Village of Summit Municipal Code is repealed and recreated to read as follows:

(4) *Commercial vehicle parking*. The parking and storage of commercial vehicles shall be permitted as a conditional use upon compliance with all of the following requirements:

- a. The minimum lot area of the parcel utilized for commercial vehicle parking shall be at least 15 acres.
- b. All commercial vehicles shall be owned, or leased and operated by, the owner or occupant of the property.
- c. The boundary of any parcel utilized for commercial vehicle parking shall be within 200 feet of a county highway or state trunk highway.
- d. All commercial vehicles shall be parked or stored in an enclosed structure having flooring that consists of concrete or other impervious surface.
- e. No commercial activity involving a commercial vehicle shall occur on the property in which commercial vehicle are parked or stored.
- f. Parking on the property for up to four employees who operate the commercial vehicles may occur if such parking is screened from view from any public right-of-way or adjacent property by landscape or

architectural means. For purposes of this Subsection, an employee is a person who has no familial relationship with the applicable person that: (i) owns the parcel utilized for commercial vehicle parking; (ii) operates commercial vehicle parking on the subject parcel; or (iii) owns the entity that operates the commercial vehicle parking on the subject parcel.

- g. The conditional use permit shall terminate upon the transfer of ownership of the property utilized for commercial vehicle parking, except that the conditional use permit shall remain in effect upon the transfer between the owner of the subject parcel and an entity owned or trust by such person.

**SECTION 3:** Section 111-358(d)(2) of the Village of Summit Municipal Code is created to read as follows:

- (2) Commercial vehicle parking.

This Ordinance passed this \_\_\_\_ day of \_\_\_\_\_, 2023.

VILLAGE OF SUMMIT

By: \_\_\_\_\_  
Jack Riley, Village President

Attest: \_\_\_\_\_  
Debra Michael, Village Administrator – Clerk/Treasurer

Published/Posted the \_\_\_\_ day of \_\_\_\_\_ 2023.

**Quarry and Associated Activities Conditional Use Permit Amendment**  
**410 Summit Avenue & 612 N Sawyer Road**  
**SUMT0680999002 & SUMT0675988001**  
**Conditional Use Permit Amendment**

10/19/2023 Plan Commission Meeting  
10/30/2023 Plan Commission Meeting  
12/21/2023 Plan Commission Meeting  
**1/18/2024 Plan Commission Meeting**

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Staff Report

Village of Summit, Wisconsin

Property Owner:	DSL Investments, LLC and Sean P Wolf Et Al &612 Sawyer Rd LLC
Applicant:	Devin Wolf
Zoning:	A-1 Agricultural
Land Use Plan:	SF Residential 2.4-acre Residential and SF Residential 1.6-acre density

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**Possible Motion:**

*Approve the proposed Conditional Use Amendment, subject to all signatures being in place.*

**Summary:**

The Plan Commission held a public hearing on October 19, 2023 for a Conditional Use Amendment to consider a request from the applicant to allow a temporary unrelated office use on property that is otherwise subject to a Conditional Use Permit for a quarry and associated activities. The staff report related to that request is included in the meeting packet. Action on the Conditional Use Order was taken at the October 30, 2023 Plan Commission meeting.

As part of the October public hearing and discussions with the applicant, it was determined that the property ownership had changed and the applicant requested an extension to the 5-year renewal date. The additional modifications were included in the motion for approval. Since these additional modifications were not published as part of the public hearing notice, the Village Attorney requested that the additional modifications be reconsidered under a new public hearing. Accordingly, a 2<sup>nd</sup> public hearing was held on December 21, 2023. No changes were proposed other than what was previously discussed at the October 19<sup>th</sup> public hearing and the October 30<sup>th</sup> Plan Commission review of the Conditional Use Order. It should also be noted that the public hearing notice published for the October 19<sup>th</sup> hearing included two additional properties on the west side of N Sawyer Road, north of the subject property, that are not part of the Conditional Use. Accordingly, those properties were excluded from the December meeting materials.

Since the December public hearing, it was brought to staff's attention that the public hearing notice was not properly mailed to all property owners within 300 ft. of the property boundaries of both properties that are subject to the Conditional Use Permit. Property owners within 300 ft. of the subject property located on the west side of Sawyer Road were properly notified, but not the property owners within 300 ft. of the subject property located on the east side of Sawyer Road. Therefore, another public hearing was scheduled for January 18, 2024. No additional changes are requested by the applicant. The Conditional Use Order included in the packet includes the Village Attorney's review comments. A reference to newly scheduled January 18<sup>th</sup> Public Hearing was included after the Attorney's review.

# Municipal LAW

& LITIGATION GROUP

DALE W. ARENZ – 1935-2022  
DONALD S. MOLTER, Jr. - Retired  
JOHN P. MACY  
H. STANLEY RIFFLE - Court Commissioner  
ERIC J. LARSON  
REMZY D. BITAR

730 N. GRAND AVENUE  
WAUKESHA, WISCONSIN 53186  
Telephone (262) 548-1340  
Facsimile (262) 548-9211  
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PAUL E. ALEXY  
MATTEO REGINATO  
LUKE A. MARTELL  
SAMANTHA R. SCHMID  
CHRISTOPHER R. SCHULTZ  
LUCAS C. LOGIC  
BENJAMIN T. CROCKETT  
GREGORY M. PROCOPIO  
ADAM J. MEYERS  
-----  
STEPHEN J. CENTINARIO, JR.  
MICHAEL J. MORSE  
JAMES P. WALSH

December 18, 2023

Amy Barrows, Village Planner  
Village of Summit  
37100 Delafield Road  
Summit, WI 53066

**Re: DSL Investments Conditional Use Renewal  
Legal Review**

Dear Ms. Barrows:

I have received the above-referenced conditional use order that you forwarded to my attention and your request that I review the same. I have had an opportunity to carefully consider this matter.

Based upon my review, I have the following comments, questions, concerns and recommendations in this regard:

1. Neither Exhibit A, the legal description, nor Exhibit B, the list of machinery for the quarry operation, were attached to the information provided so those Exhibits have not been reviewed.
2. I have added a Whereas Clause to the introduction of the Conditional Use Permit. That addition indicates that subsequent to the public hearing, the Plan Commission determined the Amended Permit would result in a greater, or no less degree of conformity and that the Amended Permit shall thereafter determine the degree of nonconformity. Both these provisions are consistent with the language in section 111-225(2)b of the Village of Summit Municipal Code. Is this provision and the language satisfactory to the Board?

Please do not hesitate to contact me with any questions or concerns that you may have in this regard.

Very truly yours,  
MUNICIPAL LAW & LITIGATION GROUP, S.C.

*John P. Macy*

John P. Macy

JPM/JPW/em  
cc: Debra Michael, Village Administrator

**Quarry and Associated Activities Conditional Use Permit Amendment**  
**410 Summit Avenue & 612 N Sawyer Road**  
**SUMT0680999002, SUMT0680999003, SUMT0677999005, SUMT0675988001**  
**Conditional Use Permit Amendment**  
**10/19/2023 Plan Commission Meeting**

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Staff Report

Village of Summit, Wisconsin

Property Owner: DSL Investments, LLC; DSL Investments, LLC and Sean P Wolf;  
Sawyer Road I, LLC; Sawyer Road II, LLC  
Applicant: Devin Wolf  
Zoning: A-1 Agricultural  
Land Use Plan: SF Residential 2.4-acre Residential and SF Residential 1.6-acre  
density

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**Possible Motion:**

*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.*

**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 1<sup>st</sup> 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.

AMENDED VILLAGE OF SUMMIT ORDER  
GRANTING A CONDITIONAL USE AND  
PRESCRIBING CONDITIONS FOR  
DSL INVESTMENTS LLC  
~~TO THE OPERATION OF~~ A QUARRY  
AND ASSOCIATED ACTIVITIES AND TO ALLOW PROPERTY OWNER TO  
LEASE OFFICE SPACE AT 612 N. SAWYER ROAD FOR UNRELATED  
COMMERCIAL PURPOSES  
IN THE VILLAGE OF SUMMIT

WHEREAS, a petition was filed on ~~November 26, 2019~~ September 27, 2023 on behalf of DSL Investments LLC (hereinafter "PETITIONER"), by ~~Sean Devin~~ Wolf as agent; and

WHEREAS, the Petitioner was requesting renewal of a conditional use permit that was previously granted to ~~Lawrence A. Wolf~~ DSL INVESTMENTS LLC for a quarry and associated activities operated by JOHNSON SAND AND GRAVEL AND DSL INVESTMENTS LLC, for a property described in the legal description which is attached and incorporated herein as Exhibit A (hereinafter "SUBJECT PROPERTY") that is currently owned by DSL Investments, LLC; and Sean P Wolf Et Al and 612 Sawyer Rd LLC (the SUBJECT PROPERTY OWNER); and

WHEREAS, the property is currently zoned A-1 Agricultural District; and

WHEREAS, the property is subject to an existing Conditional Use Permit, which was issued on or about November 3, 1988, ~~(a copy of which is attached as Exhibit B)~~, and renewals thereof granted by the Town Board or Plan Commission in, approximately, the years 1992, 1995, 1998, 2001, 2004, 2008 ~~and~~, 2015, and 2020 (copies of which are, ~~respectively, attached hereto as Exhibit C, D, E, F, G, H and I on file at the Village of Summit Hall~~); and

WHEREAS, the quarrying of sand and gravel has existed prior to the enactment by the Town of Summit of its zoning ordinance on November 3, 1952, the Town acknowledged that Wolf, previous operator, was entitled to continued operation under the terms of legal nonconformity as set forth in applicable Wisconsin Statutes, and Section 8 of the Village Zoning and Shoreland Protection Ordinance; and

WHEREAS, Petitioner and the Village of Summit acknowledge that these quarrying uses are operating as legal nonconforming uses and/or continuing conditional uses adopted by the Town in 1958, it is hereby agreed that the continuing operation of said uses will conform to the terms of this agreement as hereafter set forth; and

WHEREAS, the Petitioner now seeks renewal of the existing Conditional Use Permit an amendment to the existing Conditional Use to modify the ownership, extension

of the time the Conditional Use remains effective prior to renewal, and temporary unrelated office use; and

WHEREAS, pursuant to Section 11.11(F) and Section 12.12(D)(9) -of the Zoning and Shoreland Protection Ordinance of the Village of Summit, the operation of a quarry and associated activities is an authorized conditional use on the Subject Property; and

WHEREAS, pursuant to Section 111-225(2)b of the Zoning and Shoreland Protection Ordinance of the Village of Summit, a person may change such use to another use provided that the plan commission determines that the new use would result in greater, or no less, degree of conformity; and such new use shall thereafter determine the degree of legal nonconformity; and

WHEREAS, upon receipt of the written application for a conditional use permit filed by the petitioner on ~~November 26, 2019~~September 27, 2023, the Village Zoning Administrator properly referred such petition to the Plan Commission for the Village of Summit for determination; and

~~WHEREAS, upon referral of the petition by the Zoning Administrator, the Plan Commission for the Village of Summit set a public hearing for January 16, 2020; and~~

WHEREAS, the Plan Commission held a public hearing on this possible renewal ~~and amendment on January 16, 2020~~October 19, 2023, reviewed the past history and public comments and concerns regarding this operation, the response by ~~DSL Investments LLC and Johnson Sand and Gravel Inc. the petitioner~~, and the compliance status of the operation as of ~~January 16, 2020~~October 19, 2023; and

WHEREAS, the Plan Commission held another public hearing on December 21, 2023, so that the request to change ownership and extend the time the Conditional Use remains effective prior to renewal of the Conditional Use Permit could be properly noticed; and

WHEREAS, the Plan Commission held another public hearing on January 18, 2024, so that the village could properly notify all property owners within 300 ft. of the subject properties of the application and to provide an opportunity to comment at a public hearing as required by section 111-387(b)(1)b; and

WHEREAS, subsequent to the public hearings, the Plan Commission determined that the Amendment to the Conditional Use Permit would result in greater, or no less, degree of conformity and such use shall thereafter determine the degree of legal nonconformity, pursuant to section 111-225(2)b; and

WHEREAS, the Plan Commission for the Village of Summit, following necessary study and investigation, having given the matter due consideration, and having based its determination on the effect of granting such conditional use permit on the health, general welfare, safety and economic prosperity of the Village and specifically of the immediate

neighborhood in which said use will be located, and having given due consideration to the municipal problems involved, as well as impact on surrounding properties as to noise, dust, smoke, odor or other similar factors, determined that the use would not violate the spirit or intent of the Zoning and Shoreland Preservation Ordinance of the Village of Summit, would not be contrary to the public health, safety or general welfare of the Village of Summit, would not be hazardous, harmful, noxious, offensive or nuisance by reason of smoke, dust, odor, or other similar factors and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood as long as the conditional use is operated pursuant to the following conditions and in strict compliance with the same.

THEREFORE IT IS ORDERED AS FOLLOWS:

Commencing upon the date hereof, a Conditional Use Permit for the subject premises is hereby granted. The Conditional Use Permit granted herein shall apply only to this specific use of the aforesaid premises outlined herein, and the Conditional Use Permit shall continue in existence only so long as the conditional use is operated in compliance with this permit. This Conditional Use Permit is subject to initial and continued compliance with each and every one of the following conditions, restrictions and limitations.

A. This conditional use is granted to permit a gravel and sand quarry operation and related activities and facilities, update the property ownership, extend the time the Conditional Use remains effective prior to renewal, and to allow the temporary use of leasing the existing main building at 612 N. Sawyer Road for unrelated office use, on the Subject Property, subject to the following conditions:

1. Renewal of original Conditional Use. The Conditional Use Permit issued by the Village of Summit to the Owner, dated on or about November 3, 1988, attached hereto as Exhibit B, and all amendments, are is hereby adopted and incorporated herein. All terms and conditions stated herein of previous approvals shall continue unchanged, except as further described herein.
2. Description of Operation: The operation shall consist of quarrying, processing and sale of natural resources for use as construction industry aggregates and the processing, production and sale of bituminous materials for asphaltic surface materials and restoration of said property, except that the Property Owner may lease the office building at 612 N Sawyer Road for unrelated purposes to no more than a single tenant at any given time, other than the quarrying operator, for a period not to exceed five years, or October 30, 2028. All tenants that occupy the building shall obtain Business Plan of Operation approval from the Village of Summit Plan Commission prior to operating.

The quarrying and processing shall consist of stripping and surface preparation; excavation, crushing, screening and washing, stockpiling, and sales, only of raw material now present on the site. Inasmuch as the equipment necessary for these

phases of operation are portable, these activities occur within each pit as necessary to meet the demand for the products, except that the washing operations will be limited to the Thiene pit only.

The storage and blending of oils and emulsions imported to the site may be used in conjunction with materials quarried from the Breen and Theine Pits. Said storage shall be permitted only in the Breen Pit.

Importation of raw materials will not be allowed except clean fill material, 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. The storage of highway salt on the premises shall conform to the Highway Salt Storage Requirements of the Department of Transportation as set forth in Trans 277 of the Wisconsin Administrative Code. Recycled asphalt material may not be imported in either pit.

The restoration shall include the creation of one lake in each pit and the restoration of the surrounding lands to ultimately produce residential lots in conformance with the underlying zoning.

The first activity, stripping and surface preparation, shall consist of the removal and stockpiling of topsoil and the removal of the overburden from the area to be quarried and placement of same in stockpiles to be used later for restoration purposes. The equipment utilized in stripping phase of the operation typically includes bulldozers, front end loaders, scrapers, and turnpuls. Stripping and surface preparation occurs as necessary, not more than once per month for a two or three day period. This activity will be the responsibility of Johnson Sand and Gravel Inc., unless modified by application to and approval of the Village Plan Commission.

The second activity, excavation, crushing, screening and washing, consists of the removal of raw material and the processing through a crushing plant and/or screen to precise product specification. The equipment utilized in this phase of operations typically include a portable crushing plant, front end loaders, bulldozers, backhoes, drag lines, dredge pump, stock conveyor, and haul trucks. The raw material is removed by back hoe, front end loaders, drag line or dredge pump, and dumped into the crushing plant. Said material is crushed to meet job specifications which include sand, stone, road base course, etc...

Once the material is processed, it is then stockpiled on the property. The crushing operation occurs as necessary, but the actual frequency depends on the demand and sales of the processed material. The washing operation shall consist of the removal of material from the proposed lake using equipment described above. The water usage shall not exceed a weekly average of 25,000 gallons per day and the waste water from said operation will be routed through a siltation pond before

being returned to the lake. Water usage shall be metered by Johnson Sand and Gravel Inc. with monthly reports submitted to the Village. This second activity will be the responsibility of Johnson Sand and Gravel Inc., unless modified by application to and approval of the Village Plan Commission. Such a change in tenant does not require a public hearing.

The third activity includes the stockpiling, trucking, sales and delivery of materials. For purposes of sale and delivery, the quarries shall be controlled and arrangement shall be made with Johnson Sand and Gravel, Inc. for its customers to gain access. For its sales, the equipment necessary includes a front end loader, haul trucks and a scale to measure quantities. This third activity will be the responsibility of Johnson Sand and Gravel Inc., unless modified by application to and approval of the Village Plan Commission. Such a change in tenant does not require a public hearing.

The fourth activity will be the responsibility of DSL Investments LLC and includes the importation and storage of asphaltic and related materials for the production of bituminous road surfacing materials. For purposes of sale and delivery, the quarries shall be controlled and arrangements shall be made with DSL Investments LLC to gain access. The equipment necessary includes storage tanks, tractors, tankers, trucks, trailers, asphalt distributors, an emulsion mill and related support equipment. Heating facilities, liquid asphalt tanks, and emulsion tanks shall be limited to the Breen Pit. These oils and materials will be designated on an Exhibit.

The fifth activity will be the responsibility of DSL Investments LLC and consists of the blending of salt with sand quarried from the Thiene Pit and stockpiling of the same for use during the winter season. The equipment used to blend the mix shall include a front end loader once or twice a season to produce enough material for the season. For purposes of sale and delivery of materials, the quarries shall be controlled and arrangements shall be made with DSL Investments LLC to gain access. For its sales, the equipment necessary includes front end loaders, haul trucks, dump trucks, and a scale to measure quantities. At the end of a “season” any materials remaining on the site shall be left in a condition to prevent runoff of any solution from the mix to adjoining areas of the pit.

The ~~final-sixth~~ activity will be the responsibility of DSL Investments LLC and includes the general operation of the activities listed above. The supervision and coordination of the sand and gravel operation, and related activities taking place from the existing office building east of Sawyer Road. To properly service al equipment and vehicles necessary to maintain these operations, gasoline tanks and storage sheds for spare parts, oil, and miscellaneous equipment are also located within the Breen Pit. All equipment, machinery and materials will be designated on Exhibit “~~AB~~”.

Licensed vehicles and equipment for the quarry operation as per the list of machinery attached as Exhibit “AB”, operate and are stored from time to time in both Pits.

The final activity will be the responsibility of 612 Sawyer Rd LLC and includes the leasing of the 1<sup>st</sup> floor of the office building at 612 N Sawyer Road for unrelated purposes to no more than a single tenant at any given time, other than the quarrying operator, for a period not to exceed five years. The building shall be razed, converted to residential, or operated solely for quarrying and related activities by October 30, 2028. All tenants that occupy the building shall obtain Business Plan of Operation approval from the Village of Summit Plan Commission prior to operating.

3. Operations and Chronology. Both Pits are currently being quarried because they offer separate and unique gradations and quality of aggregate. The quarrying operations shall not include any blasting.

All machinery and equipment used in the quarrying and related activities shall be operated and maintained in such manner as to minimize dust, smoke, air pollution and vibration.

At no point on the boundary of either pit shall the sound level generated exceed a decibel level of 70. Sound levels shall be taken periodically at such reasonable intervals as may be designated by the Village. If readings in excess of 70 decibels are present, DSL Investments LLC or their agent will install acoustical barriers or sound muffling devices to reduce the sound levels below the 70 decibel limit.

Access roads shall be maintained in dust free condition by surface treatment as directed by the Village.

Usual activity shall be between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday. The hours of the business office shall not be restricted as to time. Sealcoating operations shall be limited to the Breen Pit only, with vehicle drop-off or start-up from 7:00 a.m. to 11:00 p.m. The Village further recognizes that during periods of ice and snow that it is necessary for certain municipalities and other third parties to have access to sand, or other materials stored upon the premises for purposes of distribution upon public highways and walkways in order to protect the public health and safety.

4. Restoration:  
Restoration shall be in accordance with the NR135 Restoration Plan on file at Waukesha County, dated 2003.
5. Renewal of any changes or modifications. Any changes or modifications that may have been made and approved by the governing Board of the Town or Village of Summit since the date of the original conditional use permit are hereby

adopted and incorporated herein. Said changes or modifications, ~~if stated in any renewal of the Conditional Use, are attached hereto as Exhibits C, D, E, F, G, H and I are on file with the Village of Summit.~~ The most recent terms and conditions shall control as to any such matters that have been changed or modified.

6. Professional Fees. Petitioner shall, on demand, reimburse the Village for all costs and expenses of any type that the Village incurs in connection with this Conditional Use Permit, including the cost of professional services incurred by the Village of Summit (including engineering, legal, planning and other consulting fees) for the review and preparation of the Conditional Use Permit or attendance at meetings or other related professional services for this application, as well as for any actions the Village is required to take to enforce the conditions of this Conditional Use Permit due to a violation of these conditions.
  7. Payment of Charges. Any unpaid bills owed to the Village by the Subject Property Owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Village at any time during the period in which this Conditional Use is in effect; shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of billing by the Village, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this Conditional Use Permit that is subject to all remedies available to the Village, including possible cause for termination of the Conditional Use Permit.
  8. Acceptance. As a condition precedent to the issuance of the Conditional Use Permit, the Operator of the quarry operation and Owner of the Subject Property are required to accept the terms and conditions of the same in its entirety in writing.
- B. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of the use, the question shall be submitted to the Plan Commission for the Village of Summit for determination.
- C. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the Village of Summit, the County of Waukesha, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the premises above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by the Village ordinance or other law. This conditional use hereby authorized shall be confined to the premises described, without extension or expansion other than as

noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Village Plan Commission of the Village of Summit as being in compliance with all pertinent ordinances.

- D. Should the permitted conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to the Village, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area, or for similar cause based upon considerations of public health, safety or welfare, the conditional use or any aspect of the same may be terminated by action of the Village Board of the Village of Summit following referral to the Plan Commission for the Village of Summit for recommendation and public hearing thereon.
- E. Any change, addition, modification, alteration and/or amendment of any aspect of this Conditional Use, including but not limited to a change in the use, premises, lands or owners, other than as specifically authorized herein, shall require a new permit and all Village procedures in place at the time must be followed.

Unless this conditional use permit expressly states otherwise, plans that are specifically required by this conditionally use order may be amended upon the prior approval of the Plan Commission if the Plan Commission finds the plan amendment to be minor and consistent with the conditional use permit. Any change in any plan that the Plan Commission feels, in its sole discretion, to be substantial shall require a new permit, and all Village procedures in place at the time must be followed.

- F. This Conditional Use Permit shall be effective for a continued term of five years, through January, ~~2025~~ 1, 2029. It may be renewed thereafter for such additional terms as the Plan Commission for the Village of Summit deems appropriate. Application for renewal shall be filed by the Petitioner not less than sixty (60) days prior to the expiration of the term or any renewal term. In the event that the use of the property is compatible with the surrounding areas and that application is in substantial compliance with all terms of this Conditional Use agreement, then, in that event, the Plan Commission for the Village of Summit shall continue to renew this Conditional Use Permit for additional periods of time. The Petitioner shall have the responsibility to apply for the renewal as provided herein.

1. Where the changing character of the surrounding area causes the original conditional use or subsequent amendments thereto to no longer be compatible with the surrounding area, or for similar cause, based upon consideration for the public welfare, the conditional use grant and any subsequent approved amendments or changes may be terminated by action of the Village Board for the Village of Summit following a referral to the Plan Commission for the Village of Summit for recommendation and a public hearing thereon by the Village Board.

Such use shall then after be classified as a legal non-conforming use as it was permitted to exist on the day it was terminated.

1.2. Where this permitted conditional use does not continue in conformity with the conditions of the original approval or subsequent approved amendments or changes, the Conditional Use Permit and any subsequent approved amendments thereto may be terminated by action of the Village Board of the Village of Summit following referral to the Plan Commission for the Village of Summit for recommendation and public hearing thereon. The Village Board for the Village of Summit may require complete termination of such use.

2.3. This Conditional Use Permit may be reviewed annually by the Plan Commission of the Village of Summit. Additionally, this conditional use may be reviewed by the Plan Commission for the Village of Summit at any time upon complaint or upon Commission initiative.

- G. If any aspect of this conditional use order is in conflict with any other aspect of the conditional use order, the more restrictive provision shall be controlling, as determined by the Plan Commission of the Village of Summit.
- H. If any paragraph or phase of this conditional use order is declared by a Court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific paragraph or phrase thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of this order. The remainder of the order shall remain in full force and effect.
- I. As a condition precedent to this Conditional Use Order taking effect, the Petitioner is required to accept the terms of the same in its entirety, and the Subject Property Owner shall approve the issuance of this Conditional Use Order on these terms.

Let copies of this order be filed in the permanent records of the Plan Commission for the Village of Summit, and let copies be sent to the proper Village authorities and the Petitioner.

Approved this ~~16<sup>th</sup>~~ 18<sup>th</sup> day of January, ~~2020~~2024.

BY THE PLAN COMMISSION  
FOR THE VILLAGE OF SUMMIT

\_\_\_\_\_  
JAMES SIEPMANN  
Plan Commission Chairman

\_\_\_\_\_  
DEBRA J. MICHAEL, Village Clerk

ACCEPTANCE

I hereby accept the terms of this Conditional Use in its entirety.

Date this \_\_\_\_ day of \_\_\_\_\_, ~~2020~~2024. Johnson Sand and Gravel, Inc.

By: \_\_\_\_\_

APPROVAL

I hereby approve the issuance of this Conditional Use Permit on the above-noted terms and conditions.

Dated this \_\_\_\_ day of \_\_\_\_\_, ~~2020~~2024. \_\_\_\_\_DSL Investments, LLC; and Sean P Wolf Et Al

Formatted: Indent: Left: 0", Hanging: 4"

By: \_\_\_\_\_

APPROVAL

I hereby approve the issuance of this Conditional Use Permit on the above-noted terms and conditions.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2024. \_\_\_\_\_ 612 Sawyer Rd, LLC

By: \_\_\_\_\_

# Legal Description: EXHIBIT A

BREEN PIT: All that part of the Southwest Quarter (SW 1/4) of Section 25, Town 7 North, Range 17 East, Town of Summit, Waukesha County, Wisconsin, bounded and described in Volume 522 of Deeds, on Page 196 as follows: Beginning at the northwest corner of the Southwest Quarter (SW 1/4) of Section 25; thence South along the west line of said Southwest Quarter (SW 1/4) 1400.00 feet; thence North  $78^{\circ}00'00''$  East 271.00 feet; thence North  $49^{\circ}15'00''$  East 481.00 feet; thence North  $27^{\circ}30'00''$  East 200.00 feet; thence North  $30^{\circ}00'00''$  East 642.00 feet; thence North  $25^{\circ}00'00''$  East 367.00 feet to a point on the north line of said Southwest Quarter (SW 1/4); thence west along said north line 1230.00 feet to the place of beginning. Containing 25.64 acres of land.

THEINE PIT: All that part of the Southeast Quarter (SE 1/4) of Section 26, Town 7 North, Range 17 East, Town of Summit, Waukesha County, Wisconsin, bounded and described as follows: Commencing at the southeast corner of said Southeast Quarter (SE 1/4); thence North along the east line of said Southeast Quarter (SE 1/4) 150.00 feet to the place of beginning; thence North along said east line 1650.00 feet; thence West 1300.00 feet; thence South  $21^{\circ}15'00''$  West 1770.00 feet, more or less, to the north line of the Dela-Hart Sanitary District lands; thence East along said north line 1940.00 feet, more or less, to the place of beginning. Containing ~~61.4~~ acres of land.

Approximately 89



MAP WAUKESHA COUNTY

Waukesha County GIS Map



Legend

- ◆ PLSS Corners
  - ◆ Township Corner
  - ◆ Section Corner
  - ◆ Quarter Corner
  - ◆ Witness Corner
  - ◆ Center of Section
  - ◆ Standard Corner
  - ◆ Meander Corner
  - ◆ Closing Corner
  - ◆ Intersection (Not Monument)
- PLSS Line
  - PLSS Quarter Section
  - PLSS Section
  - PLSS Township
- PLSS Township Areas
- PLSS Section Areas
- PLSS QTR Section Areas
- PLSS Corners 9K
  - ◆ Township Corner
  - ◆ Section Corner
  - ◆ Quarter Corner
  - ◆ Witness Corner
  - ◆ Center of Section
  - ◆ Standard Corner
  - ◆ Meander Corner
  - ◆ Closing Corner
  - ◆ Intersection (Not Monument)
- PLSS Line 9K
  - PLSS Quarter Section
  - PLSS Section
  - PLSS Township
- PLSS Township Areas 9K
- PLSS Section Areas 9K
- PLSS QTR Section Areas 9K
- PLSS Corners 18K
  - ◆ Township Corner
  - ◆ Section Corner
  - ◆ Quarter Corner
  - ◆ Witness Corner
  - ◆ Center of Section
  - ◆ Standard Corner

Notes:

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.

569.71 Feet

Printed: 12/14/2023



# EXHIBIT B

November 2019

## DSL LLC Equipment list for Theine Pit, Sawyer Rd

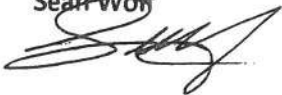
### Equipment used on daily basis

- wash plant (1)
- dredge (1)
- front end loader (1)
- Skid steer (1)
- excavator (1)

### Equipment brought in on an as needed basis

- portable crusher (1)
- dozer (1)
- water and fuel trucks (1 each)
- equipment trailers (4)
- delivery trucks including the following types  
Dump trucks and trailers, flatbed trucks, cargo (enclosed) trucks and trailers

Sean Wolf



DSL LLC

November, 11 2019

**NONMETALLIC MINING  
RECLAMATION PLAN**

**BREEN/THIENE PITS  
TOWN OF SUMMIT  
WAUKESHA COUNTY, WISCONSIN**

August 11, 2003

Prepare for:

Mr. Devin Wolf  
Wolf Industries, Incorporated  
612 North Sawyer Road  
Oconomowoc, Wisconsin 53066

Prepared by:

Northern Environmental Technologies, Incorporated  
1214 West Venture Court  
Mequon, Wisconsin 53092

Project Number: WII 01-3300-2572.001



---

Stuart J. Gross  
Project Manager

SJG/lmh

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- Appendix B: Photographs of Existing Conditions..... 4 pages

## 1.0 EXECUTIVE SUMMARY

Northern Environmental Technologies, Incorporated (Northern Environmental) and Wolf Industries, Incorporated (Wolf) have prepared this reclamation plan for a mining operation located in Sections 25 and 26, Township 7 North, Range 17 East in the town of Summit, Waukesha County, Wisconsin (the Site). Two pits, the Breen Pit and the Thiene Pit (the Pits), have been permitted together by Waukesha County. The Pits are located in a rural residential/agricultural setting in Waukesha County and is bordered by residential areas to the north, south, and east and wooded areas and agricultural fields to the west.

Currently, no active mining is being completed at the Breen Pit. However, an area of the pit will likely be re-opened to facilitate plans for future residential development. Active mining occurs during spring, summer and fall at the Thiene Pit. Mining operations will continue laterally until removal of additional material is not feasible or suitable aggregate is exhausted. During active mining, areas adjacent to the water body will be graded at a 3:1 slope. After grading, topsoil will be placed above disturbed areas to provide a suitable growing medium for grass/vegetation. Once vegetative cover has been established, Wolf will petition Waukesha County to consider the area reclaimed.

The conceptual plan is to reclaim the Site for future use as residential development. The intended reclamation will cost approximately \$26,980.

## 2.0 SITE INFORMATION

### 2.1 Site Overview

- Site Owners:**
- Breen Pit Property  
Lawrence A. Wolf Marital trust  
380 East Ottawa Avenue  
Dousman, Wisconsin 53118
- Lawrence Wolf Family Limited Partnership  
380 East Ottawa Avenue  
Dousman, Wisconsin 53118
- Thiene Pit Property  
Lawrence Wolf Family Limited Partnership  
380 East Ottawa Avenue  
Dousman, Wisconsin 53118
- Lowell Wolf, Sean Wolf, & Devin Wolf  
612 North Sawyer Road  
Oconomowoc, Wisconsin 53066
- Site Operator:** Wolf Industries, Incorporated  
612 North Sawyer Road  
Oconomowoc, Wisconsin 53066  
Contact: Mr. Devin Wolf  
(262) 965-2121
- Zoning:** Breen Pit – R1: Single Family  
Thiene Pit – RRE: Rural Residential Estate
- Tax Parcel ID #:** Breen Pit – SUMT0375994  
Thiene Pit – SUMT0680999002

Wolf Industries, Incorporated (Wolf) operates the Breen/Thiene Pits located in Sections 25 and 26, Township 7 North, Range 17 East in the town of Summit, Waukesha County, Wisconsin (the Site). Both properties are zoned for residential development. However, mining is currently permitted under the requirements of a Conditional Use Permit (CUP), originally dated April 6, 1995. The CUP outlines specific requirements for mining operations and provides minimum requirements for future reclamation. The CUP has been renewed on an annual basis since 1995 and still governs mining operations at the Site. A copy of the CUP is included in Appendix A.

The Breen/Thiene Pits are situated in a rural residential/agricultural setting and are bordered by wooded areas and agricultural fields to the west and north, and residential areas to the south and east. Sawyer Road splits the Breen and Thiene Pits. The Breen Pit is located to the east of Sawyer Road and the Thiene Pit is located to the west of Sawyer road. Wolf's office, a scale, and storage structures are located at the Breen Pit. No man made structures are located at the Thiene Pit. Quarry operations were initiated at the Breen/Thiene Pits before the 1950s and have occurred intermittently since that time. During recent times, no mining activities have occurred at the Breen Pit. However, mining operations have expanded to the north and west at the

Thiene Pit. The Site location and property boundaries are illustrated in Figure 1. Photographs illustrating the Site are included in Appendix B.

## **2.2 Extraction Methods**

Currently, no active mining operations are being completed at the Breen Pit. However, additional extraction will occur in the area of the existing storage structures to expand the water body and to facilitate the future redevelopment plan.

The Thiene Pit is operated during the spring, summer, and fall. The main access to the quarry is a gravel road that exits from Sawyer Road located on the east side of the Site. The majority of the proposed mining area has already been stripped of topsoil. According to the Site owner, the soil was stockpiled on northern portions of the Site for future reclamation. Based on the area that has been stripped of soil, a sufficient quantity of stockpiled soil will be available to complete reclamation activities at the Breen and Thiene Pits.

The current extraction process includes the use of a dragline to extract aggregate. The loose material is transported to a conveyer system that operates in the active mining area. The aggregate is sorted and in some cases washed for future sale. At times, a portable crusher is brought to the facility for crushing purposes. Mining activities will continue in a similar fashion until removal of additional material in the Thiene Pit is not feasible or suitable aggregate is exhausted. Current topography is illustrated in Figures 3 and 4. Cross sections illustrating existing site conditions are included as Figures 2 and 3.

## **3.0 OVERVIEW OF LOCAL CONDITIONS**

### **3.1 Local Soil Information**

Native surface soil at the Site is described as well-drained soil that has a subsoil of clay loam that overlies sand and gravel. A description of the soil series is described below. The local soil types that were mapped during 1971 are illustrated in Figure 6.

**CASCO SERIES:** The Casco Series consists of well-drained loamy soils that formed over sand and gravel outwash. The soils are usually about 2 feet thick and are typically underlain by stratified sand and gravel. These soils are moderately permeable, have a low available water capacity, and low to moderate fertility. Areas containing this type of soil remain as wooded areas or pasture, or are commonly cultivated for agricultural crops such as corn, oats, and alfalfa.

**FOX SERIES:** The Fox Series consists of well-drained, loamy soils over sand and gravel outwash. This series is approximately 2 to 3 feet in thickness and underlain by stratified sand and gravel. These soils are moderately permeable, have a moderate available water capacity, and moderate fertility. Most areas containing this type of soil are commonly cultivated for agricultural crops such as corn, oats, and alfalfa, but small areas remain wooded or used for pasture.

### 3.2 Geologic Information

#### 3.2.1 Local Geology

Native sediment near the Site is comprised of glacial till consisting of clay, silt, sand, and gravel of the New Berlin Formation. This formation typically overlies older glacial sediments or Silurian-age dolomitic limestone bedrock. A description of the area geology is presented on Table 1. Geologic characteristics and approximate thicknesses are also included on the table. Based on well constructor's reports obtained from the Wisconsin Geological and Natural History Survey for water supply wells drilled in the area, bedrock was encountered in boreholes ranging in depth from approximately 160 to over 220 feet below grade.

#### 3.2.2 Local Ground-Water Patterns

Ground water near the Site is supplied by one of three main aquifers. Each aquifer, presented in descending order, is described below:

**SAND AND GRAVEL  
AQUIFER:**

This aquifer is comprised of glacially deposited sand and gravel. Yields from this aquifer typically range between 50 and 200 gallons per minute (gpm), depending on the thickness and composition of the sand and gravel. Many domestic wells are installed in this aquifer.

**NIAGARA AQUIFER:**

This aquifer is comprised of dolomitic limestone. The availability of water from this aquifer is controlled by secondary rock openings such as joints or fractures. Many domestic and high-capacity supply wells are located in this aquifer. Yields as high as 500 gpm have been reported from wells installed in this aquifer; however, most wells average approximately 200 gpm.

**SANDSTONE AQUIFER:** This aquifer is the principal source of water supply in Waukesha County. Yields from this aquifer generally produce between 200 to 800 gpm.

Ground-water resources are readily available throughout the area. Based on the water supply logs obtained from this area, most local water supply wells are constructed in the sand and gravel aquifer.

Ground water beneath the Site is expected to flow in a westerly direction toward the Bark River. Based on the local topography and the static water elevation of the man-made bodies of water located in each pit, the estimated ground-water elevation at the Site is estimated to be approximately 870 feet above msl.

#### 3.2.3 Local Surface Water Drainage Patterns

Surface water resulting from storm events or snowmelt drains from topographically high areas to areas of lower elevation. Surface water collects in low lying areas and migrates downward to the water table or travels to the man-made bodies of water located within each pit.

### 3.3 Biological Information

Waukesha County is part of the southern mesic forest region. Vegetation is considered an upland system consisting of a Maple-Basswood forest. The mix of vegetation provides suitable habitat to support a wide

range of wildlife. Species that may inhabit the area include upland game birds, rabbits, deer, squirrel, raccoon, opossum, and coyotes. Vegetation in this system may include:

**HERBACEOUS**

**UNDERSTORY:** Northern maidenhair, nightcaps, jack-in-the-pulpit, subarctic lady fern, bearded shorthusk, toothwort, ironweed, violets, lilies, sedges, bloodroot, etc.

**WOODY**

**UNDERSTORY** Hornbeams, American bittersweet, dogwood, hazelnut, gooseberry, etc.

**TREES:**

Species of oak and maple, ash, birch, walnut, elm, basswood, and hickory.

## **4.0 RECLAMATION MEASURES**

### **4.1 Post-Mining Land Use**

The proposed final land use for each pit is a natural lake (former mining area) surrounded by land suitable for residential development. To achieve the desired end use, the Site will be reclaimed by allowing mined areas to fill with water, and grading areas located between the water body and the property boundaries to facilitate drainage and match existing topography.

Previous reclamation activities have occurred at both pits. The southern, eastern, and northern portions of the Breen Pit are reclaimed. In addition, most of the western portions of the mine are reclaimed, except for small areas of land located adjacent to the existing water body. The southern and eastern portions of the Thiene Pit have also been reclaimed. Reclamation activities at the Thiene Pit are on going.

In general, reclamation will be completed in conformance with the CUP approved by the Town of Summit. The plan would include revegetation of graded areas to prevent erosion. Details of the proposed reclamation plan are included in the following sections. The anticipated post-reclamation topography is illustrated in Figures 7 and 8. Cross sections illustrating post-mining conditions at the Site are presented in Figures 9 and 10.

### **4.2 Reclamation Plan**

Mining activities will be initiated in the Breen Pit to remove additional aggregate located in the area of the existing storage structures. After completion, no other mining activities are planned for the Breen Pit. Mining activities will continue in the Thiene Pit until removal of additional material is not feasible or suitable material is exhausted. After this point, reclamation activities will begin. As mentioned, each Site will be reclaimed for use as future residential development. To prepare each Site for this purpose, the following activities will occur:

#### **BREEN PIT**

**Grading**

The majority of the Breen Pit has already been reclaimed. The slopes surrounding the man-made water body have been graded and re-vegetated. Once mining activities are completed near the existing storage structures. The slopes adjacent to that area will be graded at a 3:1 slope.

**Plantings** A surface area covering less than 1 acre will be disturbed as part of the additional removal of aggregate in the Breen Pit and will require the establishment of a vegetative cover. To re-establish the cover, approximately 4 inches of topsoil will be used for final grading. The topsoil will be transported from the Thiene Pit. Care will be taken during soil placement to minimize compaction. A rye-grass seed mixture will be planted to reduce erosion and provide a suitable ground cover. The seed mix will be applied using a Brillion-seeder at the rate of 200 pounds per acre (provided by the supplier). After seed distribution, the area will be lightly raked or dragged to incorporate the seed into the soil. The area will be mulched using straw distributed through a bale shredder to act as ground cover and to retain moisture in the soil.

After the grass cover is established, Wolf will petition the County to consider the area reclaimed. Reclamation of the Breen Pit is expected to be completed within 3 months after cessation of mining.

**Erosion Control** Erosion control in the form of silt fence will be installed where disturbed areas are adjacent to the water body. The placement, installation, and maintenance of the selected erosion control will be in accordance with the Wisconsin Construction Site Best Management Practices Manual.

#### THIENE PIT

**Grading** During active mining, areas located adjacent to the water body will be graded at a 3:1 slope. The slopes will be graded in a manner to match existing grades and drainage patterns. The slopes will be maintained throughout the duration of the mine and should require only minimal effort in grading as part of reclamation.

**Site Access** To maintain Site access and supply a roadway for future development, the current access road will be maintained.

**Plantings** A surface area covering approximately 12 acres will border the proposed man-made pond and will require an established vegetative cover. To re-establish the cover, approximately 4 inches of topsoil will be used for final grading. The topsoil will be obtained from the soil stockpiles currently on site. Soil distribution and seed placement activities will be similar to those specified for the Breen Pit.

After the grass cover is established, Wolf will petition the County to consider the area reclaimed. Reclamation of the Site is expected to be completed within 6 months after cessation of mining.

**Erosion Control** The use of erosion control will be similar to guidelines specified for the Breen Pit.

#### 4.3 Inspections and Maintenance

After reclamation activities are completed, Wolf will inspect the Site on a regular basis for areas of erosion or stressed/dead grass. If soil erosion is noted, the areas will be immediately repaired. If areas of dead grass are

noted, the areas will be mown, scarified, and replanted as specified in the previous section. These activities will continue until the County approves the certificate of successful reclamation.

#### 4.4 Successful Reclamation Criteria

In order to determine if the reclamation was successful, Wolf will determine percent cover of grass species by using a square meter quadrat during peak vegetative growth. Measurements using the quadrat will be collected at a minimum of two random locations per acre. The percent cover will be determined by visual count. The goal of revegetation will be a 70 percent vegetative cover in each quadrant (with a 90 percent statistical confidence).

Once the criteria for successful reclamation are met, Wolf will ask the County to complete any necessary inspections to verify that the reclamation is complete and release the financial assurance.

### 5.0 FINANCIAL ASSURANCE

Financial assurance was determined using standard practices and rates. A detailed summary of financial assurance estimates is included in Table 2.

### 6.0 CERTIFICATION OF RECLAMATION PLAN

I hereby certify, as a duly authorized representative or agent, that Wolf Industries, Incorporated will comply with the provisions of this reclamation plan as well as the state-wide nonmetallic mining reclamation standards established in sections NR 135.05 through NR 135.15, Wisconsin Administrative Code.

  
\_\_\_\_\_  
Signature of Applicant or Duly Authorized Agent

8-12-03  
\_\_\_\_\_  
Date Signed

Devin Wolf  
\_\_\_\_\_  
Printed Name of Applicant or Duly Authorized Agent

### 7.0 REFERENCES

Harker, Donald, Gary Libby, Kay Harker, Sherri Evans, Mark Evans, *Landscape Restoration Handbook*, 1999.

United States Department of Agriculture, Forest Service, *A Manual for Training Reclamation Inspectors in the Fundamentals of Soils and Revegetation*, September 1987.

United States Department of Agriculture Soil Conservation Service, *Soil Survey of Milwaukee and Waukesha Counties, Wisconsin*, July 1971.

Wisconsin Geological and Natural History Survey, *Ground-Water Resources of Waukesha County, Wisconsin*, Information Circular Number 29, 1975.

Wisconsin Geological and Natural History Survey, *Pleistocene Stratigraphic Units of Wisconsin*, Miscellaneous Paper 84-1, 1984.

Wisconsin Department of Natural Resources, *A Guide to Developing Reclamation Plans for Nonmetallic Mining Sites in Wisconsin*, PUBL-WA-8342002, February 2002.

**Table 1 Stratigraphy of Waukesha County**

System	Formation	Thickness (ft)	Rock Characteristics
Silurian	Silurian dolomite	0 to 325	Undifferentiated dolomite, white to gray; crevices and solution channels abundant but discontinuous.
Ordovician	Maquoketa Shale	0 to 210	Shale, dolomitic, blue-gray; contains dolomite beds as thick as 40 feet.
	Galena Dolomite, Decorah Formation, and Platteville Formation undifferentiated	210 to 290	Dolomite, light gray to blue-gray, massive.
	St. Peter Sandstone	75 to 235	Sandstone, fine- to medium-grained, white to light-gray.
Cambrian	Trempealeau Formation	150 to 350	Sandstone, very fine- to medium-grained, dolomite, light-gray; interbedded with siltstone.
	Franconia Sandstone		Sandstone, very fine- to medium-grained; siltstone or dolomite in lower part.
	Galesville Sandstone		Sandstone, fine- to medium-grained; light gray.
	Eau Claire Sandstone		Sandstone, fine- to medium-grained, light-gray to light-pink, dolomitic; some shale beds.
	Mount Simon Sandstone	300 to 1500	Sandstone, white to light-gray; fine- to coarse-grained, mostly medium; some beds dolomitic.
Pre-Cambrian	Precambrian rocks undifferentiated	Unknown	Crystalline basement rocks

October 29, 2003  
(WII 01-3300-2572.1)



Mr. Jim Rose  
Senior Conservation Specialist  
Waukesha County Department of Parks and Land Use  
1320 Pewaukee Road  
Waukesha, Wisconsin 53188

RE: Additional Information; Breen/Thiene Reclamation Plan, Town of Summit, Waukesha County, Wisconsin

Dear Mr. Rose:

Northern Environmental Technologies, Incorporated (Northern Environmental) prepared a nonmetallic mining reclamation plan for the Breen/Thiene Pit located in the town of Summit, Waukesha County, Wisconsin (the Pit). Wolf Industries, Incorporated (Wolf) operates the Pit. During August 2003, Wolf submitted the reclamation plan to the Waukesha County Department of Parks and Land Use (the County) for review and approval.

In an August 26, 2003 letter, the County asked for additional information before approving the plan. The items needing clarification or additional detail are presented in *Italics* and followed by Northern Environmental's explanation. Additional information regarding the acreage requiring reclamation is also presented in Section 1 labeled Existing Site Information.

**1) Existing Site Information**

To provide the requested information under this topic, Northern Environmental revised the original set of figures submitted with the reclamation plan. Copies of the revised figures are enclosed with this letter. The dimensions of the property boundaries are included in Figures 2 and 3. The requested floodplain, shoreland, wetland, and primary environmental corridor information is provided in a newly created figure (Figure 11) enclosed with this letter. In addition, the different areas of the site that were mined before the ordinance, the areas currently open for mining, and any future areas to be mined are illustrated in a newly created figure (Figure 12) enclosed with this letter.

The overall plan to reclaim the Breen and Thiene pits has not changed. However, the number of acres requiring reclamation has been modified. In the reclamation plan, it states that the Breen Pit has a surface area of less than 1 acre that will require reclamation. The actual area is one-half acre. Therefore, the financial assurance estimate has been modified to 0.5 acre to accurately reflect the area requiring reclamation. In addition, certain areas adjacent to the proposed water body of the Thiene Pit will be left as un-vegetated sand areas (beaches) adjacent to the water body and will not require reclamation. Mining in this manner will reduce the acreage requiring reclamation to 2 acres. The only areas receiving reclamation will be located in the northeast corner of the site, the gravel roadways, and the small water body located to the west of the pit. These areas are illustrated in Figure 12. The financial assurance estimates have been modified to reflect these changes.

**2) Post Mining Land Use**

Wolf is working with the town of Summit to obtain the requested documentation. Once complete, the information will be forwarded to Waukesha County for review.

3) ***Reclamation Measures***

*Safety Shelves*

The requested safety shelves are illustrated in the original figures. Due to the exaggerated vertical and horizontal scaling used to create the figures, the safety shelves are not immediately evident. As stated in the plan, slopes adjacent to the water body will be graded at a 3:1 slope. Slopes within the water bodies will be graded in a similar fashion.

*Financial Assurance*

Based on the standard unit costs for reclamation provided by the County and the revised acreage requiring reclamation, financial assurance in the amount of \$7,500 will be provided. A revised financial assurance worksheet using the County's standard costs is enclosed with this letter.

*Erosion Control*

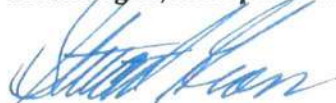
As stated in the plan, erosion control in the form of silt fencing will be installed in disturbed areas adjacent to water bodies. The placement, installation, and maintenance of these controls will be in accordance with the Wisconsin Construction Site Best Management Practices Manual.

4) ***Financial Assurance***

Wolf will provide the approved amount of financial assurance in the form of a bond. Wolf requests that the County provide an example of an approved bond to forward to their bonding agency for review. Please fax the example bond to Mr. Devin Wolf of Wolf Industries, Incorporated at (262) 965-5426.

We trust this information meets your needs. Please contact us if you have any questions or comments.


Sincerely,  
**Northern Environmental  
Technologies, Incorporated**



Stuart J. Gross  
Project Manager

SJG/lmh  
Enclosure

c: Devin Wolf, Wolf Industries, Incorporated



Devin Wolf  
VP of Wolf Industries

**Table 2: Financial Assurance Worksheet, Breen/Thiene Pits, Town of Summit, Wisconsin**

<b>BREEN PIT RECLAMATION ACTIVITY</b>		<b>UNIT AMOUNT</b>	<b>TOTAL DOLLAR AMOUNT</b>
Earthwork	@ \$1,600 per acre	0.5 acre	\$800.00
Seed, Fertilizer, and Mulch	@ \$1,400 per acre	0.5 acre	\$700.00
		<b>TOTAL</b>	<b>\$1,500.00</b>

<b>THIENE PIT RECLAMATION ACTIVITY</b>		<b>UNIT AMOUNT</b>	<b>TOTAL DOLLAR AMOUNT</b>
Earthwork	@ \$1,600 per acre	2 acres	\$3,200.00
Seed, Fertilizer, and Mulch	@ \$1,400 per acre	2 acres	\$2,800.00
		<b>TOTAL</b>	<b>\$6,000.00</b>

<b>TOTAL RECLAMATION COSTS</b>		<b><u>\$7,500.00</u></b>
--------------------------------	--	--------------------------



March 17, 2004

Mr. Jim Rose, Senior Conservation Specialist  
1320 Pewaukee Road, Room 260  
Waukesha, Wisconsin 53188-3868

RE: NonMetallic Mining – Wolf Construction – Breen/Thiene Pits

Dear Mr. Rose:

The Town of Summit Plan Commission has reviewed the reclamation plan for the Breen and Thiene Pits in the Town of Summit. At this time, they continue to approve the future land use of this area for single-family residential development. This would be in compliance with the adopted Town of Summit Master Plan dated June 4, 2001. The Town Plan Commission reviewed this reclamation plan as part of the updated Conditional Use Permit approved on March 17, 2004.

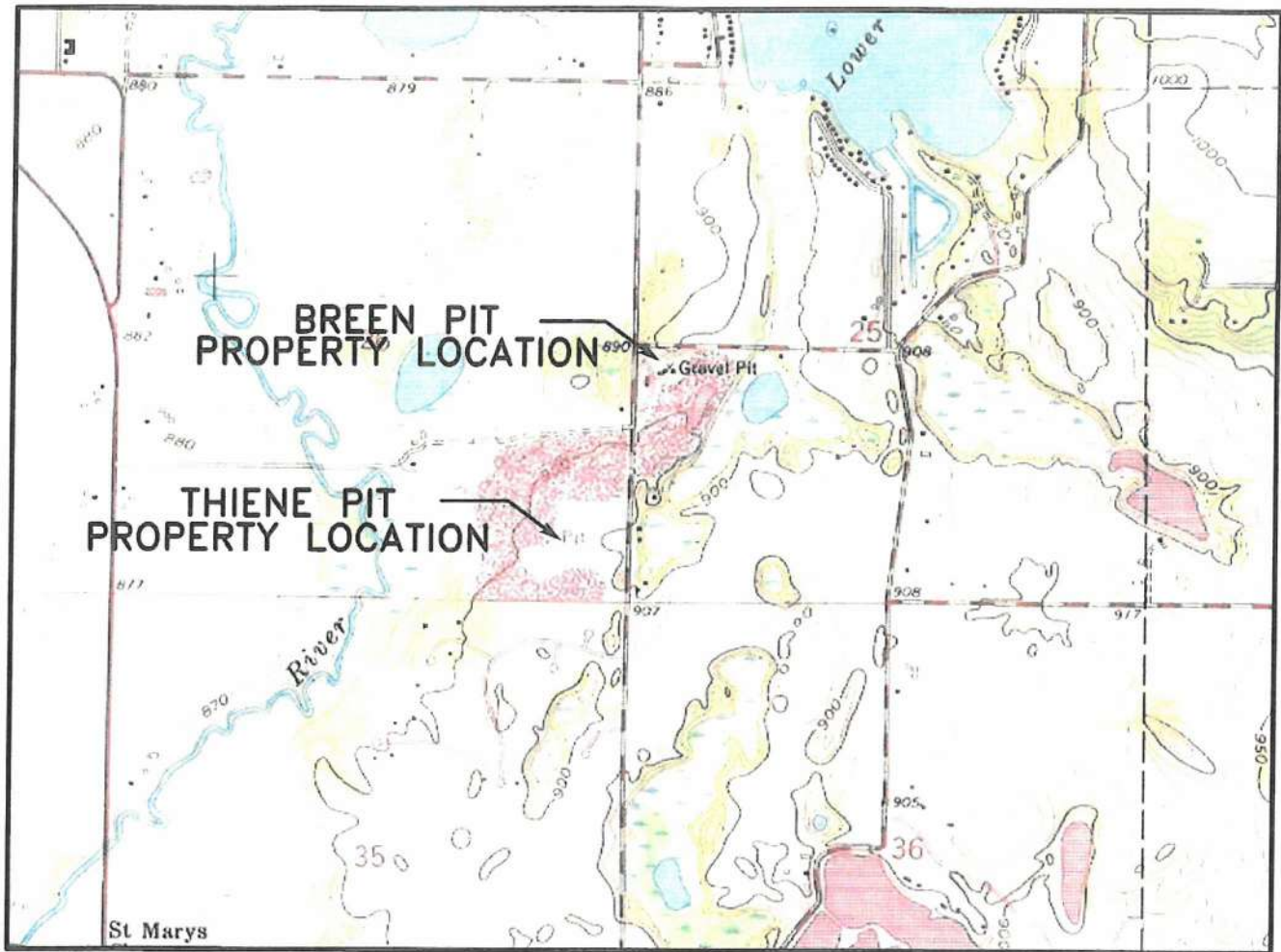
I appreciate the opportunity to review this with our Plan Commission. We will be happy to review additional changes or information as you see the need.

Cordially,

Henry J. Elling

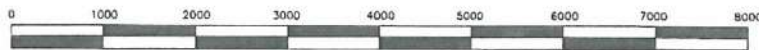
Town Manager/Planner





SCALE IN FEET

1" = 2000'



CONTOUR INTERVAL 10 FEET  
NATIONAL GEODETIC VERTICAL DATUM OF 1929



BASE MAP SOURCE: USGS 7.5 MINUTE QUADRANGLE, OCONOMOWOC EAST, WISCONSIN, 1976 (NATIONAL GEOGRAPHIC HOLDINGS, INC.) QUADRANGLE LOCATION

**Northern Environmental** SM  
*Hydrologists • Engineers • Geologists*

1214 West Venture Court, Mequon, Wisconsin  
Phone: 800-776-7140 Fax 262-241-8222

WISCONSIN • MICHIGAN • ILLINOIS • IOWA

**PROPERTY LOCATION &  
LOCAL TOPOGRAPHY**

**WOLF INDUSTRIES INCORPORATED**  
**BREEN/THIENE PIT**  
**TOWN OF SUMMIT, WAUKESHA COUNTY, WISCONSIN**

PROJECT NUMBER: WI01-3300-2572

FIGURE 1

CREATION DATE: 04/07/03

DRAWN BY: KAA

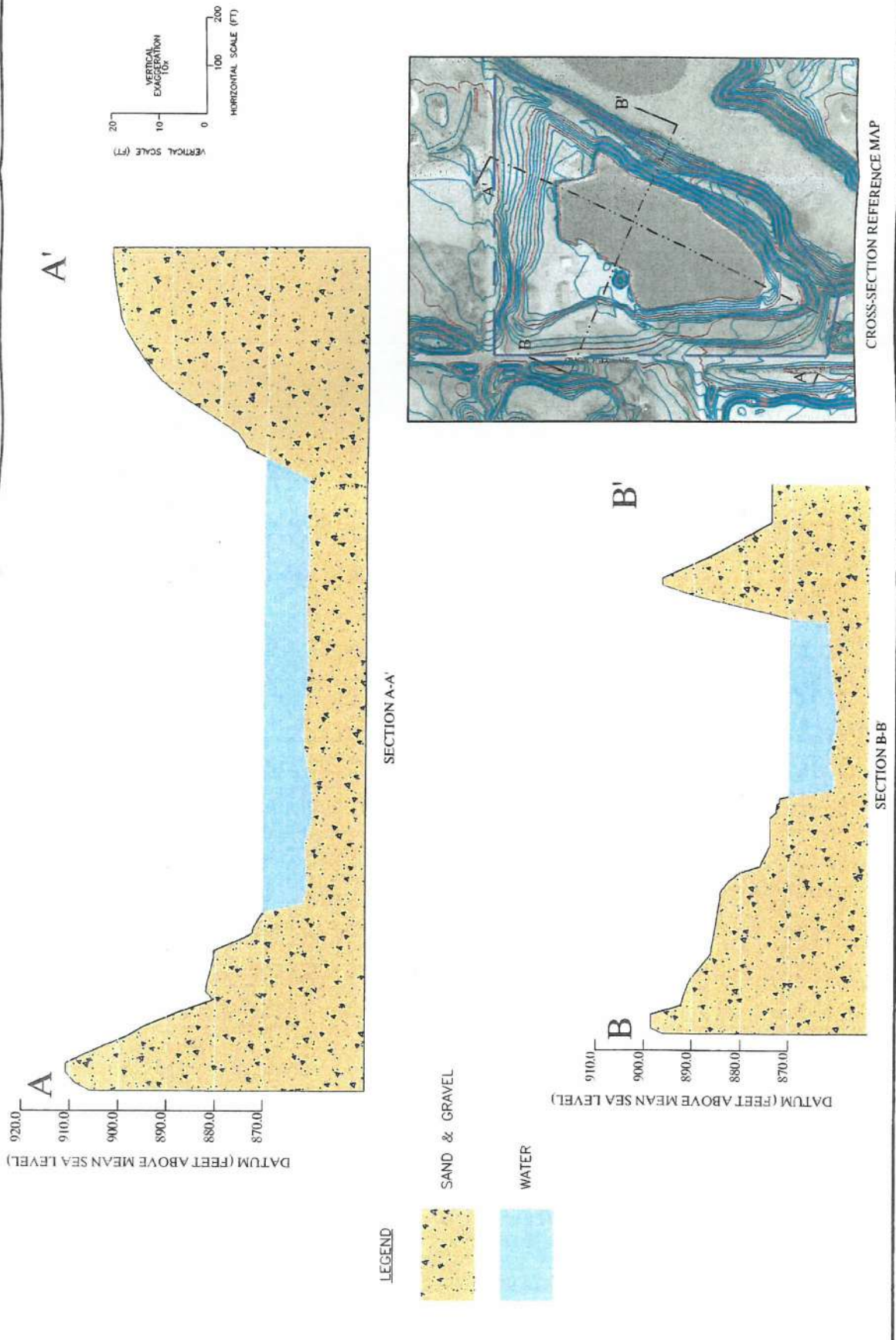
REVISION DATE:

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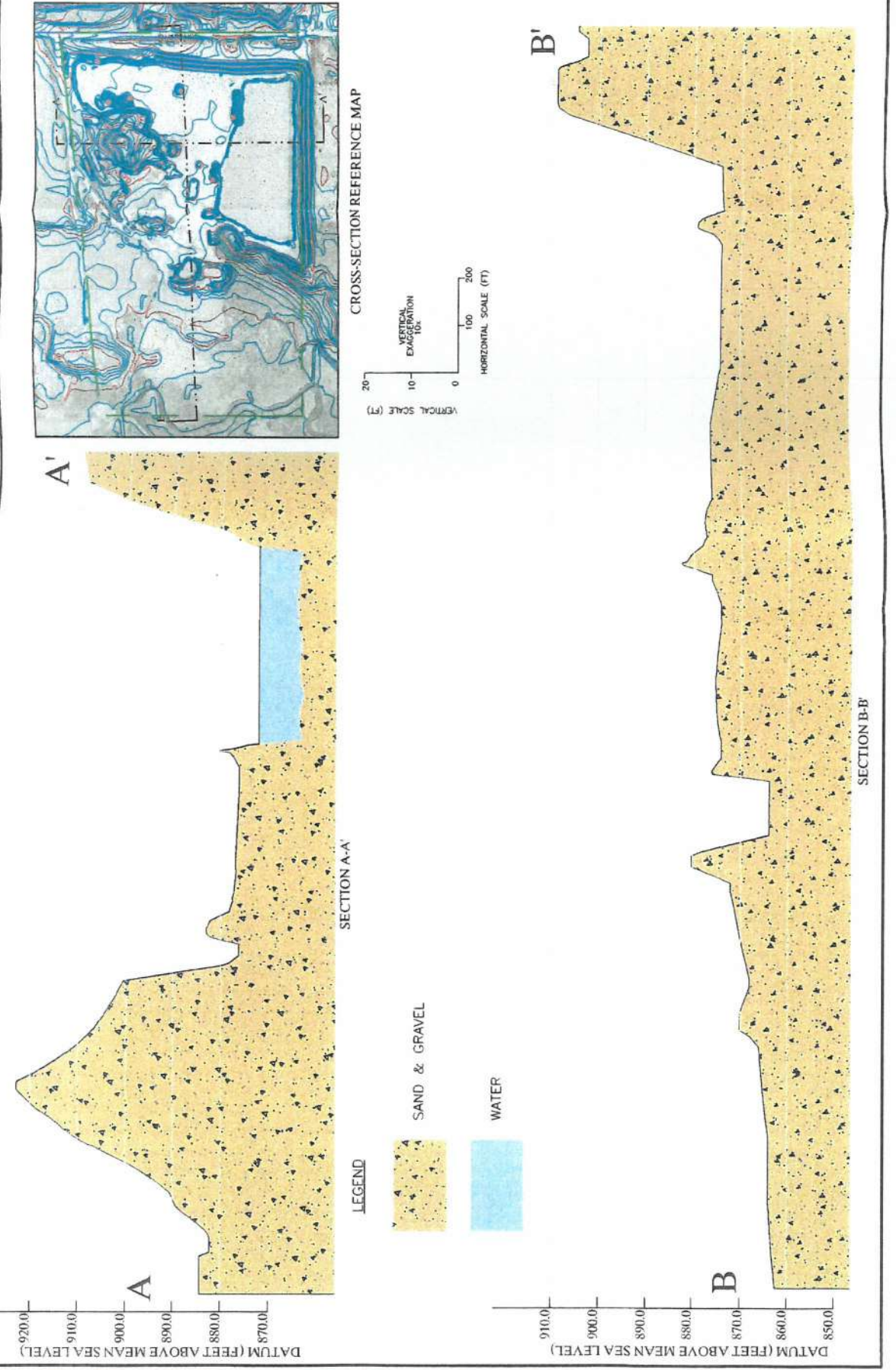
CROSS-SECTION OF EXISTING  
 SITE CONDITIONS: BREEN PIT



CREATION DATE: 07/03/03  
 DRAWN BY: KAA  
 THIS DRAWING AND ALL INFORMATION CONTAINED HEREON IS THE PROPERTY OF NORTHERN ENVIRONMENTAL INCORPORATED AND SHALL NOT BE COPIED OR USED EXCEPT FOR THE PURPOSE FOR WHICH IT IS EXPRESSLY FURNISHED.

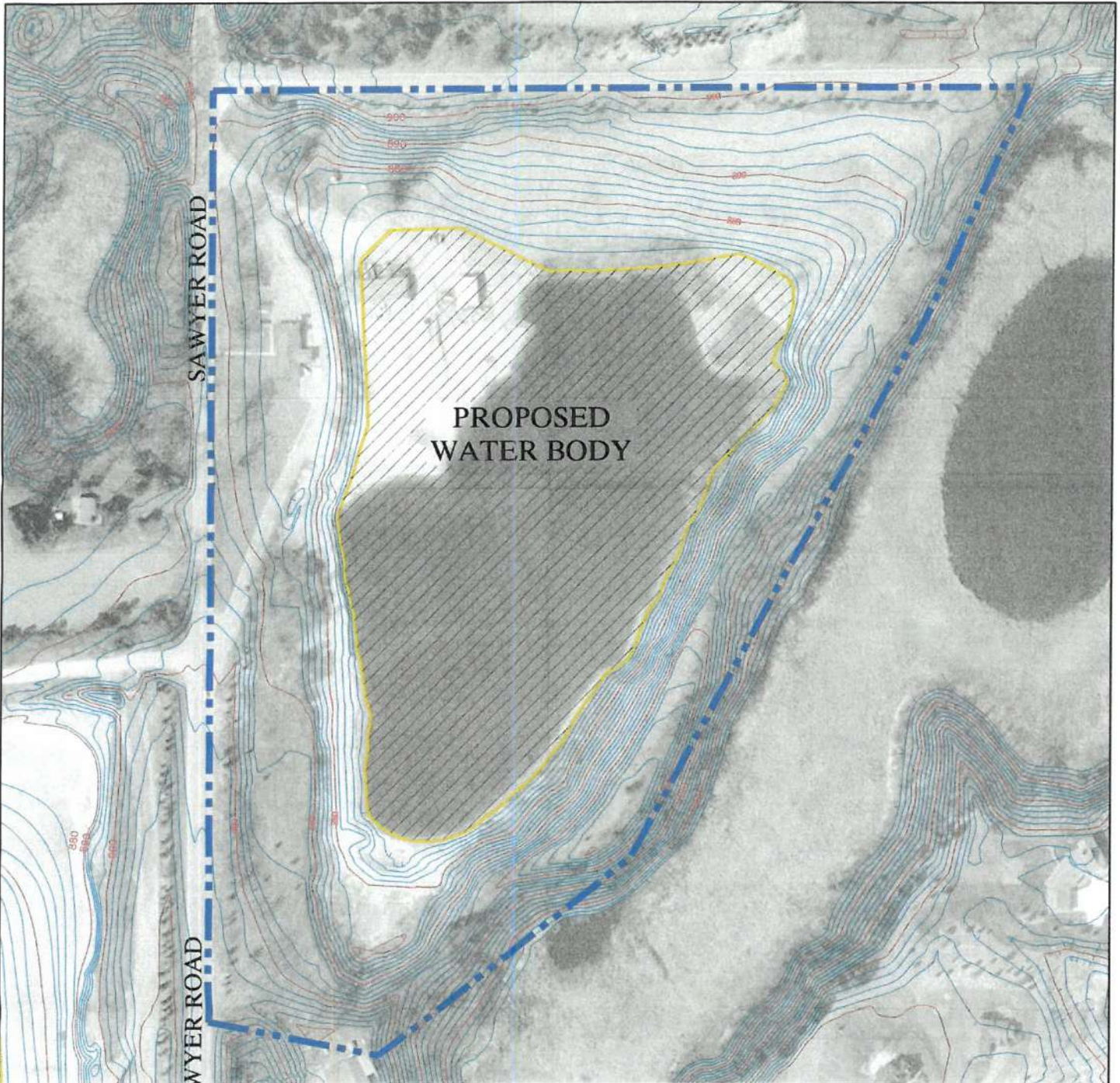
PROJECT NUMBER: WI01-3300-2572  
 WOLF INDUSTRIES, INCORPORATED  
 TOWN OF SUMMIT  
 WAUKESHA COUNTY, WISCONSIN

CROSS-SECTION OF EXISTING SITE CONDITIONS: THIENE PIT



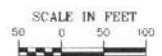
DATUM (FEET ABOVE MEAN SEA LEVEL)  
 9200.0  
 9100.0  
 9000.0  
 8900.0  
 8800.0  
 8700.0

DATUM (FEET ABOVE MEAN SEA LEVEL)  
 9100.0  
 9000.0  
 8900.0  
 8800.0  
 8700.0  
 8600.0



**LEGEND**

- PROPERTY BOUNDARY
  - 2' CONTOUR LINE
  - 10' CONTOUR LINE
  - PROPOSED LIMITS OF WATER BODY
- DATUM = FEET ABOVE MEAN SEA LEVEL



NOTE: AERIAL PHOTOGRAPHS OBTAINED FROM THE WAUKESHA COUNTY LAND INFORMATION OFFICE, WAUKESHA, WISCONSIN, 2000.  
ELEVATION DATA OBTAINED FROM THE WAUKESHA COUNTY LAND INFORMATION OFFICE, WAUKESHA, WISCONSIN, 2006.

**Northern Environmental** <sup>SM</sup>  
*Hydrologists · Engineers · Geologists*  
 1214 West Venture Court, Mequon, Wisconsin  
 Phone: 800-776-7140 Fax 262-241-8222  
 WISCONSIN ▲ MICHIGAN ▲ ILLINOIS ▲ IOWA

**ANTICIPATED FINAL TOPOGRAPHY  
BREEN PIT**

**WOLF INDUSTRIES INCORPORATED  
TOWN OF SUMMIT  
WAUKESHA COUNTY, WISCONSIN**

CREATION DATE: 07/07/03  
 DRAWN BY: KAA  
 REVISION DATE:

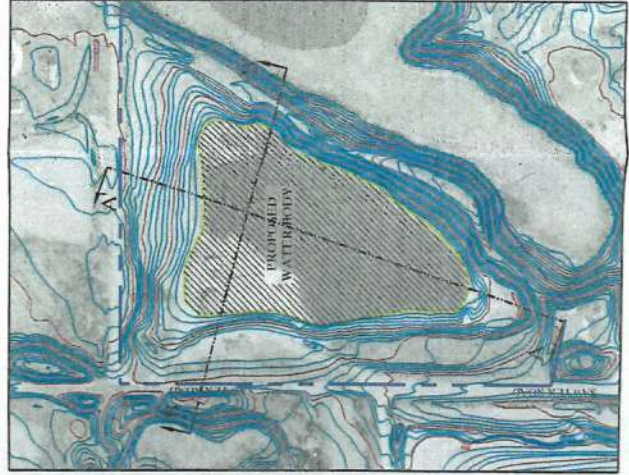
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PROJECT NUMBER: WI01-3300-2572

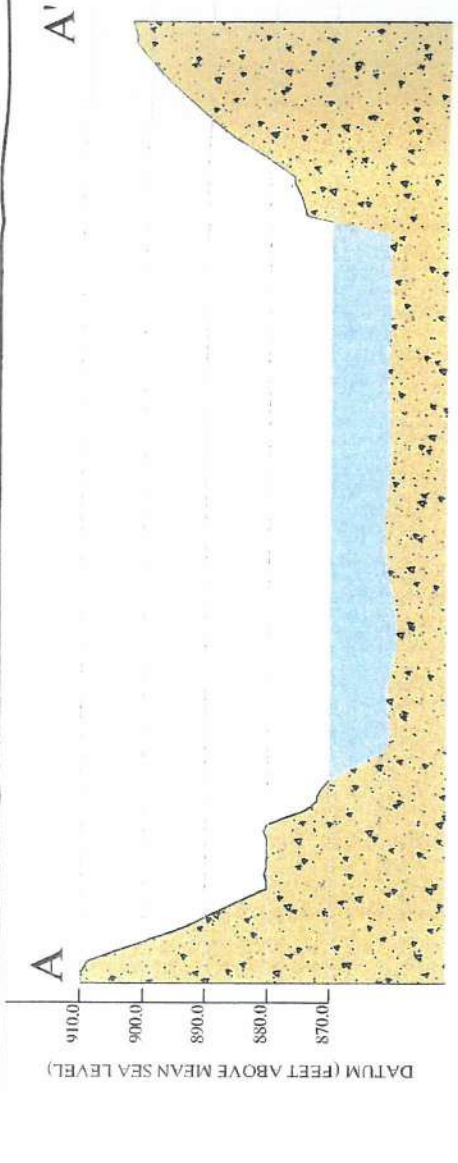
FIGURE 7

Northern Environmental  
 Hydrologists • Engineers • Geologists  
 1214 West Venture Court, Maquon, Wisconsin  
 Phone: 800-776-7140 Fax 262-241-8222  
 WISCONSIN ILLINOIS IOWA  
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 DRAWN BY: KAA  
 CREATION DATE: 07/07/03  
 REVISION DATE:

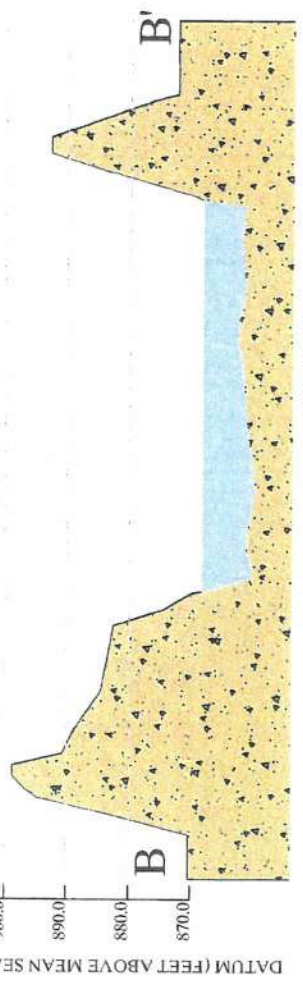
POST MINING LAND USE  
 CROSS-SECTIONS: BREEN PIT  
 WOLF INDUSTRIES, INCORPORATED  
 TOWN OF SUMMIT  
 WAUKESHA COUNTY, WISCONSIN  
 PROJECT NUMBER: WI01-3300-2572  
 FIGURE 9



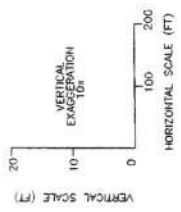
CROSS-SECTION REFERENCE MAP



SECTION A-A'



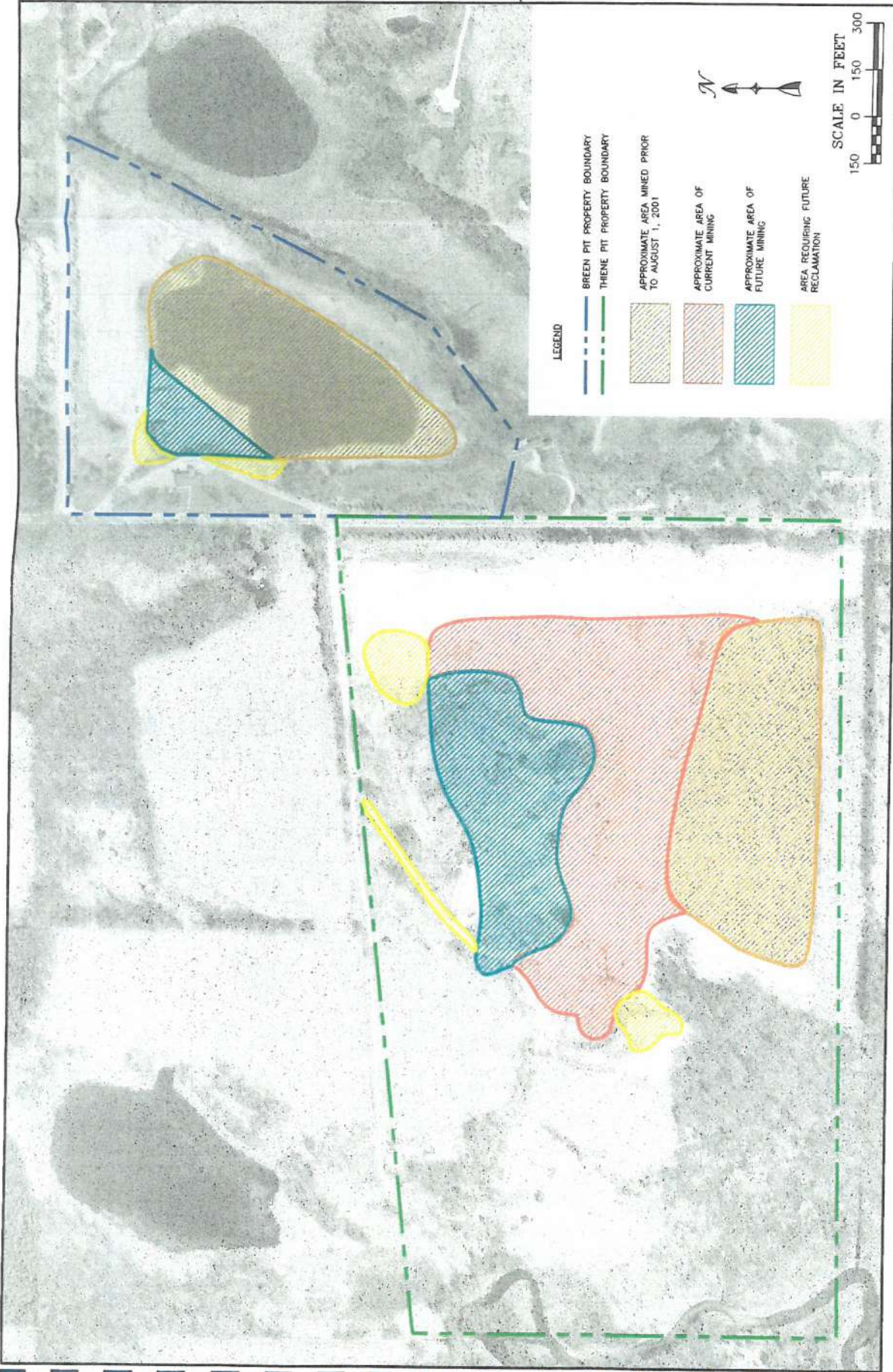
SECTION B-B'



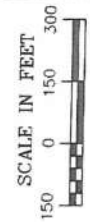
REVISION DATE: KAA  
 DRAWN BY: KAA  
 CREATION DATE: 09/26/03  
 THIS DRAWING AND ALL INFORMATION CONTAINED HEREON IS THE PROPERTY OF NORTHERN ENVIRONMENTAL, INCORPORATED AND SHALL NOT BE COPIED OR USED EXCEPT FOR THE PURPOSE FOR WHICH IT IS EXPRESSLY FURNISHED.  
 WISCONSIN ILLINOIS IOWA  
 1214 West Ventura Court, Mequon, Wisconsin  
 Phone: 800-776-7140 Fax: 262-241-8222  
 Hydrologists • Engineers • Geologists  
 Northern Environmental

PROJECT NUMBER: WI01-3300-2572  
 WOLF INDUSTRIES, INCORPORATED  
 TOWN OF SUMMIT  
 WAUKESHA COUNTY, WISCONSIN  
 FIGURE 12

ADDITIONAL INFORMATION



- LEGEND**
- GREEN PIT PROPERTY BOUNDARY
  - BLUE PIT PROPERTY BOUNDARY
  - APPROXIMATE AREA MINED PRIOR TO AUGUST 1, 2001
  - APPROXIMATE AREA OF CURRENT MINING
  - APPROXIMATE AREA OF FUTURE MINING
  - AREA REQUIRING FUTURE RECLAMATION



# Zoning Ordinance Text Amendment – Rental of Agricultural Buildings

11/16/2023 Plan Commission Meeting

12/20/2023 Plan Commission Meeting

**1/18/2024 Plan Commission Meeting**

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Staff Report

Village of Summit, Wisconsin

Applicant:

Rebecca Carsey, White Stag 1894, LLC

---

## **Possible Motions:**

*Recommend Village Board adopt the proposed text amendments creating Sections 111-357(d)(3) and 111-321(7) of the Village of Summit Zoning and Shoreland Ordinance 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 revised draft ordinance prepared by the applicant included in the packet. Based on the proposed required minimum lot size of 150 acres and proposed requirement that the property have direct access to a State Trunk or U.S. 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.

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.

A public hearing was held at the November 16<sup>th</sup> Plan Commission meeting. However, the applicant requested changes to the text amendment that were not available to the public at time of public notification. Therefore, the plan commission did not close the public hearing and re-noticed the hearing for the December meeting to ensure the public had access and time to review the revised application materials.

A continuation of the public hearing was held at the December 21<sup>st</sup> Plan Commission meeting. After considering comments from the public and reviewing the application materials, the Plan Commission had the following recommendations:

- 24 consecutive hours may be too long for an activity/event, also consider set up and take down limitations
- Consider separate provisions for public activities/events specific to managing the # of people and parking
- Conditions 10 and 15 should be consolidated to avoid confusion
- Conditions 13 and 16 should be consolidated to avoid confusion. Consider defining the area and use of the tents. Consider excluding parties of a certain size.

The public provided the following comments and concerns:

- Noise should not reach the level of a nuisance as specified in the ordinance
- Tents should be regulated so that there is not a lot of outside noise
- In favor of use. However, provisions should be applied consistently throughout village
- Sprinkler system requirements should be considered
- Proper waste disposal should be considered
- Parking should be on pavement
- Supportive of existing language that prevents a full-time business
- Proposed ordinance may provide too much latitude to have a party, not supportive of weddings

The applicant has attempted to address the comments and concerns of the Plan Commission and public with the enclosed revised proposed text amendments. Modifications from the December Plan Commission meeting are redlined. Plan Commission will want to consider the following based on their comments at the December meeting:

- Regulations related to outdoor sound amplification devices have been removed
- The applicant removed the provision that "no wedding tents shall be permitted"

- Review of public events is limited to the Police Department. The Plan Commission may want to consider requiring that written notice be sent to all property owners within 300 ft. of the subject property at least 30 days prior to an event taking place and that the site plan also be submitted to Planning Staff and/or Plan Commission for review and approval. Site Plan details for each event should include the location of tents, exhibits, signage, lighting, temporary bathroom facilities, waste disposal facilities, the duration of the event, which should in no case exceed a certain number of days, hours of the event, parking, and security and safety provisions.

## Amy Barrows

---

**From:** Debra K. Weber <DWeber@axley.com>  
**Sent:** Thursday, January 4, 2024 12:41 PM  
**To:** Amy Barrows  
**Cc:** Rebekah Carsey; James W. Hammes  
**Subject:** Carsey/White Stag - Village of Summit proposed Ordinance  
**Attachments:** REVISIONS to Ordinance Creating 111-357(d)(3) and 111-321(7) Summit zoning REDLINED (01.04.2024) 4893-7558-1594.1.pdf; REVISIONS to Ordinance Creating 111-357(d)(3) and 111-321(7) Summit zoning CLEAN COPY (01.04.2024) 4880-8720-9370.1.pdf

### *As dictated by James Hammes*

Amy – I'm enclosing a further revision to the proposed Ordinance which would create a Conditional Use Permit allowing the rental of Agricultural Buildings.

In reviewing the latest revisions, I have incorporated the suggested changes made at the last Plan Commission meeting. Note that I have added a new subsection which addresses the conditional use permit as it relates to public activities or events. From a drafting standpoint, I thought it better to address the use of the property for those types of activities or events separately from the private activities or events. You will note that the conditions relating to the private activities or events are incorporated into the provision relating to public activities or events, but that additional requirements including approval of a Site Plan by the Village Police Chief is now included in the section which addresses public activities or events.

Please let me know if you have any additional thoughts or comments prior to this matter being published and placed on the Agenda as my clients would like to get this matter reviewed, approved and a decision made by the Plan Commission at its next meeting so that a conditional use permit application can then be prepared and submitted.

Thank you.

*James W. Hammes*

Deb Weber  
Legal Assistant to James W. Hammes

**Debra Weber**  
Legal Assistant

**AXLEY ATTORNEYS**  
N17W24222 Riverwood Dr. Ste 250 | Waukesha, WI 53188  
Phone: 262.409.2276 | Fax: 262.524.9200  
Email: [DWeber@axley.com](mailto:DWeber@axley.com) | [axley.com](http://axley.com)  
AXLEY BRYNELSON, LLP

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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 public or 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 have direct access to a State Trunk Highway or U.S. 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 be permitted between May 1<sup>st</sup> and October 31<sup>st</sup> ~~provided, however, that no activity or event shall 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 300 attendees at any private ~~per~~ activity or event. For purposes of this subparagraph, the term "attendees" shall include staff and caterers associated with the private 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 private 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 may be used for any activity or event, provided however, that any outdoor tent used for any activity or event must be removed within twenty-four (24) hours following the conclusion of the activity or event. Permanent outdoor tents are not permitted. ~~shall not exceed the square footage of the Agricultural~~

~~Buildings.~~ The location of outdoor tents shall be depicted on the Site Plan submitted to and approved by the Plan Commission.

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.

15. There shall be no outdoor amplified music permitted by any activity or event.

16. ~~No wedding tents shall be permitted.~~

17. In accordance with the requirements of Section 18-6 of the Village Code, the sound level and decibels determined at the property line shall be limited to the decibel level permitted for residential uses. Noise rating daytime levels shall not exceed 77, and noise rating nighttime levels shall not exceed 60.

c. Public Activity or Event. In addition to the requirements set forth in subparagraph b above, the following additional conditions shall apply to public activities or events, such as art shows, craft fairs and classic automobile shows:

1. The maximum number of public activities or events shall not exceed four (4) in any calendar year.

2. The Permittee is responsible to manage all facets of all activities or events conducted at the site.

3. The Permittee shall at least twenty (20) days prior to any public activity or event, submit to the Village of Summit Police Chief a Site Plan which shall include all areas of the property that would be used for the proposed public activity or event. The Site Plan shall designate all areas of the property which would be used for exhibits or products offered for sale to the general public, as well as the internal policing and public safety procedures to be used for the public activity or event and shall be approved by the Village of Summit Police Chief, or the Police Chief's designee, in writing, not less than ten (10) days prior to the date of the proposed public activity or event. Such approval may include reasonable conditions or requirements imposed by the Police Chief if, in the determination of the Police Chief, such conditions are necessary to ensure public peace and safety.

4. Temporary overflow parking, as depicted on the proposed Site Plan for the public activity or event, shall be permitted, provided however, that at least twenty days (20) days prior to any public activity or event, the Permittee shall submit to the Police Chief a Site Plan designating and defining the areas proposed for any overflow parking. The use of the proposed overflow parking areas shall be contingent upon approval of the Police Chief, in writing, at least

ten (10) days prior to the commencement of the proposed public activity or event. Such approval may include reasonable conditions or requirements imposed by the Police Chief if, in the determination of the Police Chief, such conditions are necessary to ensure public peace and safety.

17. —

**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 \_\_\_\_\_, 2024—.

VILLAGE OF SUMMIT

BY: \_\_\_\_\_  
Village President

ATTEST:

\_\_\_\_\_  
Village Clerk

ORDINANCE NO. \_\_\_\_\_

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

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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 public or private functions, gatherings and/or celebrations including, but not limited to, meetings, banquets, social gatherings, 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 have direct access to a State Trunk Highway or U.S. 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 be permitted between May 1<sup>st</sup> and October 31<sup>st</sup>. 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.
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 300 attendees at any private activity or event. For purposes of this subparagraph, the term “attendees” shall include staff and caterers associated with the private 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. 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.
11. The number of parking spaces shall be equal to one (1) parking space per three (3) attendees at any private 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.
12. Outdoor tents may be used for any activity or event, provided however, that any outdoor tent used for any activity or event must be removed within twenty-four (24) hours following the conclusion of the activity or event. Permanent outdoor tents are not permitted. The location of outdoor tents shall be depicted on the Site Plan submitted to and approved by the Plan Commission.
13. 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.

14. There shall be no outdoor amplified music permitted by any activity or event.
  15. In accordance with the requirements of Section 18-6 of the Village Code, the sound level and decibels determined at the property line shall be limited to the decibel level permitted for residential uses. Noise rating daytime levels shall not exceed 77, and noise rating nighttime levels shall not exceed 60.
- c. *Public Activity or Event.* In addition to the requirements set forth in subparagraph b above, the following additional conditions shall apply to public activities or events, such as art shows, craft fairs and classic automobile shows:
1. The maximum number of public activities or events shall not exceed four (4) in any calendar year.
  2. The Permittee is responsible to manage all facets of all activities or events conducted at the site.
  3. The Permittee shall at least twenty (20) days prior to any public activity or event, submit to the Village of Summit Police Chief a Site Plan which shall include all areas of the property that would be used for the proposed public activity or event. The Site Plan shall designate all areas of the property which would be used for exhibits or products offered for sale to the general public, as well as the internal policing and public safety procedures to be used for the public activity or event and shall be approved by the Village of Summit Police Chief, or the Police Chief's designee, in writing, not less than ten (10) days prior to the date of the proposed public activity or event. Such approval may include reasonable conditions or requirements imposed by the Police Chief if, in the determination of the Police Chief, such conditions are necessary to ensure public peace and safety.
  4. Temporary overflow parking, as depicted on the proposed Site Plan for the public activity or event, shall be permitted, provided however, that at least twenty days (20) days prior to any public activity or event, the Permittee shall submit to the Police Chief a Site Plan designating and defining the areas proposed for any overflow parking. The use of the proposed overflow parking areas shall be contingent upon approval of the Police Chief, in writing, at least ten (10) days prior to the commencement of the proposed public activity or event. Such approval may include reasonable conditions or requirements imposed by the Police Chief if, in the determination of the Police Chief, such conditions are necessary to ensure public peace and safety.

**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 \_\_\_\_\_, 2024.

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 Commercial Vehicle Parking**

12/21/2023 PC Meeting

**1/18/2024 PC Meeting**

## ***Request of Jessica and Christopher Kadow***

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Staff Report

Village of Summit, Wisconsin

**Possible Motions:** *Recommend Village Board adopt the proposed text amendments amending Section 111-431, repealing and recreating Section 111-321(4), and creating Section 111-358(d)(2) of the Village of Summit Zoning and Shoreland Ordinance 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).*

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### **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 applicant would like to store commercial vehicles on his property. Therefore, he is proposing that the Village consider amending the text of the Zoning Ordinance to allow him to do so subject to several conditions. Amongst other conditions, the conditions allow limited employee parking. The proposed text amendments are enclosed.

- Section 111-431: The amendments include a new definition for “commercial vehicle parking.”
- Section 111-321(4) provides conditions that would need to be met in order for a commercial vehicle parking conditional use to take place.
- Section 111-358(d)(2): The amendments include commercial vehicle parking as a Conditional Use Permit in the A-2 Zoning District.

At the December 21, 2024 meeting, the Plan Commission scheduled a public hearing for the January 18, 2024 meeting.

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

Ordinance No. \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 111-431, REPEALING AND RECREATING SECTION 111-321(4), AND CREATING SECTION 111-358(d)(2) OF THE MUNICIPAL CODE OF THE VILLAGE OF SUMMIT**

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**NOW, THEREFORE**, the Village Board of the Village of Summit, Waukesha County, Wisconsin does ordain as follows:

**SECTION 1:** Section 111-431 of the Village of Summit Municipal Code is amended by inserting the following term:

*Commercial vehicle parking* means parking and storage of commercial or industrial vehicles, such as trucks, construction vehicles, grading equipment, semi-trailers, tractors, and similar vehicles and related equipment. All such vehicles and equipment shall be fully operative and in active use.

**SECTION 2:** Section 111-321(4) of the Village of Summit Municipal Code is repealed and recreated to read as follows:

(4) *Commercial vehicle parking*. The parking and storage of commercial vehicles shall be permitted as a conditional use upon compliance with all of the following requirements:

- a. The minimum lot area of the parcel utilized for commercial vehicle parking shall be at least 15 acres.
- b. All commercial vehicles shall be owned, or leased and operated by, the owner or occupant of the property.
- c. The boundary of any parcel utilized for commercial vehicle parking shall be within 200 feet of a county highway or state trunk highway.
- d. All commercial vehicles shall be parked or stored in an enclosed structure having flooring that consists of concrete or other impervious surface.
- e. No commercial activity involving a commercial vehicle shall occur on the property in which commercial vehicle are parked or stored.
- f. Parking on the property for up to four employees who operate the commercial vehicles may occur if such parking is screened from view from any public right-of-way or adjacent property by landscape or

architectural means. For purposes of this Subsection, an employee is a person who has no familial relationship with the applicable person that: (i) owns the parcel utilized for commercial vehicle parking; (ii) operates commercial vehicle parking on the subject parcel; or (iii) owns the entity that operates the commercial vehicle parking on the subject parcel.

- g. The conditional use permit shall terminate upon the transfer of ownership of the property utilized for commercial vehicle parking, except that the conditional use permit shall remain in effect upon the transfer between the owner of the subject parcel and an entity owned or trust by such person.

**SECTION 3:** Section 111-358(d)(2) of the Village of Summit Municipal Code is created to read as follows:

- (2) Commercial vehicle parking.

This Ordinance passed this \_\_\_\_ day of \_\_\_\_\_, 2023.

VILLAGE OF SUMMIT

By: \_\_\_\_\_  
Jack Riley, Village President

Attest: \_\_\_\_\_  
Debra Michael, Village Administrator – Clerk/Treasurer

Published/Posted the \_\_\_\_ day of \_\_\_\_\_ 2023.

**Ole’s Tap Business Plan of Operation Amendment and Signage  
34324 Delafield Road, SUMT0669053**

**01/18/2024 Plan Commission Meeting**

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Staff Report

Village of Summit, Wisconsin

Property Owner: Phillip J Zagrodnik  
Applicant: Phil Zagrodnik  
Zoning: NC Neighborhood Commercial  
Land Use Plan: Mixed Use Commercial

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**Recommended Motion for Business Plan of Operation:**

Approval of the proposed Business Plan of Operation amendment, subject to the following conditions:

1. The applicant is limited to the business plan of operation approved by the Plan Commission in July of 2023, unless modified as part of this staff report. Any other changes to the business plan of operation require review and approval by Plan Commission prior to those changes taking effect.
2. The applicant is limited to three special events per calendar year. The applicant shall submit a detailed site plan and operational plan of each special event at least 45 days in advance of the event for Plan Commission consideration. The submittal shall include a site plan with the location and size of any tents and amenities, such as a hot tub, bar, or grill; hours of operation; type and hours of music; location and colored scaled rendering of any temporary signage, location of temporary parking; location and type of any temporary lighting; and proposed safety measures. The submittal package shall be reviewed by the Village Planner, Building Inspector, Fire Department, and Police Department prior to Plan Commission consideration. All necessary restaurant and liquor licenses shall be granted prior to the event taking place, if the event exceeds the limitations of the current licenses.
3. There shall be no residential uses existing on the property, unless and until such time the Zoning Ordinance is amended to allow the use and all associated approvals and permits are granted.
4. The outbuildings shall be limited to personal storage unless otherwise approved by the Plan Commission.
5. The applicant shall submit a Certified Survey Map for review and approval that combines the five existing legal lots of record prior to November 1, 2024.
6. The applicant shall submit an application to make additional parking lot improvements prior to November 1, 2024. At a minimum, parking lot improvements submitted by November 1, 2024 shall include parking stalls that comply with all parking provisions of

the Zoning Ordinance and the parking shall be paved and marked.

**Recommended Motion for Signage:**

At the Plan Commission's discretion.

**Summary:**

The subject property is approximately 0.96 acres in size and is served by sewer and a private well. The property has been operating as a tavern for several decades. There are also three accessory buildings on the property. The applicant received Business Plan of Operation approval at the July 20, 2023 Plan Commission meeting to continue the operation as Ole's Tap with no operational changes. At the time, Plan Commission was basing their approval using the most recent Site Plan dated 1999. In that Site Plan, the uses were limited to a general bar with the owner's residence in the same building as the bar, a 2-car garage, 1-car garage, free-standing sign, and private drive. The site plan did include outdoor activity space. It should be noted that the owner's residence occupied a portion of the 1<sup>st</sup> and 2<sup>nd</sup> floors of the main building. No rental units were approved on the property in any of the accessory buildings.

The applicant has submitted a more detailed Business Plan of Operation for the January 2024 meeting. The operation will continue to operate as a bar that serves limited, low complexity food. The County license refers to the sale of frozen pizzas, soups, and hot dogs. There will continue to be six horseshoe pits located west of the building. The applicant would like to remodel and use the efficiency apartment that has existing in an outbuilding. However, this efficiency apartment was never permitted and would require additional approvals. The applicant would like to make the following improvements/modifications to the Business Plan of Operation:

- Remove the residential quarters from the main building.
- Remove three interior walls in the bar area and reconfigure the bar to increase seating. The improvements will increase seating to 44 seats.
- Upgrade electrical service.
- Rotate entry doors so they swing out.
- Upgrade signage.
- Participate in three special events a year, including the Polar Bear Plunge (January), Ice Fishing Jamboree (February), and the Harley Homecoming Ride (July). These events may include an outdoor tent with heaters, grill, outdoor bar, hot tubs, and and outdoor bar.

**Hours of Operation:**

Monday – Thursday, 10 am – 2 am

Friday-Sunday, 10 am – 2:30 am

Outdoor activities will cease by 10 pm, unless otherwise specified in special event permits

**Number of Employees (per BPO granted in July)**

6 full-time employees

**Music:**

Limited to indoor live music only, unless otherwise specified in special event permits

**Parking:**

The applicant is required to have at least 11 parking spaces per the ordinance. The ordinance requires at least one space per 150 sq. ft. of floor area used for business purposes. Based on the applicant's calculations, there is 1,508 sq. ft. used for commercial purposes. The remaining square footage is storage. (yields 10 parking spaces), or one space per four seats (yields 11 parking spaces), whichever requires more seating. The applicant has submitted a site plan that shows how 17 unmarked parking stalls fit within the existing gravel area.

*Plan Commission should determine if the existing gravel area should be marked and surfaced with asphalt prior to modifying the interior of the bar. It should be noted that the applicant intends on proposing additional improvements in the near future that would result in additional parking and other site improvements.*

**Signage:**

**Pole Sign** – The applicant is proposing to raise the existing sign face on the pole sign. The bottom of the sign face is currently 7 ft. above grade. The applicant is proposing the bottom of the sign face at 12 ft. above grade. The sign face is 4'1" wide x 4'11" tall. Therefore, the top of the sign face would be 16'11" above grade. The sign is internally lit.

*No new pole signs are permitted. Any modification to an existing pole sign is subject to Plan Commission review and approval.*

**Wall-mounted sign** – The applicant is proposing one wall-mounted sign facing CTH DR/I-94. The sign would be 38" wide x 24" tall, 6.3 sq. ft. The sign would be back-lit and provide a halo effect.

*The sign complies with the ordinance. Wall-mounted signage shall not exceed 20% of the wall area.*

**Window signage** – The applicant is proposing to install illuminated bar signage in each of the windows facing CTH DR. An image of the sign that is being proposed is included in the packet.

*There are no provisions specific to window signage in the ordinance.*

# **OLE'S TAP**

## **PLAN OF OPERATION & PROPOSED CHANGES**

**P. Zagrodnik Jan 4, 2024**

# PLAN OF OPERATION

## **Business Description:**

- Ole's Tap is a bar that serves limited, low complexity, food. It has 6 horseshoe pits to the west of the building, two garages and one efficiency apartment. See current survey plat layout

## **Hours of Operation:**

- Monday - Thursday, 10am to 2am
- Friday - Sunday 10am to 2:30am
- Any outdoor activities will stop by 10pm, unless otherwise specified in special event permits
- Indoor live music

## **Proposed Special Events:**

- January 1: Polar Bear Plunge - Outdoor grill, tent with heaters, possible portable hot tubs, outdoor bar
- February 24: Ice Fishing Jamboree - Outdoor grill, tent with heaters, & outdoor bar
- July 25 - 28: Harley Homecoming Ride - Outdoor grill, tents, outdoor bar, & bands inside

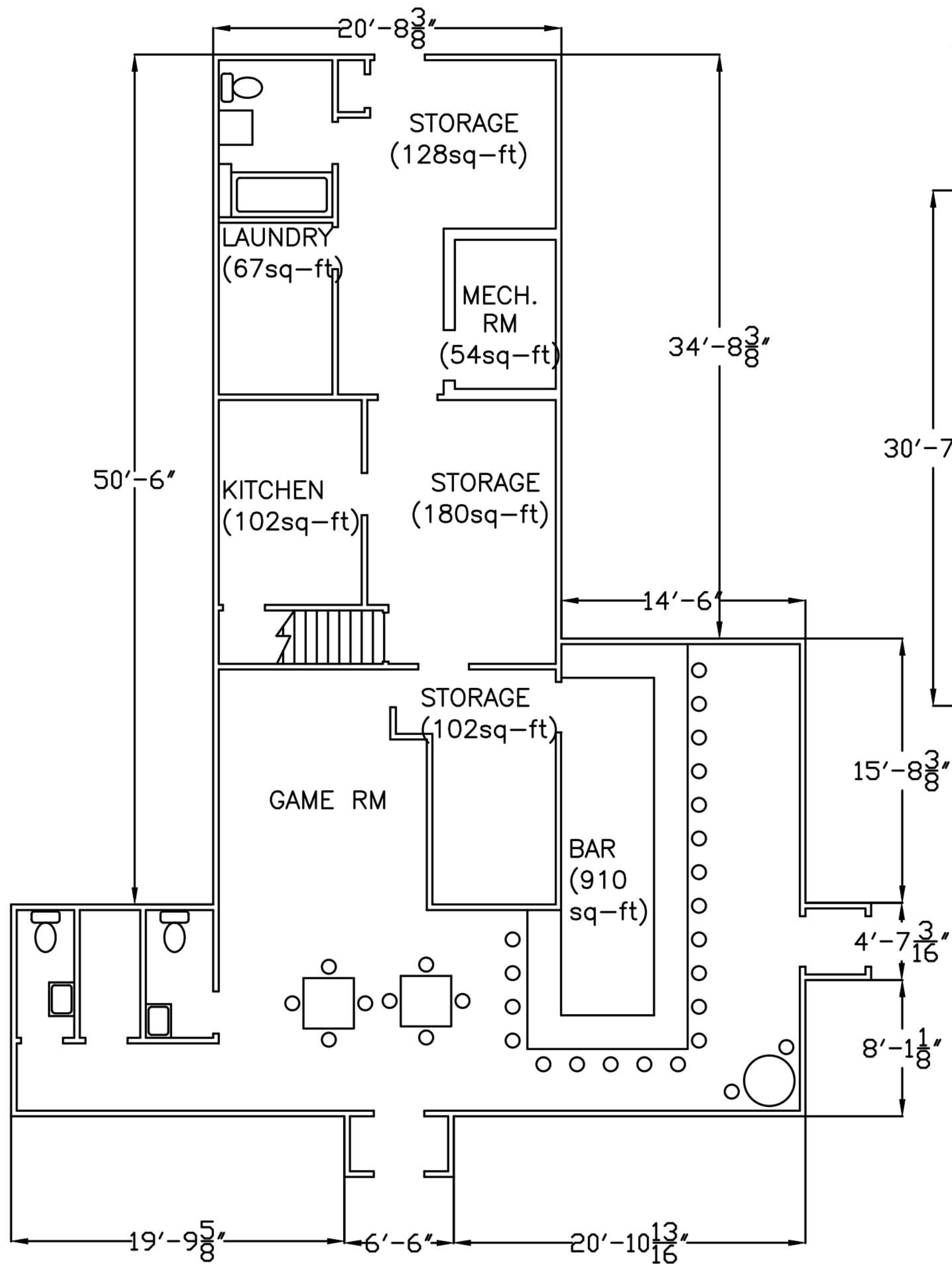
# CURRENT SURVEY PLAT

# PROPOSED CHANGES

- Remove three interior walls in the bar area and reconfigure bar to increase seating.
- Upgrade electrical service
- Rotate entry doors so they swing out
- Upgrade Ole's Tap sign. Raise it to increase visibility and update lighting
- Update will add 10 seats for a total of 44 seats, requiring 11 parking spaces. Sq ft calculation only requires 8 parking spaces - current parking areas support added seating

# CURRENT FLOOR PLAN

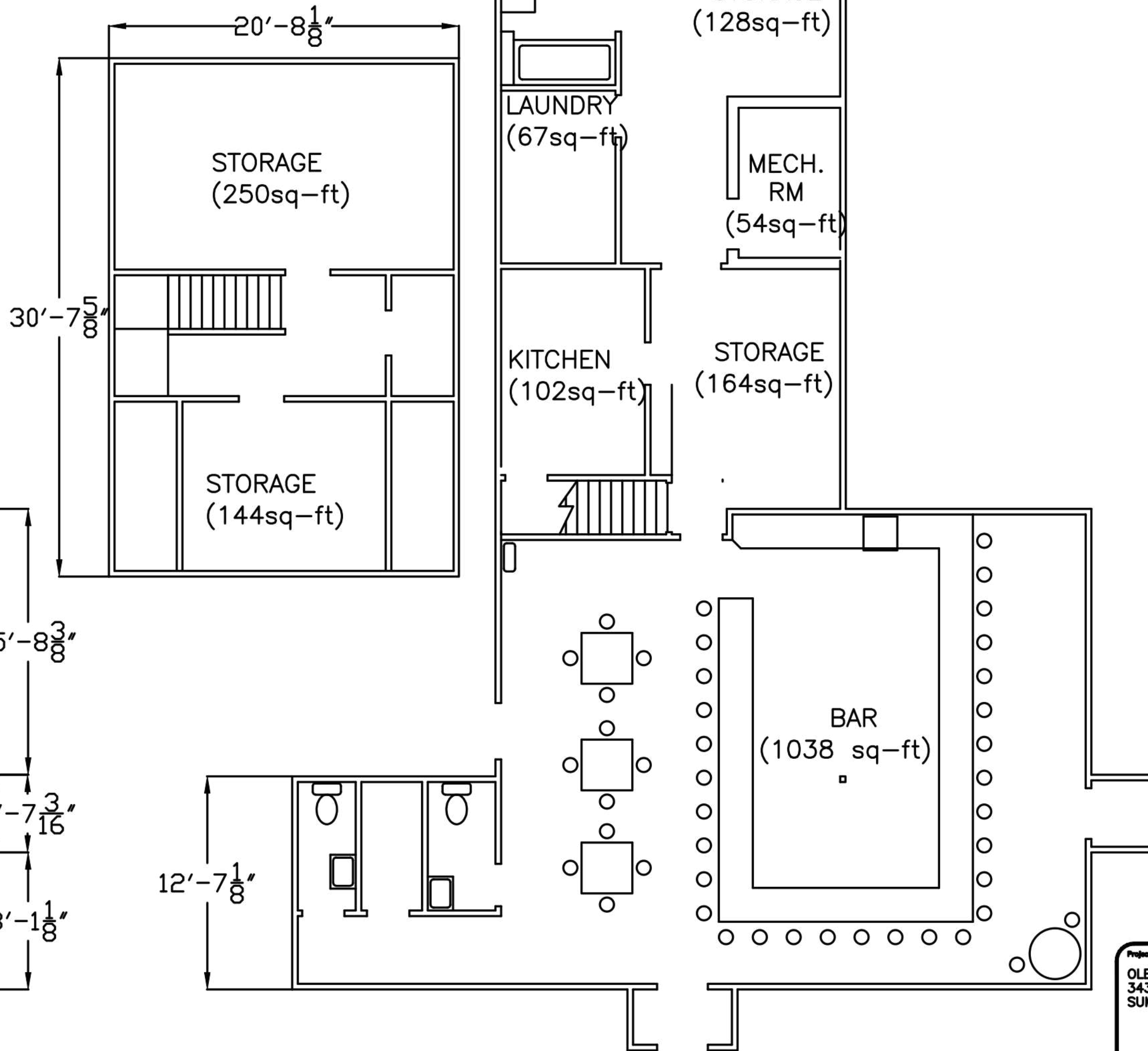
(1854 sq-ft)



# PROPOSED FLOOR PLAN

## SECOND FLOOR

(632 sq-ft)

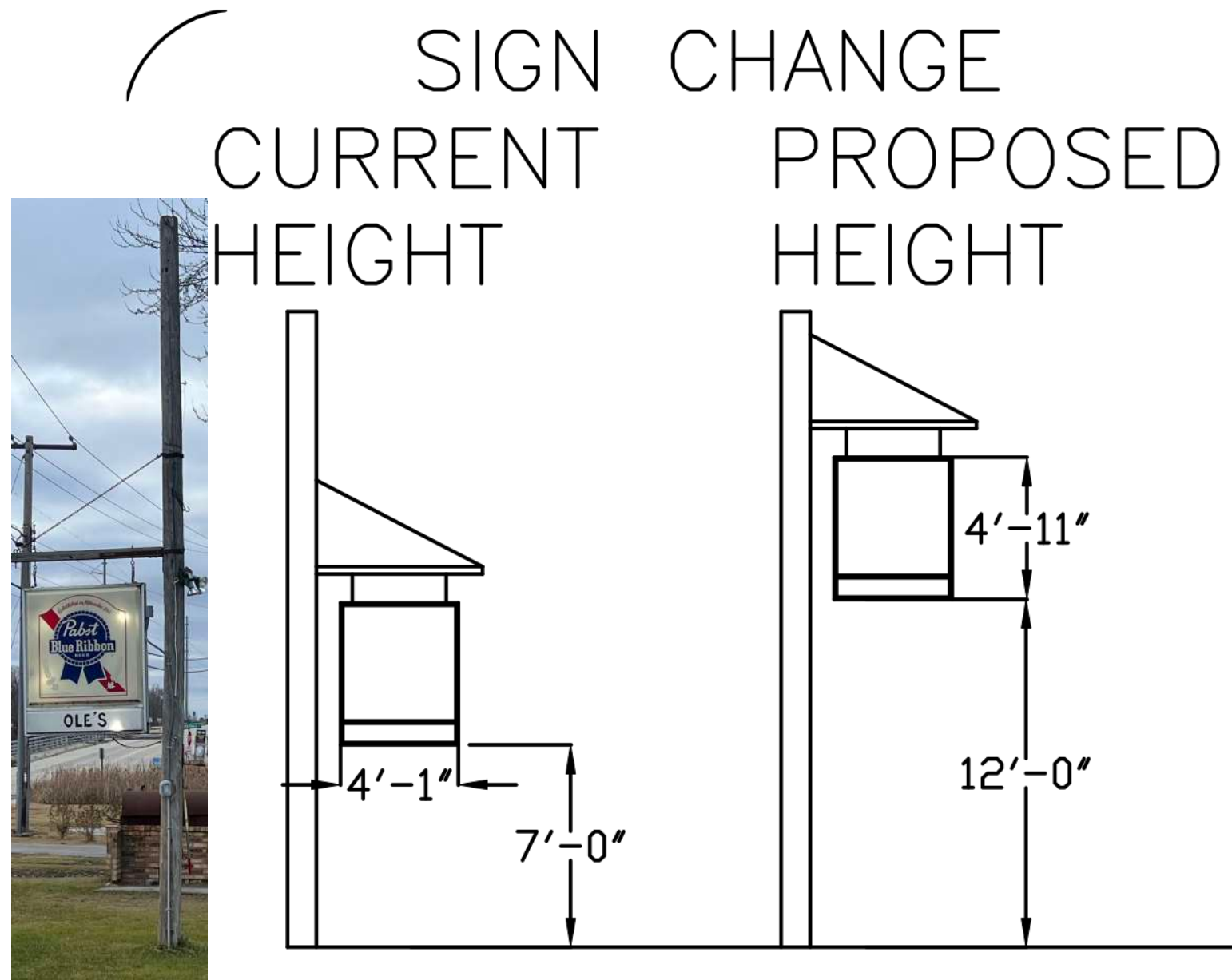


Project Name and Address  
**OLE'S TAP CURRENT & FUTURE**  
 34324 DELAFIELD RD  
 SUMMIT, WI 53066

Project	OLE'S TAP REMODEL	Sheet	A1.1
Date	12/14/2023		
Scale	NONE		



# FUTURE FRONT VIEW



Each bar window will have a light sign

2nd floor windows facing road will also have signs



# PROPOSED CHANGES

## TIMING

- If approved, construction will begin in February / early March to be completed prior to April