



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

MINUTES

Village of Summit Plan Commission

Thursday, February 15, 2024

CALL TO ORDER

Chairperson Siepman called to order the Plan Commission meeting at 5:30 p.m. on Thursday, February 15, 2024 at the Summit Village Hall, 37100 Delafield Rd, Summit, Wisconsin.

ROLL CALL AND CONFIRM POSTING

Deputy Clerk LaValliere took roll call and confirmed notice given to the local media as required and requested and posting of the agenda to the Village posting board and website. Commissioners present were: Paul Schmitter, Jay Obenberger, Jim Petronovich, Sandra Murray, Matthew Katz, Annette Kaja, Paul Schmitter, and Alternate Joan Gucciardi, also present were Chairperson Jim Siepman, Planner Amy Barrows, and Deputy Clerk/Deputy Treasurer Sarah LaValliere

MINUTES

- May 18, 2023
- January 18, 2024

MOTION: (Petronovich, Kaja) *to approve the May 18, 2023 and January 18, 2024, minutes.* Carried

Next meeting date – proposed for Thursday, March 21, at 5:30 p.m.

PUBLIC HEARINGS

Chairperson Siepman re-opened a PUBLIC HEARING to:

Receive comments and discuss 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.

MOTION: (Katz, Murray) *to reopen the public hearing held over from January Plan Commission meeting.*
Carried

Planner Barrows provided a brief review of the public hearings thus far as presented in the staff report.

Attorney James Hammes, Axley Brynelson, LLP, representing the petitioner, reviewed the revised text amendment, and added they reduced the number of events to a maximum capacity of 225 people for 2/3 of total events, and this would include staff and catering.

Chairperson Siepmann Opened the Hearing for Public Comment.

Kim Hotchkiss, 37471 Stillwater Drive

Does not want the event venue in or around Summit. Requested clarity on types of events and complete details on what events, how many events and who is responsible for enforcement.

Sharon Legwinski, 863 Red Oak Dr

Moved out to the area for quiet Lake Country and not interested in having the area rezoned from agricultural to event. Votes no to the text amendment.

Brian Porter, 37500 Stillwater Dr

Read his statement into the record. The proposed use should not be allowed in the Village of Summit unless located on property zoned commercial and never on property adjacent to neighborhood area.

Request the following changes: (this list is a brief of the requested changes)

- Analyze concerns and gaps that are not addressed in other ordinances
- Restrict the number of events that would include more than 75 people after 5 pm to no more than 2 per month and 6 per year
- Number of decibels allowed to 70 at the property line
- Modify restrictions on sound amplification to all sound
- Restrict total square footage of tents to be used to 20' x 40'
- State that amplified sound cannot be used in tents

Marynell Costa, 37981 Wildwood Lane

Opposed to any type of event barn. Questioned if it is approved who is enforcing the rules.

Kevin Tadych, 37736 Sunset Dr

Presented his data about noise. Presented three reasons why noise is not going to be a problem:

- Barn is surrounded by woods and marsh and most people are over ½ mile away.
- Made reference to the calculation of noise and the noise neighbor's leaf blowers
- Has done multiple tests and can't hear 100 DB in the barn or outside. The ordinance is in place as a failsafe.

Does not want to infringe upon the neighbors, if there are complaints agrees there should be enforcement.

Attorney Hammes, Axley Brynelson, LLP

Addressed complaints regarding ordinance violations. Concerns are legitimate, and if there is a complaint there is a mechanism for enforcement.

Planner Barrows addressed enforcement. The way the code is drafted right now, it is applicable to a single property and that property is the Tadych property.

Chairperson Siepmann asked the Plan commission for additional feedback prior to closing the hearing.

Plan Commission members engage in additional conversation.

Inquiry is made to text amendment and the legality of the text amendment and purpose and intent of the ordinance, and a request for an owner-occupied residence on property as a method of accountability to neighbors.

Member Petronovich questions the conditional use passing to new ownership. Attorney Hammes replied that it does not.

Planner Barrows affirms general practice at the Village is most people who have Conditional Use Permits have to come in every five years for review.

Attorney Hammes, Axley Brynelson, LLP

States that non-public is confined to one contract and invitees of that contract owner. There is more conversation about contract and meaning.

Planner Barrows added that the Plan Commission has an opportunity for control when the Conditional Use permit is applied for and an understanding of the business is had.

There is a request to quantify number of events and specify owner occupation for accountability to neighbors.

Some members of the Plan Commission point out that this process has been ongoing, and is costly for the applicant and those involved and to extend it another month for additional revisions is not necessary.

Dave Hotchkiss, 37471 Stillwater Dr

Trying to find some compromise with the number of events and noise issue.

Atty Hammes, Axley Brynelson, LLP

Addressed number of events having moved significantly from 350 to 225 and that the parcel is owner occupied.

Brian Porter, 37500 Stillwater Dr

The process has contributed to multiple iterations and subvert the needs of the residents because of the process and inconvenience for people involved.

Conversation is had about a “quiet” day during the week, and that the number of events allowed in ordinance being too many, and owner occupation.

Chairperson Siepmann Closed the Public Hearing at: 6:30 pm

Chairperson Siepmann re opened a PUBLIC HEARING:

To receive comments and discuss a revised 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.

MOTION: (Murray, Kaja) *to reconvene the public hearing.* Carried

Planner Barrows addressed the changes to the text.

The applicant has revised the proposed text amendments with an attempt to control the number of commercial vehicles. Two options were submitted for consideration:

Option 1: Proposed Section 111-321(4)c. would limit parking to no more than six commercial vehicles. If four or more are proposed, two of the vehicles shall not exceed two axles. Equipment is not included in determining the number of commercial vehicles.

Option 2: Proposed Section 111-321(4)c. would limit parking to no more than six commercial vehicles with two of the commercial vehicles not exceeding two axles. Equipment is not included in determining the number of commercial vehicles.

Chairperson Siepmann opened the hearing for Public Comment.

Attorney Michael Van Kleunen, representing applicant gave a brief comment to clarify the options.

Chairperson Siepmann closed the public hearing at: 6:35 pm

REGULAR BUSINESS:

Taken out of order agenda item 7B 1 order to accommodate applicant need.

Discussion and action on 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.

MOTION: (Katz, Murray) *to recommend Village Board adopt the proposed text amendments amending Section 111-431, repealing and recreating Section 111-321, include option 111 321. 4 (c) option 1, 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. Carried*

Taken out of order agenda item 7C 1 & 7D 1 at request of Planner

Discussion and action on request of Jessica Praeger, Oconomowoc Area Baseball Club, to propose improvements at Genesee Lake Road Village Park (SUMT0685979001).

Kevin Rosch, Oconomowoc Area Baseball Club introduced himself to the Plan Commission.

Planner barrows reviewed the request of OABC to propose improvements at Genesee Lake Road Village Park.

Questions relating to color arise and OABC responded red canopy & black posts to be consistent with what is existing.

MOTION: (Katz, Murray) *to approve the Site Plan improvements as proposed subject to the following conditions:*

- 1. An updated insurance policy shall be provided to the Village of Summit that includes the additional improvements.*

2. *An updated lease agreement shall be prepared and approved by the applicant and the Village of Summit Board, if deemed necessary by the Village of Summit.*
3. *The applicant shall contact the Village Building Inspector to determine if any building permits are required.*

Carried

Taken out of order 7D 1

Discussion and action on request of Dennis & Gina Krueger to combine two lots by Certified Survey Map on property owned by Dennis & Gina Krueger, located at 1920 N. Oak Grove Road (SUMT0669109), and the adjacent property to the south (SUMT0669110) owned by Dennis W Krueger and Christine E Garlock Et. Al.

Planner Barrows reviewed the property information included as part of the staff report and packet.

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

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

Carried.

Agenda Item 7A 1 taken out of order

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.

Chairperson Siepmann provided comment on preservation of Ag land and barns and development in the Village of Summit.

Additional conversation is had about noise and quantity of events.

MOTION: (Katz, Schmitter) *to recommend Village Board adopt the proposed revised 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.

Carried. Petronovich, Murray, and Kaja opposed.

UPDATE regarding Village Board action on Plan Commission matters

Planner Barrows reviewed topics presented to the Village Board that impact the Plan Commission

- Acknowledge open house that took place for vacation of Venice Beach Rd
Responses will be compiled and will be presented in March and Village Board will vote on in March.
- Acknowledge project scope for project to review existing zoning code and conditional uses as they are right now. Identify any uses that are missing in order to build into zoning code to support certain uses.

ADJOURN Plan Commission meeting

MOTION: (Schmitter, Kaja) *to adjourn the Plan Commission meeting at: 7:00 pm.* Carried.

Respectfully submitted,

Sarah LaValliere
Deputy Clerk/ Deputy Treasurer

Next meeting date: March 21, 2024