



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](http://www.summitvillage.org)

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## MINUTES

### Village of Summit Plan Commission

### June 20, 2024

#### CALL TO ORDER

Chairperson Siepmann called to order the Plan Commission meeting at 5:30 p.m. on Thursday, June 20, 2024 at 5:30 pm at the Summit Village Hall, 37100 Delafield Rd, Summit, Wisconsin.

#### ROLL CALL AND CONFIRM POSTING

Deputy Clerk/Deputy Treasurer LaValliere took roll call and confirmed posting of the meeting to the local media as required and requested and posting on the village website and posting board. Commissioners present were: Jim Petronovich, Sandra Murray, Annette Kaja, Jay Obenberger, and Matt Katz. Also present were: Chairperson Jim Siepmann, Planner Amy Barrows, Deputy Clerk/Deputy Treasurer Sarah LaValliere Commissioners Paul Schmitter and alternate Joan Gucciardi were absent.

#### MINUTES

- May 16, 2024

**MOTION:** (Petronovich, Murray) *to approve the minutes of the May 16, 2024 meeting.* Carried

Next meeting date – proposed for Thursday, July 18th, at 5:30 p.m.  
Matt Katz will not be in attendance.

#### PUBLIC HEARINGS

Chairperson Siepmann opened the **Public Hearing** at: 5:31 p.m. to receive comments and discuss a proposed text amendment of the Village of Summit Zoning and Shoreland Protection Ordinance initiated by the Zoning Administrator. The request includes an amendment to Section 111-347(e)(1)j, reducing the accessory structure minimum front/street setback from 75 ft. to 50 ft. in the R-1 Estate Residential District.

Planner Barrows reviewed the proposed text amendment of the Village of Summit Zoning and Shoreland Protection Ordinance initiated by the Zoning Administrator. The request includes an amendment to Section 111-347(e)(1)j, reducing the accessory structure minimum front/street setback from 75 ft. to 50 ft. in the R-1 Estate Residential District.

Chairperson Siepmann opened the hearing for public comment.  
There was no public comment.

Chairperson Siepmann closed the public hearing at: 5:34 p.m.

Chairperson Siepmann opened the next **Public Hearing** at: 5:35 p.m. to receive comments and discuss a Conditional Use request from Travis Loften to raise two pigs in accordance with Section 111-321(3) as regulated household animals, and as further defined as confined hobby animals, on property located at 35918 Genesee Lake Road (SUMT0667993).

Planner Barrows read an email from Joe Hogan, a neighbor to the east; stating he does not have any problem with pigs on the property.

Planner Barrows reviewed the Conditional Use request from Travis Loften to raise two pigs in accordance with Section 111-321(3) as regulated household animals, and as further defined as confined hobby animals, on property located at 35918 Genesee Lake Road (SUMT0667993).

Chairperson Siepmann opened the hearing for public comment.  
There was no public comment.

Chairperson Siepmann closed the public hearing at: 5:37 p.m.

Chairperson Siepmann opened the next **Public Hearing** at: 5:38 p.m. to receive comments and discuss a request from Sunset Family Farms, LLC as the petitioner/responsible party and property owner at 37736 Sunset Drive, and Rebekah Carsey, White Stag 1894, LLC, as the agent 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 provided conditions are met. Specifically, the applicant is proposing to create Section 111-357(d)(3) to allow rental of agricultural buildings for private 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 reviewed the request from Sunset Family Farms, LLC as the petitioner/responsible party and property owner at 37736 Sunset Drive, and Rebekah Carsey, White Stag 1894, LLC, as the agent 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 provided conditions are met. Specifically, the applicant is proposing to create Section 111-357(d)(3) to allow rental of agricultural buildings for private 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 additional information on the prior two (2) denials that have occurred regarding this type of request.

Planner Barrows reviewed the criteria for this public hearing (the new redlined version of the proposed text amendment which show the changes made since the applicant's previous request which was withdrawn. In addition, food trucks are being considered as part of the conditional use permit conditions.

Commissioner Jay Obenberger recuses himself from this portion of the meeting and left the room.

Chairperson Siepmann opens the public hearing up for comment from the plan commission.

Plan commission has questions about food trucks and parking.

- Would parking be outside of the allocated parking spots or considered part of total parking?
  - Planner Barrows responded Food trucks are not allowed in a parking spot.
- Does Food truck conflict with tents?
  - Planner Barrows responded if food trucks are proposed they would be considered as part of the conditional use.

Planner Barrows provided additional information regarding food trucks as part of the text amendment and conditional uses.

There was additional conversation about timing of events, and it is stated that timing is being kept as is.

Chairperson Siepmann opened the hearing up for public comment:

Rebekah Carsey, 37736 Sunset Drive stated that she has reviewed the changes in the proposal and is hopeful that the revisions are considered acceptable by the plan commission. These efforts are to keep farms economically stable and provide a sense of community. Mrs. Carsey reviewed the process that they have been through and the revisions to the text amendment – this is the most restrictive of the revisions.

Sarah Hayden, 1231 N Breezeland Road - supports and sees value to community.

Brian Porter, 37500 Still Water Drive - provided his statements (he referenced the letter he provided for the plan commission to review which are incorporated at the end of these minutes). Mr. Porter asks for denial of request, or next month he will provide his own proposed ordinance for review.

Cheri Buelow, 111 S Regency Circle - supports the unique event venue, and thinks it is a good idea.

Carolyn Hulliberger, 2851 Yahara Drive - vouches for the motives in wanting to establish this business. In favor of the proposal.

Jeff Nate, 350 Waters Edge Drive - does not support and dittos everything Brian Porter said. Moved from Madison for tranquility and can hear a pin drop. Does not want noise.

Tammi Zalewski, 36738 Lower Lake Road - supports, and sees need for facilities to accommodate groups/events.

Michelle Randgaard, 37477 Stillwater Drive – made reference to petition that applicant submitted prior not being representative of Village of Summit residents. Concerned about number of events and size, and doesn't want to live next to event barn.

Don Feuling, 313 Wood Side Drive - in favor of progress, but has an issue with wording of the text amendment and is concerned about public versus private events and ADA regulations. Stating that once an event is private then it becomes exempt of ADA regulations.

Planner Barrows provides clarification regarding public versus private referring to event invitation type not building code compliance.

Bobby Carsey, 237 W Cedar Valley Road, Delafield WI - supports, and as a business owner would like to

have facilities that are outdoors like the rural agricultural buildings, continuing that students fly in and stay and dine in the area. As a veteran believes that there is a need to be able to rent agricultural educational facilities and community building and restorative purposes. Believes that members of the public would benefit from this proposal.

Tina Kummrow, 1421 N Golden Lake Road – supports and would rather see land maintained instead of sold to develop.

Dave Hotchkiss, 37471 Still Water Drive – recapped his appeal for compromise. Frustrated and concerned about main complaint which is after hours noise and activities. He questions transparency of whole proposal. The concern that needs to be addressed is the after-hours activities. Bottom line issue is noise and weddings that can occur on weekends 72 possible times. Exclude weddings and the problem is resolved. References the petition of 42 residents submitted and the board is ignoring the feedback of residents. He does not see benefit to the Village and the responsibility of the Plan Commission is to look at Summit as a community, and urges rejection of ordinance as written and states compromise would be excluding weddings all together.

Planner Barrows reviewed no petitions were included as part of the record for this public hearing meeting therefore any reference to petitions is not considered. This applies to both petitions referenced.

Rebekah Carsey provided information on occupancy rate and weather, stating first priority is a working ag farm. She addressed noise complaints and stated that after discussing noise with other local venues and event barns that are close to residential homes, they have no noise complaints. The business has an obligation to self-monitor and not risk impacting their livelihood.

Kevin Tadych, 37736 Sunset Drive - supports and provided comments regarding noise, stating this is an agricultural property already that has noise making equipment and activities like tractors, and heavy equipment that run all night long as a quasi-commercial endeavor. Waukesha County has seven facilities that are not getting shot down because of noise. The golden rule of do unto others as you want done to you, that applies to noise levels. There are ski shows that are run where the noise can be heard on his property occasionally. He continues to review decibel information and concludes with the reason that they started to pursue this option is that the food network asked to utilize his facilities and it would be a great opportunity to showcase Summit.

Chairperson Siepmann closed the public hearing at: 6:32 p.m.

## **REGULAR BUSINESS:**

Commissioner Jay Obenberger returns to the meeting.

Discussion and action on proposed text amendment of the Village of Summit Zoning and Shoreland Protection Ordinance initiated by the Zoning Administrator. The request includes an amendment to Section 111-347(e)(1)j, reducing the accessory structure minimum front/street setback from 75 ft. to 50 ft. in the R-1 Estate Residential District.

**MOTION:** (Murray, Petronovich) *to recommend that Village Board adopt a text amendment to Section 111-347(e)(1)j, reducing the accessory structure minimum front/street setback from 75 ft. to 50 ft. in the R-1 Estate Residential District. - Carried*

Discussion and action on Conditional Use request from Travis Loften to raise two pigs in accordance with Section 111-321(3) as regulated household animals, and as further defined as confined hobby animals, on property located at 35918 Genesee Lake Road (SUMT0667993).

Planner Barrows reviewed the Conditional Use Permit and made decision to be consistent with the way they are currently written and runs through the criteria that includes adding that manure must be transported off site. She ran through conditional use criteria to make sure there is compliance prior to issuing Conditional Use Permit.

Travis Loften, applicant, approached podium for questions and restated removal of manure from property.

**MOTION:** (Katz, Petronovich) *to approve the Conditional Use request to raise two pigs as regulated household animals, and as further defined as confined hobby animals, in accordance with the enclosed Conditional Use Agreement, subject to Village Attorney review and with change to number four of the CU agreement to reflect that manure must be removed off site. Carried*

Discussion and action on request of Barb Whitstone, on behalf of Rogers Memorial Hospital, to construct a brick wall and other minor improvements on property located at 34700 Valley Road (SUMT0622977002).

Planner Barrows reviewed the proposed changes to the alcove area of the main campus of Rogers Memorial Hospital.

Barb Whitstone, Rogers Memorial Hospital, 34700 Valley Road- reviewed the proposal for a brick wall with cast stone base and pillars that match the façade of the building. The brick is the same brick that is used on the building that it is adjacent to. The paths lead to egress and seating area. It is such a small area the paths don't lead anywhere. The intent is for inpatients to have ADA access to a courtyard with privacy wall for privacy and security.

**MOTION:** (Katz, Obenberger) *to approve the Site Plan improvements as presented. Carried*

Discussion and action on request of James Stoffer to combine multiple lots as part of a Certified Survey Map, including review based on Article X of Chapter 109 Subdivision of Land Ordinance, on property located at 3348 N. Silver Lake Drive (SUMT0612031).

Planner Barrows reviewed the request of James Stoffer to combine multiple lots as part of a Certified Survey Map, including review based on Article X of Chapter 109 Subdivision of Land Ordinance, on property located at 3348 N. Silver Lake Drive (SUMT0612031). It is occupied as a single lot currently. CSM as presented accommodates for appropriate right of way. Combining lots creates a more conforming situation.

**MOTION:** (Katz, Kaja) *to recommend that Village Board approve the Certified Survey Map with consideration given to Article X Existing Substandard Lots, Chapter 109 Subdivision of Land, 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. UTILITY CONNECTION FEES. As a condition precedent to this conditional CSM approval taking effect, the Petitioner shall pay all utility connection fees owed to the Village of Summit. Note: **The CSM will not result in additional lots. Therefore, this condition does not apply.***
- D. 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.*
- E. 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

Discussion and action on request of Robert Zahn to reconfigure a lot as part of a Certified Survey Map on property owned by Colton and Victoria Ziemanski located on N. Golden Cedar Lane (SUMT0695039).

Planner Barrows reviewed the request of Robert Zahn to reconfigure a lot as part of a Certified Survey Map on property owned by Colton and Victoria Ziemanski located on N. Golden Cedar Lane.

**MOTION:** (Kaja, Murray) *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. UTILITY CONNECTION FEES. As a condition precedent to this conditional CSM approval taking effect, the Petitioner shall pay all utility connection fees owed to the Village of Summit. Note: **The property is served by a private septic system and well. Therefore, this condition does not apply.***
- D. 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.*

*E. 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

Discussion and action on request from Sunset Family Farms, LLC as the petitioner/responsible party and property owner at 37736 Sunset Drive, and Rebekah Carsey, White Stag 1894, LLC, as the agent 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 provided conditions are met. Specifically, the applicant is proposing to create Section 111-357(d)(3) to allow rental of agricultural buildings for private 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.

Commissioner Jay Obenberger recuses himself from this portion of the meeting and leaves the room.

Planner Barrows provided a two-step approach for considering the request in order to break it down for the Commission.

- Step 1: are you willing to entertain the facility as presented?
- Step 2: are conditions adequate to address concerns that took place?

Rebekah Carsey, applicant, was available to field questions.

There was conversation about additional venue types, including events, quantity and noise complaints. Mrs. Carsey confirmed that active farming is still occurring on the property and they are tending crops for a U-Pick event in August and September.

The Commissioners asked Mrs. Carsey to address some of the concerns raised by individuals about the number of events and why hasn't there been a reduction in the number of events.

Mrs. Carsey stated meeting needs of customers will help them be sustainable and competitive and there needs to be flexibility in scheduling of outdoor events. Since there is already limited time May – October the requested number of events and occupancy seems reasonable and number of events isn't going to change perception of noise being a concern. They believe noise is a non-concern in the proposal. The number of events hasn't changed because noise is a non-concern in this proposal.

Mrs. Carsey also fielded a question about occupancy and said it is challenging to understand how long to get to full occupancy because they are not an event venue currently.

There is conversation about conclusions of law for conditional use permits and intensity of use during the little outdoor time in Wisconsin. Especially affects of established character and determination on health, general welfare and safety. Intensity is a major concern and with a limited outdoor season in Wisconsin that intensity is still of concern.

Planner Barrows explained that if there is concern about health safety and welfare of residents that there should be a further description of how they are being impacted. Planner Barrows points out that the use indicated in this text amendment is 1,000' or more from any neighboring property and that there is space with natural

resources as an additional buffer.

Chairperson Siepmann stated that the decision is whether you want an event barn or not. The applicant has gone as far as they can go to make it a viable business. It is interesting because the neighbors create some of the noise on their own with the waterski pond. The applicant has tried to be a good neighbor and has revised accordingly.

The plan commission is polled for input. Each member provided their opinions regarding the requested text amendment.

Commissioner Kaja stated that even though adjustments have been made, what would have been more impactful would have been a reduction in frequency or if ¼ - ½ of the events being wedding events. The changes that were made did not do anything to give relief that would have made a difference.

Commissioner Petronovich has a problem because he wants the village to know where they want event barns.

Planner Barrows responded that this text amendment is very specific

Commissioner Katz asks Commissioner Petronovich what would make him feel comfortable. Commissioner Petronovich states he wants to hear more from Village members on where to have facilities like this. He would like to know if everyone wants these or not. This use is crossing the line to an event facility, it is no longer a farm. Before making a decision, he would like to here where everyone would like these facilities.

Planner Barrows stated what is unique about Conditional Uses is that they are not typically addressed in land use plans.

Commissioner Katz stated he is not concerned about noise. The City of Delafield approved one while he was on the plan commission and what brings value to a community is an example of the apple farm in Monches that is great for the rural nature and preserving barns and land. In addition, the owners have property rights, and the right to ask for a viable business on their land. Do you want an event space or not in the village, if so, accept the noise ordinance and give them leeway to run a business. If not, just say no.

**MOTION:** (Katz, Siepmann) *to 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.*

*Roll Call: Murray – nay, Kaja – nay, Petronovich – nay, Katz – aye, Siepmann - aye.* Motion failed.

Discussion and action on application initiated by Village Board and schedule a public hearing for Zoning Code Text Amendments to allow day schools as a permitted use in the IN Institutional District.

Commissioner Katz recuses himself and leaves the meeting room.

Commissioner Obenberger returns to the meeting room.

Planner Barrows reviewed the information from the last plan commission meeting. Village Board agreed to initiate the application. They did modify recommended conditions. The packet includes a redlined version of the existing day school provisions in the code. Several items were removed because they are already inherently part

of various village codes. Such as maintaining an annual license and fire inspections which have to happen anyway. She reviewed the information provided for the text amendment. Stating the clean version is the version recommended by Village Board with Attorney and Planner review. If the recommended changes are accepted, a public hearing will be scheduled.

Commissioner Petronovich has questions about noise, hours of operation and location.

Planner Barrows stated based on code language there are five (5) properties that this currently could apply to. The request that is being made would have to amend the code.

Commissioner Murray asks why there is the removal of item 7(2)(c), overnight provisions. Planner Barrows stated that this is duplicative to the hours of operation which do not allow for operation past 10:00 p.m. The clean copy is what the Village Board recommended.

It is recommended to go back to Attorney Macy to ask where comprehensive plans are to be reviewed during the process in order to make sure that there is some control when approving an amendment. Currently there is no institutional in the Village except for usage.

Setback of 100' is requested for the day school but it is determined that might be too restrictive.

Identification of special events is difficult and considered part of operation as long as it fits requirements. They can make activities part of site plan review for site plan and plan of operations approvals.

Plan Commission has additional conversation about the Zoning Code Text Amendments and decide to make a motion. There are questions on when to be requesting sight plans during the process.

**MOTION:** (Obenberger, Murray) *to schedule a public hearing for Zoning Text Amendments to allow day schools as a permitted use in the IN Institutional District.* Carried

**UPDATE** regarding Village Board action on Plan Commission matters

Planner Barrows reviewed Village Board actions from last meeting

**DISCUSS** August Plan Commission meeting date

Proposed change to August 22, 2024 rather than the regularly scheduled August 15 date.

**ADJOURN** Plan Commission meeting

**MOTION:** (Murray, Obenberger) *to adjourn the plan commission meeting at 7:50 p.m.* Carried

Respectfully submitted,

Sarah LaValliere  
Deputy Clerk/Deputy Treasurer

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

## Appendix – Public Comment

### 06/20/2024 Brian Porter submission to the Plan Commission

1. Thank you to applicant for reducing the number of attendees in your request. However, Planning Commission members, I am hoping you recognize that it is still lacking some key elements regarding frequency and accountability which have been discussed here before.
2. I'm not here today to talk about noise, light, drunk drivers, etc. You already know why Summit residents do not want this to happen, even if they are very tired of coming here to tell you that! This is iteration #4 !
3. You have stated that this is our chance to talk to you, the Planning Commission. Ok, then I would ask you to explain exactly why you think something like this is good for residents, when you know that we don't want it. What facts support the idea that this will benefit our residents?
4. The implication of your past actions on this is that some of you think "you know better" than the people who live here .....and I imagine that sometimes you probably do. But it appears that in this case, even the applicant recognized that what you approved last time wasn't a good idea, as they withdrew their request. Rumor has it that Village Staff also realized what you approved was a bad idea and spoke with the applicant about withdrawing it.

In addition, you already know the Village Board isn't very comfortable with this idea, since a majority of them recently indicated that they would like a broader look at the "event venue" topic before moving ahead. So in this case, it seems that perhaps approving this type of ordinance is not as good an idea as some of you thought. I can empathize with you, as I originally thought this would be ok too. I was wrong.

5. Given that some of you seem to think this is a something that will benefit the Village, my neighbors and I have been wracking our brains trying to figure out possible benefits
  - a. But there is no extra Village tax revenue from these operations
  - b. There is no additional income to businesses in the Village, we don't have stores or gas stations where visitors can spend money. (And we know bar/tavern owners hate these operations.)
  - c. This won't attract more people to come and live here, its clear people don't want to live near these event venues.
  - d. This will not increase in our property values, more likely the opposite for nearby people.
  - e. There will be no savings in our property taxes, in fact these types of operations will undoubtedly cost us more for police officers and staff time for oversight.
  - f. Maybe there is some huge "cool factor" with tangible benefits that we are missing?
  - g. Now you have said this might avoid another subdivision by saving a farm
    - i. Ok, I can see that as a possible benefit, albeit with great uncertainty

ii. But it doesn't take 78 events to do that, a small fraction of that number would suffice

iii. By the way, it would be nice if the Master Plan supported the strategy of saving farms and barns in tangible ways that don't hurt the neighbors!

6. I understand from talking with the Planner, that as a body the PC:

- a. Has some responsibilities delegated from the Village Board. The Trustees are elected, the implication being that they ought to represent the residents. So shouldn't you, as a delegated body, also represent the residents?
- b. The PC is the Zoning authority in the Village, in partnership with the Village Planner. Code section 111-384 b 3 states that the administration of exceptions to the zoning in the Village must be done in a manner that "will not be contrary to the public interest..." Clearly, the public believes these types of operations near residential areas are contrary to their interest.
- c. Finally, as you consider acting on this, perhaps it would be good to consider that wise leaders know that controversial decisions should have the support of much more than a simple 4-3 majority. Even most HOA's require at least a super-majority to change the rules to avoid antagonizing residents.

7. In closing I'd ask you to either deny this request or to wait for an ordinance that I will propose next month to address a couple of key gaps in the proposal on the table tonight.