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MINUTES

Village of Summit Plan Commission

July 18, 2024

CALL TO ORDER

Chairperson Siepmann called to order the Plan Commission meeting at 5:30 p.m. on Thursday, July 18, 2024 at 5:30 pm at the Summit Village Hall, 37100 Delafield Rd, Summit, Wisconsin.

ROLL CALL AND CONFIRM POSTING

Administrator-Clerk/Treasurer Michael 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, and Paul Schmitter. Also present were: Chairperson Jim Siepmann, Planner Amy Barrows, Administrator-Clerk/Treasurer Debbie Michael. Commissioners Matt Katz, Jay Obenberger and alternate Joan Gucciardi were absent.

MINUTES

- June 20, 2024

MOTION: (Petronovich, Murray) *to approve the minutes for the June 20, 2024 meeting.* Carried.

Next meeting date – proposed for Thursday, August 22nd, at 5:30 p.m.

PUBLIC HEARING

Receive comments and discuss a proposed text amendment of the Village of Summit Zoning and Shoreland Protection Ordinance initiated by the Village Board of the Village of Summit. The request includes an amendment to Section 111-356 to allow day schools as a permitted use in the Institutional District subject to conditions and the removal of any references in Sections 111-321 and 111-356 to day schools as a Conditional Use Permit.

Planner Barrows stated the text amendment was originally initiated by the Plan Commission at the May meeting, and was a matter of recommending that the Village Board should initiate the text amendment to allow day schools as a permitted use rather than a conditional use with amended conditions. Internal staff had a meeting, provided some recommendations that were then presented to the Village Board which did accept all those recommendations with two modifications in order to provide a little additional flexibility. Internal staff had recommended that they not be allowed to operate on Sundays and Village Board wanted to open that up and make that part of a site plan and plan of operation review by Plan Commission so there still would be discretion to say yes or no. Staff recommendation was to not allow leasing to other facilities, but the Village Board expressed there is a strong need for facilities and to relieve some of that pressure, they wanted to leave that more open and that leasing is prohibited unless Plan Commission approves it. The text that is presented tonight is based on those changes and recommendations from the Village Board in June.

Planner Barrows explained that doing a brief analysis of the Village and looking at the current Institutional properties,

which would not include the one being talked about tonight, there are five properties where these school provisions may apply. A table was provided in the packet showing which properties those are. During the 2045 Comprehensive Plan update the subcommittee reviewed appropriate uses and did determine that since the purpose of the intent section for Institutional District encourages education but did not include schools as a permitted use, that the Village look at the Institutional category and make sure that the uses that are listed in the purpose and intent section also be listed as a permitted and/or conditional use educational facilities as a use, and in those discussions there was a preference for schools being permitted over the conditional use. Planner Barrows explained that the reason why day schools were incorporated as a conditional use was in 2021, the applicant, Lake Country Classical, proposed to operate out of the Abundant Life Church property and it was identified that schools were not allowed in the code at all and they introduced that code amendment with several conditions for a conditional use, specific to allow their application at that particular site. That use does not apply anywhere else.

Chairperson Siepmann confirmed that the version they are looking at is the clean version for public hearing. Planner Barrows confirmed yes, and added that at last month's meeting, there was some discussion about wanting to work with Attorney Macy to decide when a site plan can be reviewed as part of these projects when a Land Use Plan amendment is being proposed and presented. The Land Use Plan amendment did get adopted by Village Board for that one site, but the reason why the site plan isn't introduced at this time is because the discussion is intended to be high level and right now schools are a conditional use and when a use is conditional use, we can't review the specifics of a development until that particular public hearing. If it is incorporated as a permitted use in our code, then it is a little bit more open and you can review the site plan earlier on.

Chairperson Siepmann opened the meeting up for comments/questions from Plan Commissioners.

Commissioner Kaja asked about the Sunday issue, asking if it will stay that way in the text amendment or would we need to approve that every time the school would want to do that. Chairperson Siepmann stated that each time they would need to come to Plan Commission for approval. Planner Barrows added that when Village Board reviewed the text, they modified previous language to say: "no operations are permitted on Sundays unless authorized specifically by the Plan Commission as part of the site plan and plan of operation approval." It could be something that's reviewed up front and is a long standing part of their initial proposal. It doesn't mean that every single time they operate on a Sunday that they have to come back to Plan Commission, it could be reviewed ahead of time.

Chairperson Siepmann opened the meeting up for public comments.

Margaret Daigneau, Principal of Lake Country Classical Academy – here in case they have any questions and expressed her gratitude for their time and consideration on this issue.

Mike Nevins, 849 N Pointview Road – had questions regarding the actual entity and if it will be a private entity or for profit, and whether or not it will be tax exempt or whether the Village will be able to get a property tax from it. He had no other objections to it.

Chairperson Siepmann responded that is what we've been told is it's a private school and that they've offered a fee in lieu of taxes to offset the tax. The amount has not been negotiated yet. Mrs. Daigneau added that they are a Charter School.

Planner Barrows added that as part of this Public Hearing, Lake Country Classical Academy has an application in here and the text amendment applies Village wide in the Institutional Category so, what the Plan Commission is reviewing tonight is not specific to Lake Country Classical's application. That will come later because they need a rezone and site plan approval for their particular property.

Lola Loepfe, 34311 Valley Road – stated that was a good question but it wasn't really answered. Will they be paying taxes? Chairperson Siepmann responded that they will be paying a fee in lieu of taxes. Planner Barrows interjected and pointed out that we don't really know the specifics, to know whether they are or aren't paying taxes and we are drilling down to a specific proposal and that isn't before this group tonight.

Tracy Bigari, 2938 Kegonsa Drive in Lake Country Village – stated a day school in that location would serve the neighborhood and all of Summit very well.

Laura Zielski, 35263 Yahara Drive (right off the berm) – stated she is excited and very appreciative of their favoritism towards this school, it is an outstanding school and will be an asset to our community.

Chairperson Siepmann closed the Public Hearing at 5:43 p.m.

REGULAR BUSINESS:

Discussion and action on a proposed text amendment of the Village of Summit Zoning and Shoreland Protection Ordinance initiated by the Village Board of the Village of Summit. The request includes an amendment to Section 111-356 to allow day schools as a permitted use in the Institutional District subject to conditions and the removal of any references in Sections 111-321 and 111-356 to day schools as a Conditional Use Permit.

MOTION: (Murray, Kaja) *to recommend that Village Board create Section 111-356(b)(7), allowing day schools as permitted uses in the IN-Institutional District subject to conditions being met, and removing any references to Sections 111-321 and 111-356 to day schools as a Conditional Use Permit, in accordance with the enclosed draft ordinance subject to Village Attorney review. Carried.*

Discussion and action on request of Robert Loepfe to retain three accessory structures on property located at 3107 N. Cedar Ridge Road (SUMT0624017001).

Planner Barrows explained that this property is at the end of Cedar Ridge Road, on the east side of Lower Nashotah Lake, just north of the Roger's facility on that peninsula. Currently the property has a residence and three outbuildings, there was a fourth building by the shore that has already been removed. The applicant is proposing to remove one of the outbuildings which is road side of the house which is a large garage. They will be removing that and building an outbuilding on the south side of the road in order to be used as a garage structure. They would like to keep an existing 256 square foot sauna type structure near the shore and there's another 60 square foot play house type, cabin structure. The sauna type structure has been used for many years and the play house is historic and meaningful to the property owners, built around 1900. So the applicant really doesn't want to remove it at this time.

The new garage and garage that was torn down is part of the environmental corridor so as part of a CSM that was recorded several years ago, they were limited with the amount of disturbance on the property. They do meet all those standards and did need to remove 5 – 6 pine trees as part of the construction, and we have already issued that permit and the applicant sent pictures of what the slab will look like.

The applicant is looking for approval from Plan Commission because they are asking to have more than two structures on the property and Plan Commission should be looking at impacts to neighbors and the general desirability of the neighborhood in their decision. Planner Barrows added that if you look at the aerial photo, you will see it is heavily wooded and the structures aren't very visible to either neighbor.

MOTION: (Petronovich, Murray) *to approve the request to construct a third accessory building subject to a deed restriction, drafted by the Village Planner, being recorded with Waukesha County Register of Deeds stating that none of the accessory buildings on the property shall be used for commercial or human habitation purposes.*

Lola Loepfe, 34311 Valley Road, stated that the garage was built when the house was and they discovered that the garage served as the meeting place for Frederick Pabst and Harold Pabst wives and found signatures and markings by the hooks where they left their coats. There is no urgency to take the building down, they won't use it but she wants to see if the historical society would want part of the structure. It was the old ice house, with the original doors and then a room where they played cards. The Historical Society or Old World might want to move. Planner Barrows stated the zoning and building permit for the new garage requires removal of the other garage prior to final inspection from Mike, so they gave her until final inspection to have the building removed.

Chairperson Siepmann asked if Planner Barrows could give a longer time, since this is for multiple accessory structures so she could grant the right for four accessory structures.

Commissioner Schmitter asked if this is on the historical registry. Mrs. Loepfe responded not that she knows of but it could be. Planner Barrows looked it up and found there was a building listed on that property in the registry.

MOTION: (Murray, Kaja) *to add that the historic building on the site will be allowed to remain in place through December 31, 2024 pending review of its historic value and artifacts. Carried.*

Discussion and action on request of Geoffrey Wold to combine 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 2110 N. Peninsula Road (SUMT0670017).

Planner Barrows stated this is northwest of the Panga property and they are looking to combine two lots to make additional improvements to the property. Right now, it is used as a single lot of record, however, there is an internal lot line, so it consists of 1 ½ old lots of record. In order to make any of those improvements, they do have to combine them to get rid of the interior lot line. The Certified Survey Map will include a little bit of road right of way dedication of Peninsula Road that will go to the Village and therefore the overall size of the property will be reduced from 12,027 square feet to 11,500 square feet and because the parcel is non-conforming currently and will remain non-conforming, the Plan Commission does need to review the criteria of Article X of the ordinance. Since historically, the property has existed as a single lot, it would be unreasonable to prohibit the combination since what they are doing is a better scenario of what's out there now because they could potentially split those lots in the future otherwise. The property is connected to sewer and future land divisions will be prohibited. The applicant does need to meet the Surveyor and Planner conditions for the CSM.

Robert Wold, Sunset Lane, City of Oconomowoc, stated his son and daughter-in-law bought the property in March and the ramp was covered up by astroturf and snow, and when they pulled up the astroturf there was gravel under it. All of that will be taken away. His son and daughter-in-law aspire to put a garage addition on and they fully understand the land/area ratios and permeable surfaces requirements.

MOTION: (Murray, 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 to initiate a Zoning Code Text Amendment and schedule a public hearing to allow residential uses in the NC Neighborhood Commercial District.

Planner Barrows stated this was discussed at the May Plan Commission meeting and they recommended that staff provide language that would allow residential uses in the Neighborhood Commercial District and that the language include the ability for Plan Commission to have the flexibility to determine the appropriateness based on the use of the property and design of what’s being proposed. This came up in 2022 for either Miller’s Sandy Beach or Golden Lake Pub and they had a residential use and the Plan Commission decided to hold off and wait until a particular application came in to deal with this. Right now, Hogg Alley is proposing to put additional parking spaces west of Hogg Alley and in order to do that they need to combine the lot on the west side and Hogg Alley so those two lots can’t be sold separately and that lot would have residential and a parking lot.

Planner Barrows explained that she looked at the Village’s existing Multi Family provisions and based on the discussion of wanting flexibility, she is drafting language that would go under Neighborhood Commercial District and it would be an accessory use because it has to be incidental to commercial and would state the following language as proposed for Section 111-354(c) Accessory uses.

- (4) Single-family or multi-family residential, subject to the following conditions:
 - a. The residential use must be incidental to a commercial use. The residential use may be located within the same or separate building as the commercial use.
 - b. The density of dwelling units shall not exceed four units per acre.
 - c. The minimum floor area per dwelling unit shall comply with the following:
 - 1. Efficiency apartment: 400 square feet.
 - 2. One-bedroom: 650 square feet.
 - 3. Two-bedroom: 800 square feet.
 - 4. Three-bedroom or greater: 1,000 square feet.
 - d. There shall be at least two parking stalls per residential dwelling unit.

- e. The location, number, size, and design of the dwelling units shall be reviewed by Plan Commission as part of a Site Plan and Plan of Operation to ensure the use is compatible and complementary to the commercial uses on the property and surrounding neighborhood.

Chairperson Siepmann asked isn't Summit Village Commons Neighborhood Commercial and isn't that one site that we will allow up to 10 units. Planner Barrows stated it is not, Summit Village Commons on the outer fringe is Neighborhood Commercial so thinks it is only the interior site that's 10 units per acre (called the football area). Planner Barrows added that right now, the outer ring is part of a PUD and residential is not allowed at all. In order for any residential to be allowed, they'd have to amend their PUD.

Commissioner Murray stated that someone wanted to keep a camper on his parent's property and was told he couldn't do that and questioned if this would still not allow that. Planner Barrows stated that is correct.

Planner Barrows stated that in the past they had a discussion where a gentleman wanted to keep a camper on his parent's property for when he was staying overnight there and was told no, you can't do that in Summit. Our overall restriction on that type of unit like a mobile home or camper being used as housing would still be restricted with this. Planner Barrows replied that is correct.

If the Plan Commission is comfortable with this, they can initiate the text amendment and schedule a Public Hearing for August. As a reminder, the existing places that have a combination of commercial and residential uses: Golden Lake Pub, Hogg Alley, Ole's, Miller's Sandy Beach and Lucky Chucky's. The two properties that don't are Panga and Summit Village Commons.

Commissioner Murray questioned the requirement to have two parking stalls per residential dwelling unit versus just saying there needs to be a dedicated parking stall per residential unit. Just thinking if she owned efficiency rentals that she'd want to designate four spaces. Planner Barrows stated it's up to the Plan Commission and the two stalls per unit is an old standard that a lot of communities have but as times change, some communities have gone down to 1 ½ or 1 space per unit. The only thing she wants them to consider is that these would be on properties that already have commercial uses and some cases that can be good or bad. Chairperson Siepmann stated he doesn't have any issue with going down to one stall, but you should have at least one for each. Chairperson Schmitter agreed. Planner Barrows stated that the group shouldn't be surprised if this is passed that some others may come forward asking for residential units. Commissioner Kaja stated she owns apartments in Waukesha and the City missed the mark on their requirements for designated parking and there are always issues with not enough parking for the renters. Chairperson Siepmann stated it will be a problem in Summit too, no matter what.

MOTION: (Murray, Schmitter) *to initiate a petition and schedule a public hearing to consider a text amendment to Section 111-354(c) Accessory uses and any other related sections of the Zoning and Shoreland Protection Ordinance, to allow for single family or multi-family residential in the NC Neighborhood Commercial Zoning District, subject to certain conditions and the change made to parking stall requirements. Carried.*

UPDATE regarding Village Board action on Plan Commission matters

Planner Barrows reviewed the action items: event facility was withdrawn, Rix certified survey map, McNulty certified survey map, and text amendment for day school.

Commissioner Murray stated she is working on the lighting ordinance and will bring a draft next month and then have formal action on an agenda following staff review.

ADJOURN Plan Commission meeting

MOTION: (Murray, Schmitter) *to adjourn at 6:20 p.m.* Carried.

Respectfully submitted,

Debra J. Michael, WCMC
Village Administrator-Clerk/Treasurer