

TOWN OF OCONOMOWOC

PLAN COMMISSION

JULY 19, 2010

Chairman Runyard called the public hearing to order at 7:14 PM. Members present included James Navin, Richard Garvey, Robert Peregrine, Terry Largent, and Janis Husak. Member Cathy Balthazor was absent as was recording secretary Betty Callen. Those also present included Administrator/Planner Jeffrey Herrmann, Peg Tilley of Waukesha County, and Clerk/Treasurer Jo Ann Lesser.

Chairman Runyard read the public hearing notice; Joint Public Hearing between Waukesha County & the Town of Oconomowoc to consider the Zoning Amendment request of Terry Van Lare, d/b/a Oconomowoc Landscape Supply Center, N68 W37850 C.T.H. K, Oconomowoc, Wisconsin, to amend the District Zoning Map of the Waukesha County Shoreland and Floodland Protection Ordinance from B-2, Local Business District to B-3 General Business District. This will allowed the continued operation of the Oconomowoc Landscape Supply Center with topsoil screening operation. The areas currently zoned A-5, Mini-Farm District and C-1 Conservancy District will not change.

In addition, the petitioner is proposing to amend the District Zoning Map of the Waukesha County Shoreland and Floodland Protection Ordinance from R-1 Residential District to B-3 General Business District on property described as Lot 1, CSM No. 896. Both properties are located in the NW ¼ of Section 21, in the Town of Oconomowoc

Peg Tilley gave a brief description of the zone change request. Ms. Tilley indicated that Terry Van Lare of Oconomowoc Landscape Supply Center is requesting that the current zoning of B2, A5 and C1 be changed to B3. What prompted this zone change is that the codes were changed and the property and the uses were best suited under the B3 zone. Peg Tilley questioned Mr. Van Lare that he was going to be combining this lot with the larger one by a CSM (certified survey map), Mr. Van Lare answered yes.

Terry Van Lare explained that the property to be rezoned is known as the Esser Property which lies east of the Oconomowoc Landscape Supply Center property just off of County Highway K. Part of the property is used by the Town of Oconomowoc as the yard waste recycling center. Mr. Van Lare explained that the trees lying on the west property line will be coming down due to diseases that they have been infested with. The driveway will be moved slightly to the east of its current spot, and to access the property customers will have to enter at the current landscape entrance and then travel the path of driving east around the property edge and circling behind the buildings on the north side and then exiting out the current driveway. There will be additional parking spaces added along Highway K for customers to walk through the nursery stock that will be housed on the proposed site. The main objective is to bring the larger nursery stock to this area which will allow more room and give customers a greater opportunity to browse the stock. The current driveway will only be used by delivery trucks, making it more accessible and maneuverable for unloading.

Chairman Runyard asked those who wish to speak to state their name and address for the record and now opened the public hearing to comments.

Karen Rudolph of W376N9625 Mallard lane questioned if the parking lot was going to be paved or use gravel. Terry Van Lare stated that up in front or on the south side of the property it could possibly be paved, but would like to stay away from it if at all possible. Terry Van Lare also stated that he would like to keep the area as natural as possible. Ms. Rudolph's concern was for dust and dirt coming into the neighborhood.

Betty Koepsel of W376N6830 Mallard Lane directly east of Oconomowoc Landscape, I oppose to changing it to B3 for the following reasons:

1. Noise and the dust; July 1st we heard machine noise and a beep beep beep of back up at 5 in the morning, on July 2nd we heard that at 6:15 am. When the winds blow from the west, having deliveries or pick-ups the dust just flows our direction. When they're continually bringing trucks and during that period of time we hear noise all day long, and sometimes during the day we hear noise all day long.
2. My questions related to pesticides, is the soil pesticide free, if not that really is a concern for the children in the community. Pesticides have an impact on health, particularly in the children.
3. Another concern is our property values, we've owned our property for 12 years, my husband is retired, I'm getting close to retirement age, in a sense this is our business, we shouldn't have to move. I don't know how long we can live there for, the economy is what it is, property values have not retained their value. This is not an industrial park, our Town Chairman has said that the Town's goal is to maintain its rural character, "I left Glenellen because I didn't want to look out my front porch and see a stop light, I like the rural aspect of this neighbor and I simply didn't want it to change". I just agree with these values and hope we can maintain that kind of feeling.

Richard Goodson of W376N6877 Mallard Lane, I have a question and a comment. My question, I can't quite tell from this, I see the area where you're talking to the east of having the additional nursery stock, where is the existing berm? Mr. Van Lare pointed the location on the map to Mr. Goodson. Mr. Goodson stated that his concern is with the overall operation, specifically the dirt screening. The reason is I am directly up against the property, I do have a tree line that separates, I built in 1999, I moved in June 2000. First three years I was there I had no concerns, shortly after operation started, one summer I go out, my house has cream colored siding, had turned gray. I found it to be dirt, I power washed the house. Each year I have the same problem. I power wash the house every summer to get the dirt off. I haven't power washed yet this year. Before I came over tonight, I ran clean water, brand new bottle and a brand new sponge, I swabbed off a 1 foot by 3 foot section of my siding. If you will, this is what comes off (a bottle with a cloudy liquid was presented to the plan commission members). I oppose the continual screening, because of the dust and dirt issue.

Karen Rudolph asked an additional question concerning the zoning of the B3 for the property and future business on that property if Terry would close up or sell. Chairman Runyard stated not typically. Administrator/Planner Herrmann typically we would rezone it to B3 subject to certain uses being allowed, and any transfers of the property, any additional or new uses would have to come back to the plan commission. Ms. Rudolph stated that the do business at Oconomowoc Landscape, we think he's turned it into a really a very attractive area, it's just hard if we could find a happy medium.

Ms. Tilley stated that there was a wetland delineation done in 2003 and that they are only good for 5 years and you may need to have that revalidated or a new one may need to be done, so the wetland boundaries may or may not change. A formal site plan/plan of operation submittal for the improvements to this site, if all goes through. Mr. Van Lare will also have to work with County Land Resources Division on storm water management and erosion control as well.

Administrator/Planner Herrmann commented on the access road that was brought up, any amount of traffic on that, if the Town is successful on getting the recycling center moved, it will eliminate a lot of the traffic on Saturdays, Mondays, and Wednesdays, people dropping off their recyclables, they will be using Hwy 67. That may help with the noise and dust concerns. Herrmann stated that he was not promoting the business he was just trying to make the people aware that they are trying to move the recycling center, and he felt that it was important to note that.

Plan Commissioner Peregrine asked if the screening can be continued under the B2 zoning. Jeff Herrmann answered yes. Ms. Tilley closed the public hearing at 7:39 PM.

Chairman Runyard opened the regular meeting at 7:39 PM.

Robert Peregrine made a motion to approve the minutes from June 21, 2010. James Navin seconded the motion. Motion carried unanimously.

Public Comments: John Bendall of N52W3453 Peterson Drive has been a Town resident for the past 5 years, he purchased a duplex in November located at W351N5288 Road C and bought another property on Lake Drive. His complaint is Tom Foolery's Liquid Therapy. Patrons of the bar are parking on my property, my tenants are complaining. They are in direct violation of section 18 of the plan of operation. The operators at Foolery's have been approached about our concerns, and we get the attitude that they don't care. The signs for no parking were taken down for the sewer construction and have never been put back up between Road B & C.

Pat Johnson of N53W35098 Lake Drive stated that at about 11 pm he gets woken up by noise coming from school buses in the road. This happens repeatedly from 11:30 pm to 2:30 am. Three weeks ago there was a kid throwing up in the yard and he passed out. A young girl fell in the lake, and the cops were called and the ambulance, she had to be revived. The business is expanding; there are only 35 parking spaces.

Tommy Coppinger of N52W35147 Lake Drive stated that she has lived at this address for the past 8 years. The past business that operated there was quiet. The current operators market the business very well; it has turned into a night club. She believes that the patrons are being over served. The parking issue could be eliminated by offering valet parking, or a shuttle service. The music thumping can be heard in her house.

1. Consider and Act on Amendment to Site Plan/Plan of Operation for Oconomowoc Landscape Supply Center – N68 W37850 C.T.H. K. – Indoor Storage Building: The total overall structure is 48' by 168', but only 48' by 56' will be erected in 2010. Robert Peregrine made a motion to approve the amended plan of operation. Richard Garvey seconded the motion. Motion carried unanimously.
2. Consider and Act on Height of Accessory Building – Dave Windsor – Norwegian Road: Administrator/Planner Herrmann stated that the building meets the height criteria but the cupola does not. The plan dated June 23, 2010 shows the height at 24' 11" and the maximum is 25' and the cupola is another 6" above that. Robert Peregrine made the motion to approve the plan as submitted. James Navin seconded the motion. Motion carried unanimously.
3. Consider and Act on Revised Grading Plan and Patio Area for Ben Bast – W350 N6763 Baltic Pass: Mr. Best was to submit a revised plan with the changed from the previous grading plan. It was noted that the County wanted the Town to look at the revised plan and submit their recommendation. Robert Peregrine made a motion to approve the revised grading plan subject to the engineers report. Richard Garvey seconded the motion. Motion carried unanimously.
4. Discussion and Action on Violation Complaint of Foolery's Liquid Therapy on Okauchee Lake: Administrator/Planner Herrmann stated that a letter of complaint was sent 30 to 45 days, indicating public urinating, public intoxication, and beer bottles lying all over. Pat Johnson stated that on a Friday or Saturday night he has a 50/50 chance of being able to park in his own driveway. The problems outside the bar are from 11 pm to close, not from 7 pm to 8 pm. Chairman Runyard stated that a police officer should be in the area in an unmarked squad or on a bicycle. Robert Peregrine asked Jeff Herrmann to put a list of complaints together and work with Chief Wallis. Send a letter of request to Tom Foolery's Liquid Therapy to appear before the plan commission at the August 2nd meeting. There should also be a list of the Plan of Operation deficiencies at the meeting. Jeff Herrmann stated that the parking issue will be placed on the Town Board agenda for August 2nd.

5. Adjourn: Plan Commissioner Husak made a motion to adjourn at 8:20 pm. James Navin seconded the motion. Motion carried unanimously.

Respectfully submitted,

Jo Ann Lesser, WCMC

Town Clerk/Treasurer