

**TOWN OF OCONOMOWOC
PLAN COMMISSION MEETING MINUTES**

Monday, June 4th, 2018

Joint Public hearing to consider the Conditional Use request (CU6) of JTM Properties LLC (owner) and Scott Krahn (Operator) for changes to the existing conditional use permit to operate a bar/restaurant known as “The Hideaway”. The request includes live music, expanded special events, as well as a proposed expansion of the kitchen area. Part of Lots 4, 5 and 6, Map of Wegner Park, located in part of the NW ¼ of Section 36, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at N55W34657 Road E.

Chairman Robert Peregrine opened the public hearing at 6:34 p.m.

Ben Greenberg, Waukesha County, stated the property is currently zoned R3 Residential, the comprehensive plan is low density and legal non-conforming. In 1980 it was established as a legal non-conforming use and it was a bar/restaurant with 25 boat rentals and was allowed 3 live indoor music events per year. In 1988 the owners requested an amendment to the conditional use for music from 3 times a year to 5 times per week; the request was denied by both the County and the Town because of the limited parking and the loud noise. In 1989 the owners applied for an amendment again requesting live music 6 times per week inside only and additional boat slips. That was never acted on until 1996 when permit 450C was authorized allowing live music 6 times per year and only once a month with full food service and no outdoor music. In 2012, the current owners applied for the applications establishing that they were new owners with the Town and the County. In 2015, the owners requested a modification of their site plan/plan of operation with the Town for 6 special events per year and outside music twice a week on Saturday and Sunday from 1:00 p.m. to 6:00 p.m. to have outdoor music on the patio. After receiving approval from the Town, the applicants never came to the County for approval. After receiving a complaint from an Attorney regarding zoning violation and one complaint regarding the noise, the County investigated the situation further and found the Town and the County acted in error in authorization through their site plan/plan of operation for the music. The petitioners have come in good faith to correct the errors to make it right, hence, requiring the public hearing. He also stated they are not only requesting an increase in events and music, but to legalize the minor interior changes in the building and a full size kitchen; he also stated a variance would be needed for the addition because it is close to the shore line.

Attorney Paul Bucher for the Hideaway stated a conditional use was presented in 1990, but not acted on until 1996 and was not sure why it took so long to act on. He then stated his clients are working on and addressing the music issue and found the County issued permit 1295 authorizing live music twice a week. He also stated his clients received a letter in 2017 from the Town approving the live music inside and out from 1:00 p.m. to 6:00 p.m. on the weekends and four special events per year. He is recommending to the Town to approve the music and the events for his clients.

Chairman Robert Peregrine wanted clarification from Mr. Bucher exactly what he is requesting the Board to grant.

Mr. Bucher stated he would like the Board to grant music on the patio Monday through Friday from 11 a.m. to 7:00 p.m. and on Saturday and Sunday's from 1:00 p.m. to 6:00 p.m. and the special event requests of 4 per year as it also stated in Administrator/Planner Herrmann's memo dated April 26, 2017.

Scott Krahn, partner of Hideaway, 1143 Mary Hill Circle, Hartland, stated they took ownership 3 years ago and for what he understands, events and live music have been going on there since 1990. He also stated that no neighbors have approached them regarding any complaints and they are willing to work on

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any complaints anyone would have because they want to be good neighbors in the area. He also stated that customers enjoy the events and what the area brings.

Joe Modl, 504 Ponderosa Drive, stated there are only three bars left on the lake and they are trying to do the right thing and people like what they are doing to the establishment.

Richard Koch, N55W34649 Road E, stated there used to be a fire lane down Road E, but it is not there anymore. He is concerned about the parking in the area, there should be no parking down Road E, when events are completed there is garbage up and down the road, he can't get out of his driveway because of the congestion of the traffic and there is a really bad corner on that road.

Carmen Sommers, N53W34598 Road Q, stated the weekend of Memorial, she had her windows closed and the air conditioner going and could still hear the music because it is too loud, it's not soft music like they state and it is not pleasant to hear.

Tim Brass, W346N535 Elm Avenue, stated he has enjoyed watching the operation grow, they are improving the property and have great service to the customers. He also stated he is looking for help from the Board with the music to allow it because he enjoys that on a Sunday afternoon, it's part of lake living and he hopes they will be allowed to continue this tradition.

Michael Begler, N52W35577 W. Lake Drive, stated he is in support of the Hideaway, he has played music there for years and he has personally seen the owners out cleaning the area after an event.

Henry Krier, N55W34685 Road E, stated he lives 5 doors down from the Hideaway; he personally presented a petition to the Clerk from the people that live on Road E against the music. After he presented the petition, he stated that parking is an issue and when it's congested during events, it makes it harder for emergency vehicles to enter the area.

Ralph Stamerjohn, N55W34793 Lake Drive, stated he has no problem with the music, however, he is not a fan of the music they select, but could live with it; he is not in favor of it going until 11:00, he would prefer if it were to stay until 7:00 p.m. if they are allowed to continue to play music.

Ben Greenberg, Waukesha County, stated he wanted to clarify what the applicants are asking for which is: Indoor music and outdoor music Friday, Saturday and Sunday from 12:00 p.m. to 8:00 p.m., eight special events for the year, addition to the building and expanded use.

Gary Gorski, N55W34613 Road E, stated the Hideaway is a good neighbor, the owners clean-up after events and the only thing he is concerned about is emergency vehicles entering the area when events are going on.

Charles Osborn, N53W34446 Road Q, feels the "volume" of the music is being over-blown, you can hardly hear the music and the boats and the music on the boats is way louder than the Hideaway.

Scott Booker, W349N5554 Lake Drive, stated he was drawn to Okauchee for fun and a good time, the owners are good community citizens, they are building a tax base for the area, he can hear music from other establishments like the Golden Mast and Foolery's because sound travels across the water and people have to realize that summers on Okauchee are not quiet and it is the nature of lake living.

Matt Dombrowski, N55W346565 Road E, stated he was concerned about the expansion of the building but wants them to be successful without compromising the neighborhood, but enjoys the music and patronizes the establishment.

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Carol Euringer, W340N4975 Road O, has lived in the area for 40 years and was drawn to the area for the social experience; that is what Okauchee brings and in 1977 there were 20 bars on the lake and currently Okauchee is down to 6. She stated she is disappointed that there are attorneys involved because of music and the Hideaway has been in existence for over 120 years.

Mike Fenske, N55W34539 Road E, stated the Hideaway is a great neighbor and although he lives on Road E, he never saw the Road E petition; he also wants the Hideaway to succeed, wants approval for them and lives a few doors down and can't hear the music when it is being played.

Joel Kleefisch, 6011 Hillside Drive, Sullivan, stated he is not a target demographic and has not had a drink in 7 years, but enjoys the tavern life for the food and good music. He also stated that Okauchee is the pearl of Lake Country, this is the United States of America and we foster growth and economic climate and music is the poetic heart and soul of the American spirit and he commends the board for considering this measure.

Addison Steady, W346N5581 Road E, stated he is the first house on Lake Drive and they use his driveway to turn around, but he gives the owners credit for what they are doing but is concerned with the clientele that comes to the place as well the lack of access emergency vehicles have when they come down the road and the road is packed with cars.

Walt Beeler, lives across the canal from the Hideaway, he stated he sees no problem with the music and does not understand the noise issue because there is none.

Mike Johnson, N53W34576 Road Q, stated the music is too loud and because of it, it's not a pleasant experience, however, he wants the owners to maintain the bar.

Diane Johnson, N53W34576 Road Q, stated she is not in favor of the music, the music is too loud and when they are having motorcycles move, then go on the loud speakers swearing at them to move.

Joe Forte, N55W34657 Road E, he stated he doesn't understand why we have gotten to this point regarding music because it is part of lake living and music is healing.

Amilia Pelz, 731 N Lake Road, stated she prefers Okauchee Lake over any other Lakes because of the restaurants and places to go, whereas the other lakes do not, and she has had a good experience each time she has been on the lake and with the Hideaway.

Jeff Brinkman, 904 Hancock Street, stated sounds travels across the water no matter if it is music or not.

Jason, N55W34396 Road Q, stated property values will not go down because of the music at the Hideaway. He also stated the Hideaway are great owners and have great community involvement and live music is what bars do.

Eve Stiff, N55W34519 Kosanke Road, stated she loves the music, enjoys the Hideaway and did not hear the music at all that was played Memorial Day weekend.

Buck Hasley, W346N5281 Elm Avenue, stated he lives across the street from the Hideaway and does not think the music is loud and feels the music from boats on the lake are louder; he also feels that people come to Okauchee for the commercial establishments.

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John Befus, W352N5312 Lake Drive, he has lived on Okauchee Lake for 10 years and he watched the Hideaway go from an grungy place to a well fine establishment. He feels the clients are safe and the music is wonderful; parking can be an issue, but feel the owners are working on it and making it better.

Lee Wojcik, W346N5367 Elm Avenue, stated he feels the music is loud and is especially prominent at night; feels there needs to be a compromise between the Hideaway and the neighbors. Attorney Kathy Gutenkunst stated statute 59.692 does not give the Town the authority to issue conditional use permits and that the County is the only one that can and it has been that way since 1970. She also stated her clients oppose to the Hideaway's request for 8 events and live music. She also mentioned the Town has an ordinance regarding noise and the ordinance says it can't be a nuisance to others and because sound travels, especially on water, the live music has become a nuisance to her clients. She also stated the Police Department has been called, but they take no action and since the area is zoned residential, the conditional use for the Hideaway has to conform to the neighborhood.

Isabelle Callahan, W349N5587 Lake Drive, stated she is 16 years old and has grown up down the street from the Hideaway and she loves to listen to the music they have at the Hideaway and feels this is what makes the Okauchee area special.

D.J. Scully, N57W34557 Nickels Point Road, lake living has always been this way and not allowing bars to have this is the reason that bars fail. He also stated he chose to buy on the lake for the bars and the atmosphere and if others don't like it, why buy or build on Okauchee.

Ben Greenberg from Waukesha County stated he has received numerous letters not particularly in favor of the Hideaway's request and will make them available for review, but he was asked by three specific individuals to have their letters read at the meeting tonight and they are as follows:

Byron Hudson, N55W34777 Lake Drive, wrote he is opposed to the request of Hideaway and they should not be allowed special privileges, they are not good neighbors and the music carries a lot across the water.

Isabella Tremmel, W349N5556 Lake Drive, wrote the Hideaway should not be allowed to play music every day and her family goes to bed around 9:00 p.m. because they have places to be and they need their sleep and the music prevents from getting good sleep.

Claudia Seaton, W349N5556 Lake Drive, wrote she likes the contributions the Hideaway has made in the area and the food, but is concerned about the request of the events they want to have and the music; she doesn't like that the Hideaway gets to choose the music that everyone has to listen to.

Mark Jasinski, N55W34781 Lake Drive, wrote he has been a resident for 6 years and has noticed an increase in the volume of music and the cut off time should be 10:00 p.m., they should only be allowed 3 events per year and they should occur on Saturday's, the music on Sunday's should be from 1 to 4 and he is sick of hearing a bad version of Margaretville and Jolie, Jolie, Jolie.

Scott Krahn, partner of the Hideaway, stated he is working with Police Chief Wallis to have no parking signs installed down the road and he only knows of two complaints the Police Department received for all of 2017 and one was during an event and the other one was when no music was playing.

Chairman Robert Peregrine closed the public hearing at 8:02 p.m.

Immediately following the above public hearing, a second joint public hearing will be held to consider the Conditional Use Permit request (CU8) of 4N1 LLC c/o Dave Nosek and Mark

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Neumann, (owners), W358N4959 Harbor Court, Oconomowoc, to amend the site plan and consider land altering activities associated with a previous approved conditional use (SCU-1640) to allow a Planned Unit Development (PUD) for the construction of three (3) single family condominium units and associated land altering activities on the property located on Lot 5, Okauchee Freihube Plat, located in part of the NE ¼ of Section 35 and part of the NW ¼ of Section 36, T8N, R17E, Town of Oconomowoc. More specifically, the property currently has multiple addresses and is located at N55W34911, W34913 and W34195 Lake Drive.

Chairman Robert Peregrine opened the public hearing at 8:04 p.m.

Ben Greenberg of Waukesha County stated the petitioners received conceptual approval of the plan and they are planning on 3 condo units and each unit will be separate from each other. They have reduced the grading plan which will result in less retaining walls. The set-backs were at 20 feet and have been reduced to 14 feet. They are currently working with storm water management and the County with the project and the County has not received any letters of concern regarding the project.

Dave Nosek, W358N4959 Harbor Court, stated they would like to construct the three units and the reason for the change in the set-backs is to preserve some of the trees on the property and as of right now, they have no plans to amend anything else.

Ron Marshall, W347N6119 Road I, stated he has a property close to the proposed units and did not have any questions as of right now because he had not seen the plans and asked to see a copy of the plans.

Mark Wamser, N55W35485 Lake Drive, he too, stated he had not seen the plans and asked to see a copy of the plans.

Chairman Robert Peregrine closed the public hearing at 8:15 p.m.

1. **Approve Minutes for May 21st, 2018 Town Plan Commission Meeting.** – Commissioner Navin made the motion to approve the May 21st, 2018 minutes as presented. Commissioner Bergman seconded the motion. Motion carried by unanimous voice vote.
2. **Public Comments.** - None
3. **Consider and Act on accessory buildings for Cynthia Piskula (Gunderson/Patterson), N8310 Parkview Dr., Ixonia, WI, for the property located in the NE ¼ of Section 17, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at N79W38213 McMahan Road. (Tax Key No. OCOT 0497.999).** – Commissioner Navin made the motion to approve the accessory buildings for Cynthia Piskula (Gunderson/Patterson), N8310 Parkview Drive, Ixonia WI for the property located at N79W38213 McMahan Road. Commissioner Roche seconded the motion. Motion carried by unanimous voice vote.
4. **Discussion on Conceptual Land Division for David Robinson, W340N7661 Townline Road, described as part of the SW ¼ NE ¼ & SE ¼ NW ¼ Sec 13 R8N R17E in the Town of Oconomowoc (Tax Key No. OCOT 0481.97.003).** – Administrator/Planner Herrmann stated the petitioner is in the process of moving forward with a proposed development plan to create seven lots, which four would be for residential purposes. Lot 1 will be 67.40 acres and is currently vacant and is zoned as Farmland Conservancy and Farmland Preservation, but a large portion of the lot is considered environmental corridor. Lot 2 contains a large accessory building with a proposed 30 ft. x 100 ft. expansion; lot 2A also contains a large outbuilding, which is currently used as a machine

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shed. The accessory building is served by a private well and septic system. Lot 3 will be five acres in size and contain the existing single-family residential unit and three outbuildings as well as a former caretaker's quarters inside one of the outbuildings. Lot 4 and 5 will be three acre lots for future residential development. Lot 6 is being proposed at five acres and contains a residential structure, but since it does not contain any farm buildings, the lot will need to be reduced to maximum of three acres and all the lots will be accessed via a private drive from Town Line Road. In order for the petitioner to construct a new single family residence, the lands need to be rezoned from the FLP District to the R-1 Residential District. Also, in order to comply with the lot size criteria, the petitioner will need to rezone the three acre and five acre parcels from the FLP District to the R-1 Residential District for the purpose of constructing a new single-family residence. The remainder of the property will maintain the current FLP Farmland Preservation District and the FLC Farmland Conservancy District. The petitioner is submitting a conceptual land division, which will result in the development of four single family home sites and the lots will range in size from three acres to 5 acres in size and the development will need to be accomplished in two phases if it is completed by a Certified Survey Map. Soil tests have not been provided for the proposed parcels and it has not been determined if each lot can be accommodated by an on-site waste disposal system. It is important that adequate soil testing be conducted prior to submitting a CSM or preliminary/final plat.

5. **Consider and Act on Variance request for Michael & Ellen Schlossman, W383 N6153 Sand Beach Road, Oconomowoc, WI, to construct a new single-family residence on property located in part of the E ½ of Section 29, T8N, R17E, Town of Oconomowoc (Tax Key No. OCOT 0545.982.001).** – Commissioner Roche made the motion to recommend to the Board of Adjustment the variance request for Michael & Ellen Schlossman, W383N6153 Sand Beach Road, to construct a new single-family residence on the property located in part of the E ½ section of 29. Commissioner Garvey seconded the motion. Motion carried by unanimous voice vote.
6. **Consider and Act on request of Zachariah's Acres to construct a 40 ft. x 96 ft. building with a 12 ft. x 64 ft. open lean-to on the north side for storage of hay, equipment, etc. and a small office and bathroom. The property is described as Lot 2 Certified Survey Map No. 11032, being a part of the SW ¼ and the SE ¼ of Section 14, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at the end of Servants Way and contains approximately 47.4 acres in size.** – Commissioner Garvey made the motion to approve the request of Zachariah's Acres to construct a 40 ft. x 96 ft. building with a 12 ft. x 64 ft. open lean-to on the north side for storage of hay, equipment, etc. and a small office and bathroom with the property described as Lot 2 Certified Survey Map No. 11032, specifically, located at the end of Servants Way and contains approximately 47.4 acres in size. Commissioner Roche seconded the motion. Motion carried by a unanimous voice vote with Commissioner abstaining from voting.
7. **Adjourn.** – Commissioner Bergman made the motion to adjourn at 8:33 p.m. Commissioner Roche seconded the motion. Motion carried by unanimous voice vote.

Respectfully submitted –
Lori Opitz, WCMC
Clerk/Treasurer