

**TOWN OF OCONOMOWOC  
PLAN COMMISSION MEETING MINUTES**

**Monday, June 18<sup>th</sup>, 2018**

**Public hearing to consider the Conditional Use request (CU9) of Rhett Rockwell (owner) W3622257 Lisa Lane, Dousman, WI, 53118, to conduct land-altering activities associated with the construction of a driveway, a new single-family residence, attached garage, deck and patio, which includes the construction of retaining walls. The subject property is described as follows: South ½ of Lot 15 Okauchee Lake Park located in part of the E ½ of Section 36, Town of Oconomowoc. More specifically, the property is located at W342N5010 Road P. (Tax Key No. OCOT 0573.032).**

Chairman Robert Peregrine opened the public hearing at 6:38 p.m.

Rebekah Leto of Waukesha County stated the property is currently zoned R3 and it is a vacant piece of land. In 2016, the cottage that was there was razed by the previous owners. She stated the new owners are proposing to construct a driveway, a new single-family residence, attached garage, deck and patio, which includes construction of retaining walls. She also stated there will be some challenges with the grading plan of the driveway given the shape of the lot and that will have a significant impact on the retaining walls which will be about 11 feet tall for the garage to allow for a flat pad for the garage. Also, the owner to the south of the proposed property vision may impacted by the construction, but if the property stays wooded for the most part, there might not be that impact.

Jeff Herrmann, Administrator/Planner, stated he has gone over the plan several times with the Town Engineer and the engineer does not see any issues with the plan.

Rhett Rockwell, (owner) W362S2257 Lisa Lane, Dousman stated he has been working on this plan for over a year with the County and stated the plan that he chose will work out better for everyone involved; each property will not necessarily be on top of each other and views will not be obstructed. Even with this plan there are some challenges; there are power lines on the property that will have to be raised higher to accommodate the house.

Gary Scherper, N49W34291 Road P, is the owner to the South of the proposed property; he is concerned with the drainage and the run-off the new construction might bring on his property.

Rebekah Leto of Waukesha County wanted clarification of the French drain and basin at the lake, the landscaping of walls and tree removal and asked that it be outline on the plan.

Chairman Robert Peregrine closed the public hearing at 6:51 p.m.

**Chairman Robert Peregrine called the plan commission meeting to order at 6:52 p.m. Commissioner's present included James Navin, Linda Bergman, Richard Garvey, Jim Roche, Pat Agnew and Terry Largent. Also in attendance was Administrator/Planner Jeffrey Herrmann. Clerk/Treasurer Lori Opitz was excused. For additional attendees please see sign-in sheet.**

1. **Approve Minutes for June 4<sup>th</sup>, 2018 Town Plan Commission Meeting.** – Commissioner Navin made the motion to approve the June 4<sup>th</sup>, 2018 minutes with Attorney Bucher's last name being corrected in the minutes. Commissioner Roche seconded the motion. Motion carried by unanimous voice vote.
2. **Public Comments.** –

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Kathy Gutenkunst, Attorney representing the neighbors around the Hideaway, stated the property is zoned residential and the neighbors around the area have signed two petitions in opposition to the outdoor music. She also stated that the Town Plan Commission is a recommending body to Waukesha County, but it is Waukesha County that ultimately is the ones that can approve conditional use requests. She also stated she likes the idea of Administrator/Planner's report that the decibel level be at 35, which is standard, but is concerned how this is going to be enforced if approved, such as what happens when they are approached more than once what are the rules going to be if that were to happen and feels that music from Memorial Day to Halloween is too long.

Mike Johnson, N53W34576 Road Q, stated that he was one of the people who have signed the petition because of the music; when you read the Administrator/Planner's report/recommendation it will give the Hideaway 20 hours of live music per weekend and that does not include holidays and that is what the people in the area are opposed to; the non-stop music all summer long when summer is short and sound carries.

Henry Krier, N55W34685 Road E, stated this past weekend was the first weekend in a really long time where it was peaceful and he could enjoy sitting in his backyard without having to listen to the outdoor music and he could even hear the birds singing; no outdoor music is pleasant. He also stated the area is zoned residential and the Town has an Ordinance regarding outdoor music and doesn't understand why it is not being enforced and is questioning why this request should even be considered.

Lou Hernandez, N55W34553 Road E, stated he likes the Hideaway and is glad that it is there; he likes the no parking signs the Town has installed on the road and feels the parking is ok when events are happening there and figures since it only happens four times a year he could live with it and he does not hear the music normally but the day after the last meeting his wife was walking the dog at 10:30 at night and the music was blaring and the party was considered "screw your neighbor" party and this is the type of people we are dealing with; he likes the Hideaway and wants them to succeed but he feels there needs to be "controls" in place.

Scott Krahn, agent of the Hideaway, 1143 Mary Hill Circle, Hartland, stated the area is R3 residential, but he stated the tax bill for the property is being billed as commercial and this property has been a bar for many years. He also stated that the establishment has never done music on all three days over the weekend and the establishment is looking at taking the garage down at the top of the hill which should help with some of the parking issues, would like to correct the report form the County that the addition is not 4 X 12 that it is actually 12 x 14 that they are requesting and finally, he stated the day after the last meeting, it was not the Hideaway playing the music at 10:30 it was coming from a rental property a few doors down.

Richard Koch, N55W34649 Road E, disagrees with the removal of the garage and feels it would make things worse in the area especially around the curve.

Bob Albright, N55W34653 Road E, has watched things change in the area the last two years and knew when he bought the property he was buying a property close to the bar; he doesn't have a problem with the music as long as it stays just Sunday's with a limited time frame; he doesn't want to hear it Thursday, Friday and Saturday too – just Sunday's.

Administrator/Planner Herrmann stated he will be getting in contact with the County because there are some discrepancies regarding the addition. He also wanted to make the Board aware of what

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was asked by the Hideaway regarding music; they were requesting 8 outside events and light music to be played on the patio whether it was a juke box or an I-pad every day from 10:00 a.m. to 10:00 p.m. and in my report that you will see that I have limited them to only three days per week and 4 events; it was three years ago they came here before for the first time for the same thing, music, back in the day I was not in favor of it because of the issues that come with it and he did not want the music approved back then without some conditions that were outlined and that is what I am doing now, giving an outline for you, the Board, to recommend to Waukesha County for approval. The County will review all the conditions and may modify them, but that is all the Town is doing is recommending to the County.

Chairman Robert Peregrine stated that no matter what the decision the Board makes, no one is going to be super happy with the decision and the complications with this issue and the changes are being proposed, he feels it's best not to take action tonight and let the Administrator/Planner review and make changes to the report as he deems necessary.

Commissioner Garvey stated Administrator/Planner has spent a lot of time on this issue, and is fine with his report and he recommends moving forward with it and letting the County make the necessary changes.

Commissioner Bergmann stated she does not want to move forward until they get the correct size of the addition.

Rebekah Lato, stated no matter what the size of the addition they are proposing they still will have to go through the Board of Adjustment at Waukesha County and wanted to make sure that everyone involved understands the process.

3. **Consider and Act on 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.** – Commissioner Navin made the motion to remove this line item off the agenda and bring it back to the July 2<sup>nd</sup> meeting so that Administrator/Planner Herrmann could review all the comments that were made and have the ability to revise his report as necessary. Commissioner Bergman seconded the motion. Motion carried by 6 to 1 vote with Commissioner Garvey voting no. It was noted that all music will be put on hold until the Board makes their decision/recommendation at the next meeting.
4. **Consider and Act on the Conditional Use Permit request (CU8) of 4N1 LLC c/o Dave Nosek and Mark 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.** – The petitioner was present and stated things are getting there and he received Administrator/Planner Herrmann's report and had no questions or concerns with it. Commissioner Navin made the motion to approve and recommend to Waukesha County the

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conditional use permit request (CU8) of 4N1 LLC c/o Dave Nosek and Mark Neuman, (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 for the construction of three single family condominium units and associated land altering activities on the property located at N55W34911, W34913 and W34195 Lake Drive per the recommendations of Administrator/Planner Herrmann's memorandum dated June 12, 2018. Commissioner Garvey seconded the motion. Motion carried by unanimous voice vote.

5. **Consider and Act on Certified Survey Map (CSM) for David and Elaine Siefert, W360N4933 Brown Street, Oconomowoc, WI. More specifically the property is located S 120FT of PT SE ¼ Sec 34, T8N R17E, Town of Oconomowoc (Tax Key No. OCOT 0568.981).** –  
Administrator/Planner Herrmann stated the owner would like to take the one parcel and combine it with the main parcel and he sees no issues with it. Commissioner Garvey made the motion to approve and recommend to the Town Board the certified survey map for David and Elaine Siefert, W360N4933 Brown Street per the recommendations of Administrator/Planner Herrmann's report dated June 12, 2018. Commissioner Roche seconded the motion. Motion carried by unanimous voice vote.
6. **Adjourn.** – Commissioner Bergman made the motion to adjourn at 7:22 p.m. Commissioner Navin seconded the motion. Motion carried by unanimous voice vote.

Respectfully submitted –  
Lori Opitz, WCMC  
Clerk/Treasurer