

TOWN OF OCONOMOWOC

PLAN COMMISSION MEETING MINUTES

July 16, 2012

Chairman Runyard called the meeting to order at 7:00 pm. Commissioners present included Richard Garvey, Robert Peregrine, Terry Largent, Janis Husak, and Catherine Balthazor. Commissioner James Navin was absent. Also present included Administrator/Planner Jeff Herrmann, Waukesha County Planner Amy Barrows, and Clerk/Treasurer Jo Ann Lesser. For additional attendees, see attached sign-in sheet.

1. Approve Minutes for June 18, 2012 Town Plan Commission Meeting: Commissioner Peregrine made a motion to approve the June 18, 2012 meeting minutes as presented. Commissioner Garvey seconded the motion. Motion carried by unanimous voice vote.
2. Public Comments: None
3. Joint Public Hearing to consider terminating the Conditional Use Permit (SCU-200T) for **Michael Bertrand, Comfort Investments LLC, N52 W35002 Lake Drive, Okauchee, WI 53069** that was previously issued to allow the continued operation of a legal nonconforming use, more specifically, a tavern, restaurant and apartment. The petitioner is proposing to terminate the Conditional Use Permit since the property was rezoned to a business district, which accommodates such uses without the need of a Conditional Use Permit. Lot 30, Point Comfort Subdivision, located in parts of Section 35 and 36, T8N, R17E, Town of Oconomowoc, Waukesha County. More specifically, the property is located at N52 W35002 Lake Drive: Chairman Runyard called the public hearing to order at 7:05 pm. Waukesha County Planner, Amy Barrows stated that the property is zoned B2 local business. Ms. Barrows stated that the conditional use is subject to several conditions and Mr. Bertrand needs to apply for a site plan/plan of operation. Ms. Barrows noted that there are some violations on the property, more specifically with the new name, signs, work being done to the foyer, the new patio is larger than what was originally applied for and a fence around the garbage dumpster needs to be installed. Ms. Barrows stated that the conditional use (CU) needs to be terminated and the business needs to operate under a site plan/plan of operation. Ms. Barrows also stated that tonight's meeting is not to approve the site plan/plan of operation.

Mike Bertrand stated that he understood that he was not allowed to put up a new sign, he did not think that included banners, and the current banners have been removed as of July 9, 2012. Mr. Bertrand stated that he never knew that the dumpster had to be enclosed and that he only shortened the "doing business as" name not the actual business name. Mr. Bertrand stated that he had Lake Country Engineering out today (July 16, 2012), to complete the site plan.

At this time Chairman Runyard opened the hearing up to the audience.

Attorney Dean Richards, representing David Huiboegtse whom is a neighbor to Bertrands Point Comfort Place, submitted a letter for the record but also read it to the Commissioner's. In the letter Attorney Richards states that there seems to be miscommunication amongst the neighbors, and that the neighbors feel that CU is the only way to control what is happening on the Bertrand's property and they do not want it terminated until the site plan/plan of operation has been approved. Some other concerns mentioned were the car hop service, the boat service and the new deck.

Roland Morrison of N52W35009 West Lake Road questioned on how a site plan/plan of operation comes about. Amy Barrows of Waukesha County Land and Plan Use department explained the procedure.

Tom Godar of W343N6475 Bayview Road also representing Okauchee Lake Management District (OLMD) stated that he has concerns about the moorings, OLMD was never aware of them and now there is a request for 6 more. Mr. Godar is requesting that the moorings not be approved, and that he has concerns about the additional traffic on the lake and the water quality.

Pete Puestow of N52W35021 Lake Drive stated that the landscaping had not been completed around the parking lot.

Vern Voelker of N52W34999 Lake Drive wanted to know is there was a detailed lighting plan, he has never seen one.

Brett Meili of W350N5307 Road B stated that he supports many of the thing being proposed but was confused and read a prepared statement.

Mary Voelker of N52W34999 Lake Drive questioned about the time between the termination of the CU and the approval of the site plan/plan of operation, concerns that this will be a "free for all". Amy Barrows responded by stating that no that would not be allowed.

Tim Brass of W346N5305 Elm Avenue stated that restaurants need to change with the times, and social places are needed on the lake like Foolery's and Bertrands.

Laurie Fronczek of N51W34972 Lake Drive stated that she felt that Mike does a good job and that he goes out of his way to listen to the public and makes changes. Ms. Fronczek stated she supports Mike Bertrand.

Stan Fronczek of N51W34972 Lake Drive stated that he has lived in his home when the property was called Channel House, there was garbage everywhere, the police were always at the property. It has changed since Mike took over and he supports Mike.

John Butler stated that he enjoys both Foolery's and Bertrand's and he encourages open communication.

Roberta Johnson of N5241 Point Comfort Drive stated that she enjoys the music and doesn't want to see a vacant business.

Chairman Runyard asked for any more public comments, hearing none he allowed Mike Bertrand to respond to some of the complaints.

Mike Bertrand stated that he takes offense to the fast food reference, and that he had permission for the deck on the east side of the building from the County, State and the Town, but he never did it. Mr. Bertrand also stated that a suggestion from Commissioner Peregrine at the July 9, 2012 meeting is being implemented for the site plan. The outside music consists of one person playing acoustic guitar and singing, inside music is until mid-night.

Amy Barrows stated that the Commission has the option of terminating the CU or holding it over until the site plan/plan of operation is approved. The commission has 45 days to respond.

Commissioner Runyard closed the public hearing at 8:06 pm.

4. Joint Public Hearing to consider the Conditional Use Permit request (**SCU-1564**) of **Michael Bertrand, Comfort Investments LLC, N52 W35002 Lake Drive, Okauchee, WI 53069**, to complete land altering activities in association with revised parking, an additional egress drive onto Lake Drive, and to improve the view of Okauchee Lake. The petitioner is also requesting to maintain the existing marina and potentially increase the number of mooring spaces that was approved as part of the Conditional Use Permit that is proposed to be terminated (SCU-200T). Lot 30, Point Comfort Subdivision, located in parts of Section 35 and 36, T8N, R17E, Town of Oconomowoc, Waukesha County. More specifically, the property is located at N52 W35002 Lake Drive: Commissioner Ken Runyard opened the public hearing at 8:07 pm by reading the notice.

Amy Barrows stated that the property will be granted a storm water permit from Waukesha County, no retaining walls are proposed. On top of the slope is where the work will be conducted, tree cutting permit will be required from Waukesha County. The retaining wall is owned by Mike Bertrand, he is looking to lower it 0-6 feet. The rail will be replaced and plantings installed between the wall and the rail. This will give the property two more parking spaces. Any land altering plans will be included in the site plan/plan of operation.

Administrator/Planner Herrmann read a letter from Mark Mickelson the Town Engineer pertaining to the parking lot. Herrmann recommends that he, Mike Bertrand and Mark Mickelson meet to go over the plan and the hearing be adjourned until more information is available.

Commissioner Peregrine stated that he feels that more studying is required and that the hearing should be postponed.

Mike Bertrand stated that he paid an engineering firm to create the plan from the County GIS to present to the commission.

Mary Voelker submitted pictures of the retaining wall.

Attorney Dean Richards stated that he agrees with Amy Barrows and Commissioner Peregrine's comment about postponing the hearing.

Commissioner Peregrine made a motion to adjourn the public hearing to August 20, 2012 at 7:00 pm also stating that the plans be available at the town hall for viewing a week in advance. Seconded by Commissioner Garvey. Motion carried by unanimous voice vote.

Chairman Runyard adjourned the public hearing at 8:36 pm.

5. Joint Public Hearing to consider the Conditional Use Permit request (**CU-1339B**) of **Vince Schmidt on behalf of Crosspoint Community Church, W380 N6931 N. Lake Road, Oconomowoc, WI 53066** to increase the width of the existing driveway, potentially relocate the existing sign and associated lighting to accommodate the wider driveway, and to construct a shed for the purposes of storage. Lot 1 of Certified Survey Map No. 10716, Vol. 103, Pg. 221, part of the NE ¼ of Section 20, T8N, R17E, Town of Oconomowoc, Waukesha County. More specifically, the property is located at W380 N6931 N. Lake Road: Chairman Runyard opened the hearing at 8:40 pm.

Amy Barrows stated that the property is zoned A5 and C1 Conservancy. It consists of 28 acres and in the SE and SW corners there are wetlands. In 2004 the church obtained a CU for the garage. The church is requesting a 2' X 40' shed on the north end of the parking lot.

Vince Schmidt stated that there is a request for 12' wide addition to the driveway for ingress and egress to help with congestion. Mr. Schmidt stated that there will be no divider installed just stripping and arrows.

Administrator/Planner Herrmann stated that the Town Engineer will need to issue his approval of the intersection.

Mr. Schmidt stated that the shed will likely be built this fall and grading in spring of 2013.

Amy Barrows stated that under the CU the Town can allow or restrict the building.

Mike Bertrand asked about the sign the Church uses on the property and if they make use of banners.

Amy Barrows did receive a call with concerns that the storm water system is not functioning properly and the county will be looking into the matter.

Chairman Runyard closed the hearing at 8:49 pm.

6. Consider and Act on Noise Complaints Regarding Foolery's, N52 W35091 West Lake Drive and possible amendment to the conditions of approval: Administrator/Planner Herrmann stated that he has been receiving complaints once again about the loud music and outside noise on the deck at Foolery's Liquid Therapy.

Tony Foss Agent for Foolery's Liquid Therapy stated that there is no outside music on the deck and it doesn't get piped out on the deck either.

Scott Rachel who is a town resident but also the DJ at Foolery's Liquid Therapy stated that since the last meeting he has turned down the bass as requested.

Mike Bertrand stated that the decibel level of 35 is no more than a whisper, like two people whispering in a library.

Mary Voelker stated that there is loud noise on the deck after 11 pm and suggested closing the deck earlier in the evening. Ms. Voelker also stated that the garbage does get picked up.

Tommie Coppinger stated that the noise on the deck goes until 2 am, and that the deck should have a closing time.

Michael Todd of N52W35098 Lake Drive lives upstairs of the old bait shop for the past three years, he admits that things have improved a lot under the different management and feels that they are good neighbors and they work at it. Mr. Todd's concerns are the road, the speed of the cars coming around the corner and the pedestrians crossing the road.

Peter Puestow stated that he was at Foolery's last Saturday night and they had a chair propping the door open and a sprinkler was spraying the air conditioning unit. Mr. Puestow suggested that maybe a 2-door foyer concept would benefit that operation as well.

Gary Clendenning of N53W34338 Road Q purchased his property for the social aspect of the lake, and that the restaurant business is a tough business, they pay high taxes and they compete against one another, and he's in favor of the deck.

Vern Voelker made a complaint about the bridge and the garbage that keeps collecting on and around it and wonders why no one is keeping it cleaned up.

Pat Celek stated that she would like to see a fixed time of operation on the deck.

Tony Foss responded to the complaints by stating that at the last meeting he was asked to meet his neighbors and he feels he has done that. He has hired new managers; he pays five people to oversee the doors, the deck and parking lot. Mr. Foss stated that he has worked with Chief Wallis and in fact has even allowed his camera system to help assist the police department with other police issues. Mr. Foss has also stated that he is allowed to have outdoor special events but has not used them in consideration of his neighbors, but he does help out with benefits and has helped raise over \$40,000 dollars for charity. Mr. Foss stated that he works with other businesses to promote the town. Mr. Foss stated that his about 50 employees come from the town and city. Mr. Foss stated that he has told patrons to quiet down but you can't stop them and Mr. Foss stated that he has not received tickets or violations of any kind.

No action was taken by the plan commission.

7. Adjourn: Commissioner Husak made a motion to adjourn at 9:27 pm. Commissioner Garvey seconded the motion. Motion carried by unanimous voice vote.

Respectfully submitted,

Jo Ann Lesser, WCMC
Clerk/Treasurer