

TOWN OF OCONOMOWOC

PLAN COMMISSION MEETING MINUTES

June 17, 2013

Chairman Ruynard called the meeting to order at 6:30 pm. Commissioners present included James Navin, Richard Garvey, Robert Peregrine, Terry Largent, Janis Husak, and Cathie Balthazor. Also in attendance were Administrator/Planner Jeffrey Herrmann and Clerk/Treasurer Jo Ann Lesser. See attached sign-in sheet for others that may have attended.

1. Approve Minutes for June 3, 2013, Town Plan Commission Meeting: Commissioner Peregrine made a motion to approve the June 3, 2013 minutes as presented. Commissioner Navin seconded the motion. Motion carried by unanimous voice vote.
2. Public Comments: Mary Voelker of N52W34999 Lake Drive commented that she would like the Plan Commission to approve the site plan/plan of operation for Tom's Auto and to allow the tradition set forth by Tom Stocke to be allowed to continue in Okauchee.

Bill Balthazor commented that when Angels Grace was being presented many years ago, the comments made then were that nothing else would be built on that property and now here is something to be added, it will just continue to grow and grow.

Brent Meili of W350N5302 Road B requested that alcohol stop being served at the same time as food and that the cut-off time be 9 PM. Made concerns about decibel levels and that they should be the same as Foolery's which ends at 12 am. Noise is a big issue, and they are just trying to preserve the area.

Vern Voelker of N52W34999 Lake Drive stated that the light on the sign never goes off and that the rope lighting on the railing goes off but does not know when that is. The railing is within the 75 foot setback from the lake, questioned if they need a variance for the railing. Mr. Voelker stated that the County indicated that the plans for the foyer need to be submitted, that hasn't happened yet, wants to see them. Presented pictures of barrels and garbage cans outside of the restaurant, questioned why they are not inside the enclosure.

Rowland Morrison of N52W35009 W Lake Drive indicated that he would like no amplified music outdoors.

David Huibregtse of W349N5225 Point Comfort Drive stated that he has no faith in the entire process; he is disappointed with Amy Barrows. Also stated that it seems people are self-serving while outside having cigarettes.

3. Consider and Act on Site Plan/Plan of Operation for Zachariah's Acres, 16575 Patricia Lane, Brookfield, Wisconsin located at east end of Servants Way: Terry Bartowitz read a letter received from a patron of one of the special events at the property of Zachariah's Acres commending them on the project. Terry explained that they have an ADA compliant ramp for attendees to get into to a hay wagon to enjoy a ride, they have raised planting beds for children to plant and cultivate, and these are some of the opportunities that will be available to the visitors of Zachariah's Acres.

Bob Buchta of Oliver Construction stated that a building similar to the one built at the Mapleton Community Center is proposed for the site, 125' x 40' which 50' x 40' will be covered and then a barn the size of 32' x 75' will be constructed on the site as well. The foundation will be a concrete slab.

Tom Olewniczak of Oliver Construction explained the roadway to the facility will be 1,700' and the parking lot will host 73 parking spaces and there will be an additional large number of handicap accessible parking as well. Tom explained that sheet drainage will be used to manage storm water management. Tom discussed the installation of 5 lights one at the entrance and one at each curve in the road and 4 additional lights in the parking lot.

Commissioner Peregrine made a motion to recommend to Waukesha County approval of the site plan/plan of operation subject to the planner's report dated June 11, 2013. Commissioner Garvey seconded the motion. Motion carried by unanimous voice vote.

7:08 p.m. Special Order of Business

Chairman Runyard opened the public hearing and read the notice, adjourned 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 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:

It was 7:10 pm when the clerk noticed the tape had stopped due to dead batteries.

Waukesha County Planner Amy Barrows discussed the moorings; she stated that the property is allowed 5 piers with 6 permanent moorings and 4 spaces for transient moorings. No boat rentals are allowed. There is currently a fuel tank allowed with provisions, Amy is recommending removal of the fuel tank. Amy also stated that the limited conditional use for the moorings is not a part of the operation and to get more piers the property would need to get permission from the WDNR.

Brent Meili of W350N5302 Road B suggested that the fuel tanks be removed.

Michael Bertrand stated that nothing has changed in a long time, he addressed the lighting issue on the stairs and explained that people use those stairs at all hours of the night and finds it a possible liability issues if those lights are not functioning. Michael stated that they are set to go off at 3:30 am.

David Huibregtse of W349N5225 Point Comfort Drive stated that there looks to be a stack of piers on the property and requests that the conditional use require the removal of those items.

Chairman Runyard closed the public hearing at 7:20 pm.

4. Consider and Act on Site Plan/Plan of Operation for IronX Strength and Fitness, W359N5920 Brown Street, Oconomowoc: It was noted that the this operation will be private one to one fitness training not a fitness gym with membership. It was noted that his experience comes from working at Parkers Place in Oconomowoc for the past 5 years. It was noted that he read the report and has no questions or concerns. Commissioner Peregrine made a motion to recommend approval of the site plan/plan of operation to Waukesha County subject to the planner's report date June 11, 2013. Commissioner Navin seconded the motion. Motion carried by unanimous voice vote.
5. Consider and Act on Site Plan/Plan of Operation for Tom's Auto, N51W34871 Wisconsin Avenue, Okauchee: Zach Dunbar stated that he wishes to continue the operation at Tom's Auto as Tom Stocke had, and the only change that is happening is the owner. The name and operation will remain the same. Administrator/Planner Herrmann stated that he did not do a planner's report as nothing is changing. Commissioner Peregrine wanted to confirm that the fence that Tom requested to install will still be erected and Zach Dunbar confirmed that he will be putting up the fence. Commissioner Peregrine made a motion to approve the change of ownership with the notation that the fence still needs to be installed to conceal the tires. Commissioner Husak seconded the motion. Motion carried by unanimous voice vote.

Commissioners moved to item #7

6. Consider and Act on the July 1st, 2013 meeting: Commissioner Navin made a motion to cancel the July 1, 2013 plan commission meeting. Commissioner Husak seconded the motion. Motion carried by unanimous voice vote.
7. Consider and Act on CSM for the Tomi Group, Lots 17 and 18, located in the SE 14 of the NE ¼ Section 33, T.8N, R.17E, N53W37078 Washington Street in the Town of Oconomowoc: Administrator/Planner Herrmann stated that there are two separate lots and is requesting to combine them. Commissioner Peregrine made a motion to recommend to the Town Board approval of the combining of the two lots subjects to the planner's report. Commissioner Largent seconded the motion. Motion carried by unanimous voice vote.

8. Consider the Conditional Use Permit request **(SCU-1564) of Michael Bertrand, Comfort Investments LLC, N52 W35002 Lake Drive, Okauchee, WI 53069**, 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) - N52 W35002 Lake Drive: Commissioner Peregrine made a motion to recommend approval of SCU-1564 allowing 5 piers with 6 rental moorings and 4 additional moorings for patrons. Commissioner Garvey seconded the motion. Motion carried by unanimous voice vote.

9. Consider and Act on 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 - N52 W35002 Lake Drive: Commissioner Peregrine questioned Amy Barrows if all the violations were taken care of. Ms. Barrows responded "yes" and then mentioned the landscaping is still being worked on with the town and that when she stopped by the restaurant the enclosure for the garbage was closed. Ms. Barrows went on to state that the asphalt is being installed on Monday with seal coating and stripping to be completed after the asphalt is installed. Ms. Barrows clarified that this was not a violation but a condition of the plan of operation and that Waukesha County has issued the plan of operation. Commissioner Peregrine made a motion to recommend to Waukesha County to terminate SCU-200T. Commissioner Navin seconded the motion. Motion carried by unanimous voice vote.

10. Consider and Act on Site Plan/Plan of Operation for Paz's Enterprises, LLC, d.b.a. Paz's Point Comfort, in The Town of Oconomowoc, located at N52W35002 Lake Drive: Jose Paz explained why he wishes to have an outdoor bar for his operation. Mr. Paz also explained that the piano bar will not have alcohol served in that area. Mr. Paz also stated that he would like to get his sign up with the name of his restaurant; the sign is staying the same just changing the name. There was considerable questions by the commissioners about the outdoor bar, it was noted that the bar is similar to the one located at the Foolery's bar down the street with 9 stools.

Administrator/Planner Herrmann read what was approved by Waukesha County Board of Adjustment for the signs; it allows the sign by the lake, a 20 square foot digital sign and an additional sign. Herrmann stated that condition #3 indicates that the landscaping will be installed by June 13, 2013, he is working with Peter Puestow and Oconomowoc Landscape Supply Center on possibly installing "street trees" between the curb and the sidewalk, the new date is October 1, 2013 for landscaping to be finished.

Herrmann stated that item #4 has an error with the time it should read 12 am not 2 am. Item #7 stated that the outside bar was to be portable but will read permanent and that no alcohol will be served or sold outside after 10 pm. Item #10 will be changed to reference the BOA's guidelines. Item #16 will be changed to read no food or drink served outside after 10 pm. Item #17 will have a deadline date of July 1st.

Commissioner Peregrine made a motion to recommend approval of the site plan/plan of operation with the changes to items #3, 4, 7, and 10, #16 will remain as written, item numbers are referencing the planner's report. The Town Administrator/Planner will also need verification that the property has been sold by producing a receipt of the deed transfer to be maintained in the property file here at the town and that the dumpster is enclosed. Commissioner Husak seconded the motion. Motion carried by unanimous voice vote.

The commissioners went to item #6 of the agenda.

11. Adjourn: Commissioner Husak made a motion to adjourn at 8:26 pm and seconded by Commissioner Navin. Motion carried by unanimous voice vote.

Respectfully submitted,

Jo Ann Lesser, WCMC
Clerk/Treasurer