

**City of Oconomowoc
Plan Commission Meeting Minutes
February 3, 2021**

Chairman Magnus called the meeting to order at 6:05 pm.

Members Present: Commissioners Lou Kowieski, Chad Vande Zande, John Gross, Ken Brotheridge, Chairman Robert Magnus, Tim Valley and Dean Frederick

Others Present: Jason Gallo, Atty. Stan Riffle, Bob Duffy, Mark Frye and Chris Dehnert

2. Approve Minutes of December 9, 2020: Motion by Vande Zande to approve the December 9, 2020 minutes; second by Kowieski. Motion carried 7-0.

3a. Public Hearing – Keeping of Chickens: The purpose of the public hearing is to hear public comment on the application by the City of Oconomowoc for a zoning text amendment to create §17.109(5) of the zoning ordinance pertaining to keeping of chickens. The specific request is to allow backyard chickens in various zoning districts within the City & create regulations for this activity including the type of chicken, maximum number, location of coop & runs, coop size, fencing, selling of eggs, public nuisance compliance, livestock registration & other requirements. The public hearing opened at 6:07 pm. Gallo reported this request is for a text amendment to allow chickens in residential areas of the City. There is no ordinance in place currently which allows for chickens so it has been staff's policy to prohibit them. The Plan Commission discussed the issue of allowing chickens in the City at their December meeting and voted to move forward with a text amendment to allow them. Gallo followed the City of Stoughton's ordinance when drafting one for the City. The Plan Commission reviewed the proposed ordinance which addressed multiple items and based on members comments, removed the RML zoning district from the ordinance. Gallo reviewed the proposed ordinance which provides for chickens in 5 different zoning districts; up to 4 hens and no roosters; caps the total of chickens in a duplex at 4; coop no closer than 25' from lot line in the rear; requires a permit for the coop; prohibits selling eggs and various additional requirements listed in the staff report. Gallo concluded staff has received a lot of feedback from the public which has been shared with the members.

The following persons spoke in favor of chickens being allowed in City:

- 1) Taylor Poehls - 36594 Country Cove Ct
- 2) Joe Kenitz - 267 Ridgeway Path
- 3) Brian Dalbke - W352N5980 Nelson Lane
- 4) Bill, Colleen, Isaac & Kateri Pedersen - 144 Woodland Lane
- 5) Emily Pulkowski - 434 S Franklin Street
- 6) Nancy Vogel - 628 W Wisconsin Avenue
- 7) Eric Raskopf - 813 Old Tower Road
- 8) Jane Herro - 425 W Wisconsin Avenue

Reasons for allowing chickens included: great experience for children to learn about a sustainable life style; homeowners should have the right to do what they want with their property; chickens don't smell if properly taken care of; don't make as much noise as a barking dog; predators are no more prevalent than normal; natural pest control as they eat bugs; many large cities around the country allow chickens; personally own chickens and they are part of the family; proposed ordinance addresses public nuisances such as smell and noise; and if guidelines are followed there shouldn't be issues with neighbors.

The following persons spoke against chickens being allowed in City:

- 1) Robert Morgan, 409 Linwood

- 2) Donn & Sharon Bunchkowski, 142 Woodland Lane
- 3) Carrie Vande Zande, 134 Woodland Lane

Reasons for not allowing chickens included: open invitation for coyotes located out of town to go after chickens and other small animals; City has more to do than go after issues caused by chickens; understand appeal but chickens are very dirty, smelly, bring in rodents and predators; chickens are a responsibility and if you don't take care of them it will affect neighbors; chickens are very loud; and chickens are farm animals which should not be compared to dogs and cats.

No additional comments were received and the hearing closed at 6:55 pm.

4a. Consider / recommend the Zoning Ordinance Text Amendment to create §17.105(9) regarding the keeping of Chickens: Gallo stated 4 people at the public hearing were against allowing chickens and 11 people were in favor. He noted some of the comments were about the 25' setback requirement from the lot line and will eliminate smaller 50' wide lots from having chickens. Members comments included: agree with the 25' setback from the lot line; not every lot is appropriate for chickens; position on chickens has changed – not in favor of chickens; there are a lot of small lots in the City; appreciate people who find value in having chickens but it is hard to disrupt neighbors and risk potential predators; important for neighbors to enjoy their property; would like to eliminate allowing chickens in all multi-family districts; should only be allowed at detached homes; can't support – concerned with getting law enforcement involved to police this; the setback for 50' wide lots should be 10' from the lot line and reduce 4 hens down to 2; plenty of neighborhoods with HOA's won't allow chickens; can't infringe on other property owners but love the experience kids have with chickens; thinks if a rooster is identified in the hens, it should be removed from City limits; appreciate everyone coming out tonight; and people should attend the Council meeting and speak again. Motion by Kowieski to recommend the zoning ordinance text amendment to allow the keeping of chickens as written without adjustment; second by Frederick. Motion carried 4-3 (Vande Zande, Gross & Valley voted no).

4b. Consider / recommend the Certified Survey Map to divide 1 lot into 2 located immediately west of the intersection of Corporate Center Drive and Oconomowoc Drive: Gallo reported this request is for approval of a certified survey map which would divide a 3.45 acre lot into 2 separate lots. Lot 1 will be a 2.3 acre parcel for the TownePlace Suites hotel development and Lot 2 is a 1.1 acre parcel for Dairy Queen. The land is zoned Business Park, and the certified survey map conforms with zoning requirements. There were some technical items on the CSM, which Gallo noted may already be corrected. Gallo recommended approval of the CSM as presented. Motion by Vande Zande to recommend the certified survey map to divide 1 lot into 2 located immediately west of the intersection of Corporate Center Drive and Oconomowoc Drive; second by Kowieski. Motion carried 7-0.

4c. Consider / act on the Major Design Review Plans for the TownePlace Suites by Marriott located on Corporate Center Drive immediately west of Oconomowoc Drive: Gallo reported this hotel will be located in the Corporate Park which is zoned Business Park. The middle gable of the hotel will exceed the 50' requirement by 2", and the Architectural Commission reviewed and approved the height exception (as allowed by City ordinance) and building plans at their meeting held earlier this evening. The hotel will contain 87 rooms with 97 parking stalls. The landscaping meets code requirements, though there were questions on types of plantings and location of swales. They intend to light the parking lot with 25' tall poles with fixtures which meet code requirements. Both utilities and stormwater comply to code. Gallo distributed a letter from American Architectural Group (AAG) which acknowledges they will work out the technical items with City staff prior to building permit issuance. They also provided a cross access easement which is being reviewed by the attorney for Dairy Queen. Gallo recommended approval of the plans for the TownePlace Suites as presented. Members questioned parking for staff; requested low level landscaping to shield headlights of parked cars facing Corporate Center Drive; questioned placing trees as landscaping near the proposed light poles; questioned if the height of the light poles

includes the base; requested low level landscaping to help soften the electrical transformer; and would they consider including parking as part of the cross access easement with Dairy Queen so they can use some of their stalls as overflow. Gallo said though the proposed parking conforms to code, he sees the issue with where would employees park if the hotel is full. He noted the Dairy Queen site will have more than enough stalls but it is between the applicant and the Dairy Queen owner. Scott Kintopf, project manager of AAG, said they have never had an overflow issue with parking at other sites; light poles will not exceed 25' tall; and he will work with staff on the landscaping issues. Motion by Gross to approve the Major Design Review Plans for the TownePlace Suites by Marriott located on Corporate Center Drive; second by Kowieski. Motion carried 7-0.

4d. Consider / act on the Major Design Review Plans for the Dairy Queen Grill & Chill Restaurant located on Corporate Center Drive west of Oconomowoc Drive: Gallo explained the Dairy Queen will be located next to the hotel and is a permitted use in the Business Park zoning district. All setbacks, utility and wastewater conform; parking stalls exceed code requirements; car stacking distance for the drive-thru exceeds code requirements; landscaping meets code; light poles will not exceed 25' in height; and the light head will look a little different than the hotel's lights. The Architectural Commission reviewed and postponed action on the building plans earlier this evening as the proposed building contained a lot of EFIS and the members wanted a building product used in specific locations that was sturdier like nichiha panels. There were also issues with the HVAC rooftop units, wrapping the freezer unit and dumpster materials. They will update their building materials and come back for approval in March. Gallo explained the cross access easement will allow connectivity from the hotel directly to Dairy Queen. The Corporate Park board has already reviewed the documents relating to these items. Gallo recommended approval of the site plans for the Dairy Queen as presented. Members requested low level landscaping to shield headlights of parked cars facing Corporate Center Drive, and Janet Smith of Dairy Queen acknowledged they will make that change. Motion by Vande Zande to approve the Major Design Review Plans for the Dairy Queen Grill & Chill Restaurant located on Corporate Center Drive, west of Oconomowoc Drive, subject to the approval of the architectural plans and all technical concerns that were brought up this evening have been addressed; seconded by Kowieski. Motion carried 7-0.

4e. Consider / recommend the Preliminary Plat Residential Subdivision for the 47-lot Morgan Station Development located at 9720 Valley Road: Gallo reported this is the preliminary plat for a 47 lot subdivision which Plan Commission approved their zoning request in December. The property is now zoned Suburban Residential, and the developer is capping the total lots at 47. The layout is consistent with the CSM which was previously approved, and the road plan is the same. The intersection to be reconstructed at Morgan Road and County Road B is shown on the plat; there will be an 8' wide multi-use path along Valley Road; and internal trails within the subdivision. The intersections will be lighted and each property will have a coach light which will be maintained by homeowners. The wetland areas in the development will be preserved, and only the upland areas will be developed. Utilities are sufficient to serve the area; house sizes are consistent with adjacent subdivisions; and there will be an HOA for this subdivision only. Gallo noted the pathway will be addressed in the development agreement, and he recommends approval of the plat as presented. A question was raised about turn lanes into the development, and Cory O'Donnell, developer, explained Waukesha County will have jurisdiction over the turn lanes and are currently working on decelerating lanes on County Road B. A member questioned the use of coach lights and explained a situation in another subdivision where the City is replacing them all. It was noted the lights should be explained well in the developer's agreement. Motion by Gross to recommend the Preliminary Plat for the 47-lot Morgan Station development located at 9720 Valley Road; second by Kowieski. Motion carried 7-0.

4f. Consider / act on the Time Extension Request for the Blue Ribbon Baseball Conditional Use Permit located at Blue Ribbon Circle North: Gallo reported the applicant is asking for a 6-month extension of their conditional use permit. The facility was approved a year ago, and per the zoning ordinance the start of construction of the facility must start within 365 days (March 3, 2021) from approval of the permit. With this date coming up, they are requesting a 6-month extension to September 2021. The main reason construction never

took place is because the pandemic hit shortly after approval which has caused issues for borrowing money, fundraising and face to face contact. Gallo noted due to the 2020 pandemic, he recommends approval of the request. He added 3 letters were provided to the members from the industrial businesses located by the proposed baseball park in opposition to the extension. Members comments included support of the extension but if construction doesn't start then change the zoning back to Industrial; and does the extension also apply to the 730-day requirement that the baseball park be up and running. Gallo agreed this extension also backs up the 730-day requirement but if the outdoor area of the baseball park is up and operational that will satisfy the requirement under the CUP. Motion by Frederick to approve a 6-month time extension request for the Blue Ribbon Baseball Conditional Use Permit with a start date to be no later than September 3, 2021; second by Brotheridge. Motion carried 7-0.

4g. Consider / act on the Revised Major Design Review Plans for the Blue Ribbon Baseball located on Blue Ribbon Circle North: Gallo reported this review is only on the training facility. The property is zoned General Commercial, and the project was approved on February 12, 2020. The applicants are requesting to amend their plans to reduce the training facility from 45,000 sf to an 18,000 sf building. The outdoor ballpark will remain as approved, and the parking will shift over to where the building was planned. The reduced building meets all code requirements; landscaping amounts have been reduced though still exceed requirements; stormwater plans are not changing; and the architectural plans will be changing but they are not ready for review yet but will be for the March meeting. Gallo feels the plans are still consistent with code, and he recommends approval. Sonny Bando was present on behalf of the ballpark ownership group and said they have no plans for enlarging the training facility in the future. He noted 40% of the total area in the training facility is dedicated to baseball park requirements, but they will still continue to have services for youth in the facility. Members asked if the foundation plantings around the walls could be arborvitaes to help soften the hardscape as previously suggested, which Bando agreed. Gallo added that Pabst Farms reviewed and approved the revised plans. Motion by Frederick to approve the revised Major Design Review Plans for Blue Ribbon Baseball located on Blue Ribbon Circle North, subject to all technical concerns being addressed and the approval of the architectural plans; seconded by Brotheridge. Motion carried 7-0.

4g. Consider / recommend the Pabst Farms/Blue Ribbon Baseball Certified Survey Map to divide 1 lot into 2 located on Blue Ribbon Circle North: Gallo reported this request is to divide a 21.835 acre parcel into 2 lots. Lot 1 will be 17.835 acres for the baseball park and training facility. Lot 2 will be 4.0 acres and is for future development. Both lots are zoned General Commercial, and Blue Ribbon Baseball has the first right of refusal on this lot. Gallo said the CSM was reviewed for technical issues, and he recommends approval as presented. Members comments included a request to consider rezoning the 4 acre lot back to Industrial, even though it is not the best suited but there is a need for industrial zoned properties. Gallo noted the applicant is attempting to reduce the cost of the site, and if things take off, they may want to add back onto the building. Motion by Frederick to recommend the Pabst Farms/Blue Ribbon Baseball Certified Survey Map located on Blue Ribbon Circle North; second by Kowieski. Motion carried 7-0.

5. Planning Department Correspondence – January 2021: Gallo reported in the month of December he issued 1 temporary use permit, received 9 requests for occupancy of a new business, and no letters were sent for non-compliance or zoning issues. Gallo will give his Planning Dept Annual Report in March or April this year. Magnus announced the Planning Dept will be getting an intern to help with all of the upcoming activity in the City.

6. Adjourn: Motion by Vande Zande to adjourn at 8:17 pm; second by Brotheridge. Motion carried 7-0.

Chris Dehnert, Deputy City Clerk