

**City of Oconomowoc
Plan Commission Meeting Minutes
February 12, 2020**

Chairman Nold called the meeting to order at 6:30 pm.

Members Present: Chairman David Nold, Commissioners Steve Ritt, Dean Frederick, Charlie Shaw, John Gross and Ken Brotheridge

Members Absent: Commissioner Robert Lex

Others Present: Sarah Kitsembel, Jason Gallo, Mark Frye, Robert Duffy, Atty. Stan Riffle, Ald. Kowieski, Ald. Rosek, Ald. Strey, Ald. Zwart, Ald. Ellis and Chris Dehnert

2. Approve Minutes of January 8, 2020: Motion by Ritt to approve the January 8, 2020 minutes; second by Brotheridge. Motion carried 6-0.

3a. Public Hearing – Diamond Club Entertainment Inc. / Blue Ribbon Baseball: The purpose is to hear public comment on the application by Tom Kelenic, Blue Ribbon Baseball/Diamond Club Entertainment, to amend Section 17.108 of the Municipal Zoning Code “Conditional Use Permit-Specific Standards”. The request is to amend Subsection (6)(a) pertaining to General Outdoor Recreation, Commercial, which limits hours of operation to be between 8 am and 10 pm daily. The public hearing opened at 6:31 pm. Gallo reported in 2019 the City created standards for each use that requires a conditional use permit. Currently the hours of operation for General Outdoor Recreation, Commercial is 8 am to 10 pm, and the applicant is requesting that the hours be changed to 7 am to 12 midnight. Gallo explained weather could cause delay of a game so his recommendation was for the time to be changed to 11 pm and to allow games to run later if they are delayed because of inclement weather. Tom Kelenic, Blue Ribbon Baseball/Diamond Club Entertainment, explained there will be no events that start before 8 am but people like to get to the park early to get warmed up and that is the reason they are requesting 7 am. He agreed with Gallo that the intent behind requesting midnight is due to inclement weather, specifically lightning. The following interested persons spoke:

- 1) Doug Orman, 2317 N. Daystar Ln, Summit – is concerned the change of hours is not only for baseball but also outdoor concerts.
- 2) Kristin Simons, 37848 Atkins Knoll Rd, Summit – is concerned about allowing other uses than baseball on the property; said other clubs have moved games so they start earlier and others don’t allow games past 10 pm on weekdays; there are many families with young children in the area and asked that the existing hours of operation not be changed.
- 3) Nate Rice, 37803 Valley Rd, Summit – is able to hear music from Harley Davidson when they have outdoor events; thinks the intent for changing the time limit to midnight is to allow concerts; doesn’t want to change his sleep schedule because of a baseball park; and requested the existing hours of operation not be changed.
- 4) Rebecca Melgares, 1512 St. Andrews Dr, Oconomowoc – is the HOA rep for Briarwood Subdivision; has same concerns as others mentioned; asked that the hours of the baseball park not be allowed to go past 10 pm; and types of activities they can hold should be limited.
- 5) Dan Gotzler, 1399 Shoreland Ln, Oconomowoc – supports the project and is okay with noise a couple nights a week.
- 6) Sandra Murray, 2913 N. Silver Cedar, Summit – said the hours for this type of use were selected because they were the best for the community so please don’t change them; applicant has not demonstrated a need for the change; agreed people get to events early but there shouldn’t be any noise; suggested the current hours of operation should remain but that they could be allowed to go later if the game is interrupted due to weather.
- 7) Darlene Ulickey, 1620 St. Andrews Dr, Oconomowoc – agree with other comments; asked if a sound tech has been asked to do more sound testing; a sound study was done when the baseball park was planned in Summit; should do a sound study again at the new location and during the requested hours; extended hours will create more light pollution and cause issues for children, more police presence, and garbage for landfill; and requested the members take more time to consider this request and have a sound study done including areas north of Silver Lake and south of the hospital.
- 8) Jason Baumann, 1351 Mamerow Ln E, Oconomowoc – is in favor of the project for families and children and the proposed change to the hours of operation; and doesn’t think concerts will happen.
- 9) Jerry Wendt of Magna LLC, W155 Allen Rd, Oconomowoc – is in favor of the request; economically the project will be a boom for the City, benefit for jobs, great place to take children; and encouraged members to approve extending the hours.

- 10) Steve Belawski, 215 Shore Circle, Oconomowoc – 100% in favor of changing the time standard; ballpark will be great family fun; he works in the lighting industry; and the proposed lights are cost effective and contain very green technology.
- 11) Jay Schneider, Lake Country Mfg, 950 Blue Ribbon Cir N, Oconomowoc – submitted a letter prior to the meeting for the members to review; said if approved, the baseball park will affect employees getting to work; and requested they do not approve changing the time standard.
- 12) Robert Seipel, 37336 Indian Mound Rd, Summit – is opposed to the project; he read from a document indicating the extension of hours is not just for baseball; extended hours will affect nearby residences and is concerned for the hospital.
- 13) Paul Erdmann, Ace Precision, 977 Blue Ribbon Circle N – built his business in 2003 and had to comply with a lot of rules; doesn't agree with someone coming into this area and then making changes to the standards; doesn't want concerts on the property; and zoning is placed on an area for a reason.
- 14) Brian Baker, Sentry Business Corp, 966 Blue Ribbon Cir N – they have been in business for 60 years; thought there was no issue with the proposed baseball park but now they are requesting to change the time standard to accommodate other things besides baseball; this will reduce property values and impact truck traffic; and he would like the time standard to remain the same.
- 15) Chad Bauer, N52 W35247 W. Lake Dr, Town of Oconomowoc – has been involved with the Northwoods League for the past 15 years; the 11 pm deadline is common and games rarely go later; people get warmed up at 7 am and there is no noise; currently attend games in Illinois and there are no big traffic issues; lights are a great technology; noise will be no issue for the hospital as they are already located on a busy highway; he rarely sees a stadium full of people at the end of a night; concerts are only 1 – 2 times a year; and this is a great location for this proposal.
- 16) Ed Cohen, 1018 N. Breens Bay Rd, Town of Oconomowoc – is against the whole project; the members need to listen to local residents and businesses; other venues have problems with concerts; the tax revenue received will be offset from the issues that occur due to the extension of hours; and urged members to be careful.

No additional comments were received and the hearing closed at 7:11 pm.

4a. Consider / recommend the Ordinance Text Amendment to adjust Section 17.108(6)(a) Hours of General Outdoor Recreation: Gallo explained the applicant's request is for a text amendment to change the hours of operation for outdoor recreation from 8 am to 7 am and from 10 pm to midnight. Gallo has no issue with the request to change the morning hours but he recommends 11 pm instead of midnight and if a game is interrupted because of a weather event, then the game would be allowed to go past 11. This would be consistent with temporary use permits Gallo issues to the Harley dealership for special events several weekends a year. Gallo reviewed findings from his staff report and added a sound study has been updated for the new site. Members questioned how the current hours were determined; are not in favor of changing the hours to 12 midnight; don't agree with making a change that adversely affects others; could keep the hours of operation at 10 pm and provide for 11 pm during home games; agree with hours changing to 7 am which is consistent with construction start time in the City; and there is a noise code in place. The Chairman agreed it makes sense to permit up to 11 pm for the 36 home games and the rest of the time remain 10 pm. Gallo explained the hours of operation were set in the Comprehensive Land Use Plan 2050 to be 8 am to 10 pm because these hours seemed reasonable. He noted the proposed text amendment affects all outdoor recreation though we don't currently have any other situations that apply. Members suggested 11 pm for athletic events and 10 pm for all other events; concerned about causing issues for the Police and/or Planning Depts; appreciated the comments by the public; said it was a great opportunity for the City; understands people's concerns; and noted it is Council that sets policy. Motion by Ritt to recommend to Council to modify the Ordinance to allow for hours of operation being limited to only operation between 7am and 11 pm for athletic events and 10 pm for all other events with the provision that the Common Council could provide for limited extension to the hours of operation for athletic events for exigent circumstances such as weather; second by Brotheridge. Motion carried 6-0.

4b. Consider / recommend the Conditional Use Permit for Blue Ribbon Baseball requesting General Outdoor Recreation, Commercial on Blue Ribbon Circle North: Riffle addressed the alderman who were present at the meeting noting there will be a separate public hearing and time for hearing evidence at the Council meeting on 2/18/20. Gallo noted materials were emailed to the members prior to tonight's meeting. In addition, he typed up a member's suggestions so they could be reviewed by everyone. A CUP is required to allow the baseball park use but is not required for the training facility. The property was zoned and assigned the General Commercial Use in December

2019. The applicant provided a Plan of Operations which explains they intend to use the property as a baseball park for the future home of a baseball team in the Northwoods League. This league consists of 22 teams, will host 36 home games and have 36 away games. The field will also be available to youth based athletic programs including soccer, lacrosse and baseball. The applicant amended their Plan of Operations on December 30 to include concerts, festivals and other events on the baseball field. Gallo included in the CUP that these types of events would be required to use the existing sound system and won't be allowed to bring in their own speakers. Gallo read 5 CUP standards and reviewed the findings included in his Staff Report, which also includes noise requirements. There are a total of 22 conditions in the CUP. Additional suggested conditions included adding the Stormwater Management Plan as one of the submitted plan documents; changing the permitted hours of operation to comply with what was just approved; Item 15 - add the City of Oconomowoc along with the DOT; Item 19 - include that a fireworks permit must be pulled, and fireworks must be done in a safe manner; and Item 22 - add a new condition on Lawful Operation. Kitsemel noted that the Pabst Farms Joint Stormwater District Commission has not approved the stormwater plan yet. Members questioned how many 80-90' tall light poles will be on the site and where will they be located; suggested that the DOT should approve any netting referenced in Item 10. Netting; and believes the noise can be controlled because of the noise ordinance in place. Motion by Ritt to recommend to Council the Conditional Use Permit for Blue Ribbon Baseball requesting General Outdoor Recreation, Commercial located on Blue Ribbon Circle North with the comments regarding Item 10 concerning adding a requirement for DOT review and approval on netting as well as the staff recommended changes in Items 2, 3, 15, 19 and 22 and that Section 3 must comply with what was passed earlier this evening on hours of operation; second by Brotheridge. Gallo noted that Item 3 is where the applicant shall call the police if they anticipate the game going past 11 pm but said there was concern by the members about someone having to make a phone call when the game was going on. Members noted the process should keep moving and ultimately belongs with the Council. Motion carried 6-0.

4c. Consider / approve the Major Design Review Plans for Blue Ribbon Baseball located on Blue Ribbon Circle North: Gallo said the applicant's request is in compliance with site plan and setback requirements; there will be 900 parking stalls; a detailed photometric plan has been provided and meets requirements; the landscaping plan exceeds requirements; stormwater plans will be reviewed by the Pabst Farms Joint Stormwater District; and utilities are sufficient for the intended use. The colors, materials and architecture style were reviewed in January and will go to the Architectural Commission in March for approval. A sound study on the site was updated in January and a traffic impact study was done. The Dept of Transportation approved the plans for a baseball park at this location and their only concern is baseballs getting onto the I94 off ramp. The field will consist of a synthetic turf which is similar to the high school football field. Gallo noted parents have raised concerns but studies have shown limited issues related to it. There were a couple of technical items which have been addressed and overall, after reviewing the use, site and plans Gallo recommends approval. Members were concerned with driveway spacing on the parking lot and suggested the spacing should move more south; more bollard lighting should be added to the walkways; and there is a significant row of landscaping on the NE side which faces the off ramp which should be moved to the outfield and around the pond. Gallo suggested the members could approve the plans as submitted subject to 1) the separation of the driveways could be extended by taking the southernmost one that's existing and move it further south upon staff review and approval; 2) the bollard lighting up near the entry way or the walkway could be looked at by staff; and 3) remove the 3' shrubs along the north side of the building and place them in the outfield and around the pond. Motion by Ritt to approve the Major Design Review Plans for Blue Ribbon Baseball located at Blue Ribbon Circle North; conditioned on satisfying all City permit requirements and the inclusion of the 3 points summarized by Planning staff; second by Brotheridge. Motion carried 6-0.

4d. Consider / recommend the Conditional Use Permit for an amendment to Fowler Lake Terrace Condos located at 515 E. Grove Street: Gallo explained this property has been used as a duplex since 2018. The property is zoned Traditional Residential and this use requires a conditional use permit which was approved in 2018. The owners are planning significant renovations to the home which requires amending the existing CUP. Renovations include: removal of an existing 600 sf garage and a 288 sf smaller garage located in the SE corner of the lot; the addition of a new detached 720 sf garage for Unit 1; a 530 sf addition and an attached 824 sf garage to Unit 2; and a 128 sf addition to the existing garage for Unit 2 for joint storage. The overall increase in square footage is 1314 sf. The driveway to the

property will remain in the same location but will be extended. Engineering staff did an on-site inspection and requested a berm be constructed to help with runoff from the driveway and rooftop. Gallo recommends approval of the amendment to the CUP with a couple of changes as follows: 1) Item 7 - change the word "or" to "at"; and 2) Item 8 - should have some sentences removed regarding payments. Members asked if they meet all setback requirements, and if there has been any feedback from neighbors. Gallo said one individual contacted him asking the reason for the sign but no other comments. Motion by Ritt to recommend approval of the amended Conditional Use Permit for the Fowler Lake Terrace Condos located at 515 E. Grove Street as drafted by Planning staff with changes noted in Items 7 and 8; second by Brotheridge. Motion carried 6-0.

4e. Consider / recommend the Conditional Use Permit for the un-named car wash to be located at approximately 1600 Summit Avenue: Gallo reported this currently un-named car wash was originally approved for a conditional use permit in October 2019. Staff recently received amended site plans, and Gallo noted there have been enough changes to the plans to have the CUP reviewed again. The footprint has been reduced by 778 sf or 18%; the building height has been reduced from 35' to 21'; the building's architectural style and materials have changed; and the name is being changed. The property is zoned General Commercial, and Pabst Farms is aware of and approve the building updates. Gallo recommends approval with a couple of changes which include adding the "Lawful Operation" paragraph and adding some landscaping along HWY 67 to help soften headlight glare as cars exit the car wash. Members noted the Architectural Commission spent a lot of time on the design of the north elevation of the building and that may be an area where some landscaping could be removed and relocated along the end of the driveway; and agree the updated styles fits the surrounding area. Motion by Ritt to recommend to Council approval of the Conditional Use Permit for the car wash to be named located at approximately 1600 Summit Avenue with the addition of Item 11 as noted by staff for the Lawful Operation; second by Brotheridge. Motion carried 6-0.

4f. Consider / approve the Major Design Review Plans for the unnamed car wash to be located at approximately 1600 Summit Avenue: Gallo referred to his report under the previous item and recommended approval. Motion by Ritt to approve the Major Design Review Plans for the to be named car wash located at approximately 1600 Summit Avenue with the addition of Item 12 to move some landscaping from the north side of the building where the doors extend down to the ground and relocate it along the end of the driveway, all subject to the Council approving the amended CUP on February 18, 2020; second by Brotheridge. It was clarified that the Plan Commission is recommending approval of the amended CUP and also approving the Major Design Review which is subject to the Council approving the amended CUP. Motion carried 6-0.

4g. Consider / recommend the Certified Survey Map to combine and reconfigure property lines of the City of Oconomowoc Campus Parking Lot and the property at 155 W. Wisconsin Avenue: Frye explained this CSM is part of a joint parking lot project that began a couple of years ago in partnership with First Bank. Both the bank and City owned property within the same area and worked together to create a larger parking lot. Staff recognized that a CSM would be needed to work out the details of the lands exchanged, and both entities have access to the entire area. Riffle said there is an ongoing legal issue between the bank and a nearby business, and he reached out to the property owner's attorney to make them aware of this CSM. Riffle received a comment earlier today from the attorney asking that the City's surveyor mark a certain point on the survey where a spike was found on the property. Riffle's recommendation is to have Frye pass this information along to the City's surveyor to determine for himself if this information should be included on the survey. Motion by Ritt to recommend the Certified Survey Map to combine and reconfigure property lines of the City of Oconomowoc Campus Parking Lot and the property at 155 W. Wisconsin Avenue with the suggestion from Attorney Riffle to have the Director of Public Works pass along to the City's surveyor the concern of the attorney from the 20 S. Main Street building to make his own determination if additional changes should be made to the CSM; second by Brotheridge. Motion carried 6-0.

5a. Planning Department Correspondence – January 2020: Gallo reported in the month of January there was 1 temporary use permit, 2 letters were sent for various issues and 1 request was received for occupancy of a new business.

5b. 2019 Planning Dept Annual Report: Gallo provided highlights from the 2019 Planning Dept Report noting 182 applications came through the Planning Dept which is the highest in the past 10 years; there was a lot of residential and business redevelopment activity; and department projects included updating the Comprehensive Land Use Plan 2050 and the creation of standards for conditional use permits. Overall Gallo looked forward to another great year and thanked the Plan Commission members and Council for their time reviewing the projects.

6. Adjourn: Motion by Brotheridge to adjourn at 8:18 pm; second by Frederick. Motion carried 6-0.

Chris Dehnert, Deputy City Clerk