

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

Chairman Magnus called the meeting to order at 6:01 pm.

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

Others Present: Jason Gallo, Matt Trebatoski, Atty. Stan Riffle, Mark Frye and Chris Dehnert

2. Approve Minutes of February 3, 2021: Motion by Frederick to approve the February 3, 2021 minutes; second by Kowieski. Motion carried 7-0.

3a. Public Hearing – John & Lavinia Rockwell Park Land Use Plan Amendment & Rezoning: The purpose is to hear public comment on the application by Jason Gallo on behalf of the City of Oconomowoc for an amendment to the Comprehensive Land Use Plan 2050 and rezoning of a total of 1.366 acres located at 517 & 525 N. Lake Road. The area is currently designated on the Land Use Plan as Medium Density Residential and zoned Isthmus Residential Multi-Family. The request is to amend the land use plan for both properties to Recreational / Parks and zone the properties to Institutional Public. If approved, the site would be converted to a public park. Gallo reported this property is located adjacent to the dam and in the Isthmus district. It is currently designated as Medium Density Residential and zoned Isthmus Residential Multi-Family. The request is to change the land use plan to Recreational / Parks and zoning to Institutional Public. The CSM to combine the properties is on the agenda for action tonight. Gallo said the intent is to make the property a public park and showed a concept rendering. The public hearing opened at 6:07 pm. No comments were received and the public hearing closed at 6:07 pm.

3b. Public Hearing – Tinus Marine Land Use Plan Amendment & Rezoning: The purpose is to hear public comment on the application by Erik Tinus of Tinus Marine for an amendment to the Comprehensive Land Use Plan 2050 and rezoning of OCOC 0590.953 & 0590.955 consisting of .44 acres located directly north of 850 Westover St. The area is currently designated on the land use plan as Medium Density Residential and zoned Residential Multi-Family Low. The request is to amend the land use plan and zone both properties to Industrial. If approved, the site would be used for future outdoor boat storage. Gallo reported the property is vacant, located across from the OHS soccer field and consists of .44 acres. There is a mix of uses around the property including a duplex to the south, single family residential to the west and boat storage to the north. The request is to change the land use designation and zoning to Industrial which matches the zoning of the property to the north. If the request is approved, the intent is to store approximately 42 boats outdoors on the property. The applicant intends to install an 8' tall wooden fence along the west and south property lines along with arborvitae to help screen the property. They will also have a 30' gate and chain link fence along the east side. The property has had issues with flooding, and the applicant intends to grade it so that water is directed to a newly installed catch basin which will drain to the street. The trees located on the north property line will be removed. The applicant is also requesting a text amendment and conditional use permit tonight. Gallo believes it is a good use of the property and recommends approval. The public hearing opened at 6:16 pm. The following persons spoke:

- 1) Eric Tinus said Tinus Marine has been part of the City since 1948. There was a forest and barn across the street when they began. This property will be used for transient boat storage. Currently they have been using Westover Street for overflow parking of boats which will be eliminated with this request. He talked to residents around the property to address any issues or concerns.
- 2) Matthew Vahl, 829 S. Silver Lake St, said he is well aware of their storage issues and overall doesn't have a concern except their current storage yard is slightly pitched toward his which causes flooding in

his yard. His biggest concern is that the proposed drainage plan doesn't address this issue. He noted the fence along his property is not well maintained either.

- 3) Mike Mings, 837 S. Silver Lake St, said his concern is with the change to Industrial zoning and future implications. He has no issue with the storage of boats but is concerned that the change in zoning could bring in another use which may not be conducive to being located by residential properties. Otherwise, he has had no issues with Tinus.

No additional comments were received and the hearing closed at 6:24 pm.

3c. Public Hearing – Tinus Marine Text Amendment: The purpose is to hear public comment on the application by Erik Tinus of Tinus Marine for a text amendment to §17.108(14)d of the Municipal Zoning ordinance pertaining to conditional use permit standards / storage yards / setback requirements. The specific request is to amend the current storage yard standard that all items are to be stored a minimum of 35' from the property line. The request is to maintain the 35' setback but allow the Common Council the flexibility to reduce the setback to no less than 5' under appropriate conditions. The applicant is requesting a conditional use permit for boat storage & is asking to have the 35' setback reduced to 5'. Gallo explained in 2019 state law was changed regarding the issuance of conditional use permits and each municipality had to institute standards for them. The City approved 9 standards for storage yards, and the applicant is requesting to change the standard regarding the 35' minimum setback to a property line. The applicant made this request because if they had to comply to it, this would greatly reduce the site because the overall lot size is small. They are requesting a text amendment to change this standard to allow Council to approve a reduced setback up to 5' from the lot line. The public hearing opened at 6:26 pm. No comments were received and the public hearing closed at 6:27 pm.

4a. Consider / act on the Resolution to amend the City of Oconomowoc Comprehensive Land Use Plan for the properties located at 517 & 525 N Lake Road (Rockwell Park): Gallo explained the request is to change 1.366 acres on the land use plan from a Medium Density Residential use to Recreational / Parks. The parcels were acquired through a private donation and the Build A Park fundraiser and are now owned by the City. The site is on the historic lake walk, will create a portage area for small watercraft and allows for maintenance on the Peacock Dam. The property has double lake views and is better suited as an area for a public park. Gallo recommends approval of the resolution to amend the Comprehensive Land Use Plan. Motion by Gross to approve the Resolution to amend the City of Oconomowoc Comprehensive Land Use Plan for the properties located at 517 & 525 N Lake Road; second by Brotheridge. Motion carried 7-0.

4b. Consider / recommend the Ordinance to rezone the two properties located at 517 & 525 N Lake Road to Institutional Public (Rockwell Park): Gallo explained this request is for a rezoning of 1.366 acres from Isthmus Residential Multi-Family to Institutional Public. Motion by Gross to recommend to Council the Ordinance to rezone 1.366 acres located at 517 & 525 N Lake Road to Institutional Public for Rockwell Park; second by Brotheridge. Motion carried 7-0.

4c. Consider / recommend the Certified Survey Map to combine two properties located at 517 & 525 N Lake Road (Rockwell Park): Gallo reported this request is to combine 2 separate properties into 1 for a total of 1.366 acres. This is for the future use as a public park. Gallo recommended approval of the CSM. Motion by Gross to recommend to Council the Certified Survey Map to combine two properties located at 517 & 525 N Lake Road; second by Brotheridge. Motion carried 7-0.

4d. Consider / act on the Resolution to amend the City of Oconomowoc Comprehensive Land Use Plan for the properties known as OCOC 0590.953 & 0590.955 (Tinus Marine): Gallo explained the request is to change .44 acres on the land use plan from a Suburban Residential use to Industrial to be used as boat storage. A public hearing was held earlier tonight, and there was one individual concerned about changing the land use

plan to Industrial in an area with residential properties. Gallo said the lot is small and if ever a request came in for an industrial use, they could never build a factory on the site because of setback requirements and would also require City review and approval. He noted Tinus Marine has been in the City a long time, and they have made this request in order to solve an issue they are having. Gallo recommends approval of the resolution to amend the Comprehensive Land Use Plan as requested. Members questioned the 35' setback for a new industrial user and can they have enclosed storage. Gallo explained if the type of use is the same as being requested, then there is not an issue. However, a different type of use would require City approval and any structure on the property would have to come back to the Plan Commission for approval. Members appreciated the comments and concerns of the public during the public hearing. Motion by Kowieski to approve the Resolution to amend the City of Oconomowoc Comprehensive Land Use Plan for the properties known as OCOC 0590.953 & 0590.955 to Industrial on Westover St for Tinus Marine; second by Brotheridge. Motion carried 7-0.

4e. Consider / recommend the Ordinance to rezone the two properties located at OCOC 0590.953 & 0590.955 to Industrial (Tinus Marine): Gallo explained the request is for a rezoning of .44 acres from Multi-Family Low to Industrial for Tinus Marine. Motion by Gross to recommend to Council the Ordinance to rezone OCOC 0590-953 & 0590-955 to Industrial; second by Brotheridge. Motion carried 7-0.

4f. Consider / recommend the Text Amendment to amend the Zoning Ordinance regarding Outdoor Storage Yard Setbacks (Tinus Marine): Gallo explained the proposed text amendment changes the setback in the standards for outdoor storage yards and then reviewed the 9 standards currently in place. The applicant, Tinus Marine, is requesting the standard be changed to allow the 35' minimum setback to be reduced to 5' under appropriate conditions. This amendment allows the Common Council to make the final determination to allow an applicant to store items up to 5' from a property line. Members comments included: this is a unique site because it's smaller but when the original standards for storage yards came forward, the 35' setback was a good criteria but can see that this makes sense for the proposed type of use; suggested that between the 5' – 35' setback to make it so the height of items cannot exceed 8'; questioned if the fence should be taller than proposed; the code should protect neighbors from double stacking boats or any other item; these changes to setback apply to all Industrial zoned properties in the City; and if we are allowing items to be moved closer to the property line, we must be cognizant of the height of the product being stored. Gallo added the applicant indicated a boat on a trailer is approx. 10'-12' so if a height restriction is included at 8' for the 35' setback that would affect how many boats can be stored on the lot; there is a code requirement that does not allow stacking items higher than 20' from grade elevation; and perhaps should consider a 12' or 15' height requirement in the 35' offset within a storage yard. Motion by Frederick to recommend the text amendment to amend the Zoning Ordinance regarding Outdoor Storage Yard Setbacks, subject to including a vertical height requirement to not be greater than 10' within the 35' to 5' setback range if the Common Council chooses to reduce the horizontal offset setback area distance; second by Gross. Motion carried 7-0.

4g. Consider / recommend a Conditional Use Permit for Tinus Marine to allow for a storage yard at approximately 840 Westover Street: Gallo explained this request is for approval of a conditional use permit for a storage yard to be located on two lots which are being combined. The total area is 19,435 sf and located adjacent to the applicant's existing boat storage. The lot will be gravel, fenced with an 8' wood fence and landscaping on the south and west sides with an access gate along Westover Street. The lot will be graded to provide excess water is directed to a newly installed catch basin which will drain to the street. Gallo explained there are a total of 10 conditions in the CUP which include hours of storage will be 24 hours a day but activity in the yard will be limited to Monday thru Sunday, 7 am to 8 pm; there will be no repairs or service on the lot and must be contained to inside of a building; all boats and other storage items are to be a minimum of 5' from the property line; security cameras are required; and no stacking of boats higher than 20'. Gallo noted the current lot has a speaker system which a neighbor said was loud, and Tinus has removed the speaker near the neighbor. Gallo recommends approval. Members questioned the drainage issue with the neighbor who spoke at the public hearing; how will the

area be lit; and are protections in place against aquatic species that are carried in on boats. Tinus said he will work with the neighbor with the flooding issue as they will be redoing the fence and can regrade the area at that time; the lot will not be lit; and the DNR is very strict and requires that all weeds are removed from the boat and trailer before coming onto their lot. He added the biggest concern is zebra mussels and they dry out very quickly. He believes the catch basin should alleviate any problems. Frye agreed with Tinus, noting currently the boats are parked on the street which drains into the pond. Motion by Frederick to recommend to Council approval of a Conditional Use Permit for Tinus Marine to allow for a storage yard at 840 Westover Street; second by Brotheridge. Motion carried 7-0.

4h. Consider / recommend the Certified Survey Map to combine two properties on Westover Street (OCOC 0590-953 & 0590-955) (Tinus Marine): Gallo reported this request is to combine 2 existing lots into 1 for a total of .44 acres. The intended use of this property is for boat storage. Gallo recommended approval of the CSM. Motion by Vande Zande to recommend to Council the Certified Survey Map to combine two properties on Westover Street known as OCOC 0590-953 and 0590-955 for Tinus Marine; second by Kowieski. Motion carried 7-0.

4i. Consider / recommend the Conditional Use Permit for Boat Service & Repair located at 654 Armour Road, Unit 2 (Gordy's Lake Country): Gallo reported the applicant is requesting a conditional use permit for boat service and repair. The property is zoned Business Park, and this use is permitted with an approved conditional use permit. The use is also consistent with the land use plan. The applicant intends to lease a portion of an existing building for a marine service center for their customer's boats. The service provided is unique and solely for their own customers with specific types of boats. They will not do any structural work on the boats at this site. All work will be by appointment only, indoors, boats will be moved by a forklift and run on propane to limit noise. Hours of operation will be 7 am to 8 pm. The request conforms to all standards listed under this type of use, and Gallo recommends approval. Motion by Gross to recommend to Council approval of a Conditional Use Permit for Gordy's Lake Country at 654 Armour Road, Unit 2; second by Kowieski. Motion carried 7-0.

4j. Consider / recommend the Preliminary Plat for Prairie Creek Ridge Addition #5 located on Whalen Drive, north of Prairie Creek Ridge #2: Gallo reported this item is for approval of the Preliminary Plat which contains 24 single-family residential lots and 1 outlot located in the northeast part of the City. The land is zoned Suburban Residential and the outlot is zoned Residential Multi-Family Low. The rezoning of the property was approved in October 2020. Gallo recommends approval. Members questioned Lot 19 to be owned by the City, and Frye explained whenever there is any city owned pipe in the ground they prefer to have it located in an outlot to allow for maintenance. Motion by Frederick to recommend to Council the Preliminary Plat for the Prairie Creek Ride Addition #5 located on Whalen Drive, north of Prairie Creek Ridge #2; second by Brotheridge. Motion carried 7-0.

4k. Consider / recommend the Condo Plat for the Park at Prairie Creek Ridge located on Outlot 17 of Prairie Creek Ridge Addition #5: Gallo reported this item is for approval of a proposed condominium plat for a residential development consisting of 16 duplexes (32 units) and 8 4-unit buildings (32 units) for a total of 64 units. The zoning was approved for this project in October 2020, and the layout is the same as initially proposed. Gallo recommends approval of the condominium plat. A member had a concern with lack of private parking shown on the plat. Gallo agreed noting private parking areas are not designated on the plat and requested the applicant, Craig Caliendo, address these concerns. Caliendo said private parking areas in his other developments are infrequently used but he will add parking wherever he can fit it on the plat and resubmit his plans to planning. Gallo suggested the members could either 1) postpone action on the plat now and instead approve it at the same time as the major design review; or 2) they could have staff work with the applicant so the plat can go to Council for approval with more detailed plans provided during the major design review. Members agreed that Gallo should work with the applicant on additional parking areas. Motion by Gross to recommend to Council the Condo Plat for the Park at Prairie Creek Ride #5 located on Outlot 17 of Prairie Creek Ridge Addition #5, subject to the

plat being modified to add more parking before moving forward to Council; second by Brotheridge. Motion carried 6-0-1 (Frederick abstained).

4l. Consider / recommend the Extra-Territorial Certified Survey Map to combine two lots located at N60 W38429 Hawthorne Drive, Town of Oconomowoc (Boe Krueger): Gallo reported this request is to combine 2 lots into 1 in the Town of Oconomowoc. The property is located within the City's extraterritorial limits as it is less than ½ mile from the closest City boundary. The garage is currently located on the lot line of the two lots so Waukesha County and the Town is requiring the owner to combine the two parcels into one. No technical review was done and Gallo recommends approval. Motion by Gross to recommend to Council approval of the Extraterritorial Certified Survey Map as submitted at N60 W38429 Hawthorne Drive, Town of Oconomowoc; second by Brotheridge. Motion carried 7-0.

5. Planning Department Correspondence – January 2021: Gallo reported in the month of January there were no temporary use permits issued; 1 denial letter sent for a garage permit which is the subject of an upcoming Zoning Board meeting; and 3 requests were received for occupancy of a new business.

6. Adjourn: Motion by Kowieski to adjourn at 7:47 pm; second by Brotheridge. Motion carried 7-0.

Chris Dehnert, Deputy City Clerk