

**City of Oconomowoc  
Plan Commission Meeting Minutes  
June 10, 2020**

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

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

**Others Present:** Sarah Kitsembl, Jason Gallo, Mark Frye, Atty. Stan Riffle, Ald. Karen Spiegelberg and Chris Dehnert

**2. Approve Minutes of May 13, 2020:** Motion by Ritt to approve the May 13, 2020 minutes; second by Vande Zande. Motion carried 7-0.

**3a. Public Hearing – Cellular Tower Ordinance:** The purpose of the hearing is to hear public comment on the application by the City of Oconomowoc to amend §17.108(15) within the City Zoning Code pertaining to the Conditional Use Permit Specific Standards for towers/antenna of any height. The request is to add requirements pertaining to maintaining a fall zone around the tower, aesthetic requirements for towers and attachments, and create additional regulation for tower setbacks from a single-family residential use. The public hearing opened at 6:38 pm. Gallo explained the ordinance will create a clear radius of clear land around a tower (fall zone); provides that no tower may be within 500' of a historical building (there are 6 located in the City); and a tower must be set back the height of the tower from a residential lot line. This ordinance will bring the City into compliance with a recent FCC ruling and Act 14 and complies with Wis State Stats. Staff is being proactive as there are currently no requests for towers pending. The following interested person spoke:

- 1) Jill Persick, 701 York Imperial Dr – referred to outdated FCC guidelines; asked the City be more proactive; questioned sections of the proposed ordinance, noting health concerns; recommended Council to test radio frequency; suggested information be available to the public on tower information; and the distance of towers to schools and elderly housing locations should be increased.

No additional comments were received and the hearing closed at 6:41 pm.

**3b. Public Hearing – Floodplain Ordinance Amendment:** The purpose is to hear public comment on the application by the City of Oconomowoc to create §20.15(2)(a)3. under Official Maps of the Floodplain Zoning Code. The purpose of the ordinance is to adopt the hydraulic shadow map that depicts the area immediately downstream of the Peacock Dam which will demonstrate that the City has downstream land use controls (zoning) that includes the hydraulic shadow of the dam. The public hearing opened at 6:42 pm. Frye showed an aerial view of the Peacock Dam and surrounding property on Fowler Lake. The floodplain has been redrawn and the hydraulic shadow map of the Peacock Dam dated 6/25/98, which staff was provided from the DNR, should be incorporated into Chapter 20 of the Floodplain Zoning Code. Riffle said this ordinance is an attempt to match the zoning to what is actually on the site, it does not affect any property owners, and he recommended approval because it is good planning practice. No comments were received and the hearing closed at 6:45 pm.

**4a. Consider / recommend the Conditional Use Permit for Bethany Recovery Center for a 30-bed treatment facility located at 1331 Capitol Drive:** Gallo explained this request is for a conditional use permit for a drug and alcohol treatment center to be located on a property that most recently had a similar use. The property is zoned General Commercial, and the proposed use is considered to be a community group living arrangement with 30 beds. There are no changes to the site plan, building façade or anything else on the property. Parking is sufficient at 59 stalls, and the property has a total of 5.3 acres so more parking could be added if needed. This CUP replaces the permit which was approved for The Ladders approximately 2 years ago. Gallo said conditions have been included in the Permit on issues relating to Police and emergency personnel, requiring an annual

review of the permit, and the permit is not transferrable to a new applicant. Gallo reviewed additional conditions, noting these are the same as the previous permit on the property, and recommended approval. Members comments included support of the project but questioned if a gate should be included at the entrance to the property; are children allowed on the property which is located in an industrial park; are outpatient services going to be offered; and are outpatient services allowed with this type of use. Jennifer Schmeichel, Executive Director of Bethany Christian Services said the women who would be residing at the home are considered to be low to medium risk. Schmeichel said they were led to this property by its peaceful environment which will allow the residents to heal. The building will be locked with a security system in place. Schmeichel said they were considering allowing pregnant women or those with infants as well as allowing young children for weekend visits; no one will be allowed to leave the property without supervision; mothers will have to supervise their children; and outpatient support is important, but most of these services will be done in the community where the person lives. Motion by Ritt to recommend to the Common Council approval of the Conditional Use Permit for Bethany Recovery Center at 1331 Capitol Drive as drafted; second by Brotheridge. Motion carried 7-0.

**4b. Consider / recommend the Zoning Ordinance Text Amendment for Cellular Tower Standards that recreates §17.108(15):** Gallo gave the history of standards and the 15 identified conditional uses which were created, one which is for cell towers. The standards for granting towers were tied directly to the Wisconsin Statutes because the City can't be more restrictive and if the Statutes change, the City would be in compliance with state law. Staff was contacted by the City Attorney who said per Act 14, a community could be held liable if these requirements are not included in the municipal code. Gallo created new sections on fall zones; included language from an FCC Order that no new tower can be located within 500' of a historic structure; and per Act 14 created new language on the setback of a tower from a residential subdivision. Gallo noted this text amendment does not have anything to do with 5G but will add 3 new standards to use when considering placement of a tower. Riffle explained a new committee has been created to watch for any legislation that affects cellular towers. Members questioned if any towers are being grandfathered in; would this have changed the location of any existing towers; would any existing towers be located differently if these standards were in place; suggested an exhibit be included in the comprehensive land use plan & GIS showing where cell towers are located; and what if a tower was to be located near the water. Gallo explained these changes do not affect any existing towers; doesn't believe it would have affected the locations of any existing towers; the location of a proposed tower in the rear lot of Arby's would have been an issue as it relates to fall zone; and updating the map and where towers are located is part of his 2020 goals. Riffle explained the Statutes do not address waterways for a fall zone so they cannot include anything on this, but they could add something if the City receives an application where it is an issue. Magnus noted former Mayor Nold formed a Technology Committee to address these issues and some of the members were in the audience this evening. Motion by Ritt to recommend to the Council the Ordinance amending §17.108(15) pertaining to towers/antenna of any height; second by Brotheridge. Motion carried 7-0.

**4c. Consider / recommend the Floodplain Ordinance that creates §20.15(2)(a)3. Hydraulic Shadow Map of the Peacock Dam:** Gallo reported this ordinance will create Chapter 20 to add the proposed hydraulic shadow map in the floodplain ordinance. Motion by Ritt to recommend to the Council approval of the Ordinance creating §20.15(2)(a)3. Hydraulic Shadow Map of the Peacock Dam; second by Brotheridge. Motion carried 7-0.

**5. Planning Department Correspondence – May 2020:** Gallo reported in the month of May 2 temporary use permits were issued, 2 letters were sent for non-compliance issues and no requests were received for occupancy of a new business or for site plan approval.

**6. Adjourn:** Motion by Kowieski to adjourn at 7:17 pm; second by Brotheridge. Motion carried 7-0.

---

Chris Dehnert, Deputy City Clerk