

**City of Oconomowoc  
Plan Commission Meeting Minutes  
September 9, 2020**

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

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

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

**2. Approve Minutes of July 8, 2020:** Motion by Ritt to approve the July 8, 2020 minutes; second by Kowieski. Motion carried 7-0.

**3a. Public Hearing – Household Living:** The purpose of the hearing is to hear public comment on a proposed Text Amendment by the City of Oconomowoc to amend Section 17.903(1)(a) of the Municipal Zoning Code pertaining to the definition of "Household Living". The specific request is to amend the definition by removing "Tenancy is arranged on a month-to-month or longer basis, with a minimum of 30 days." A recent change in State Law requires municipalities allow short-term rentals for less than 30 days. This amendment would remove a conflict between the City's ordinance and States Statutes. The public hearing opened at 6:32 pm. Gallo explained the City's request for this text amendment is based on Act 59 of the State Statutes which prohibits a political subdivision (City) from enacting an ordinance that prohibits a residential rental of 7 days or longer. This language affects homes in the City which are used for vacation rentals. An ordinance was adopted by the City in 2012 which allowed home rentals of a minimum of 30 days which is now in conflict with State law. Gallo noted the language in the Statutes is challenging but felt it is best to include it in the ordinance so the City is in compliance with State Law. No comments were received and the hearing closed at 6:34 pm.

**4a. Consider / recommend the Zoning Ordinance Text Amendment to repeal & recreate Section 17.903(1)(a) relating to the definition of Household Living:** Riffle explained the City chose not to regulate short term rentals previously but now with this change in law, the City may want to regulate these rentals as other communities have had issues with them. Currently there is no licensing in place and no way to regulate them. He indicated there is revenue through taxation of short term rentals, and they can be regulated through licensing with penalties in place if people don't comply. Members questioned if subdivisions (city's) can be more restrictive, and Riffle noted you cannot. Motion by Ritt to recommend to the Council the Zoning Ordinance Text Amendment to repeal & recreate Section 17.903(1)(a) relating to Household Living; second by Frederick. Motion carried 7-0.

**4b. Consider / recommend the Certified Survey Map for the Hackney House Apartments located on the north side of Valley Road, west of Summit School:** Gallo explained this certified survey map divides an existing lot into one buildable lot and two outlots. It also includes 1.5 acres for a public right-of-way for the future Hackney Way. The 34-acre parcel is being divided into areas for apartments; and outlots. A CSM on the property was approved by the Plan Commission in April 2020 but at that time stormwater plans were not complete. The plans are now complete and the size of the outlots have been finalized. Outlots 1 and 2 will be dedicated in the future to the Pabst Farms Joint Stormwater District. Easements need to be done on the lots by a separate document and staff will wait for all easements to be submitted before building permits are issued. Motion by Ritt to recommend to the Council approval of the Certified Survey Map for the Pabst Farms Apartments LLC located at the Northeast corner of Valley Road and Old Schoolhouse Road; second by Kowieski. Motion carried 7-0.

**4c. Consider / recommend the Extraterritorial Certified Survey Map to create two buildable lots adjacent to the W340 N7661 Townline Road (east side), Town of Oconomowoc:** Discussion of this item and the motion is in 4d.

**4d. Consider / recommend the Extraterritorial Certified Survey Map to create two residential lots adjacent to the W340 N7661 Townline Road (west side), Town of Oconomowoc:**

Gallo explained these two certified survey maps were created for the same owner but are separate documents because the number of total lots exceeds the number allowed on a single CSM. Item 4C covers the east side of the property and Item 4D covers the west side. The property consists of 150-acres and is located within the City's extraterritorial review area as it is about 1.75 miles from the City limits. Each CSM will create two home sites with existing homes (5 acres each), two vacant sites (3 acres each), several outlots and will preserve existing farmland. The Plan Commission heard a similar request on this property in June 2019 and took no action. Gallo said these CSM's reflect poor urban planning but good rural planning as they preserve agricultural land. There is no road frontage to the homes, driveways are considered access points for other properties, and lots are irregular in shape. Gallo talked with the applicant, the Town Planner, and Waukesha County officials on the layout of this land, and they all acknowledge this is the best solution to preserve the farmland. They encourage the City to not deny the CSM's but instead take no action. Gallo doesn't want to recommend approval or denial nor does he want to stand in the Town's way, so he recommended taking no action and let the timeline to expire. If there is no action in 90 days, then the CSM's will automatically be considered approved and at that time, City staff will cross off the existing signature blocks for City staff and instead include a separate block for the City Clerk to sign. Members questioned if this property could ever come into the City, and Gallo said it should not. Motion by Ritt to recommend to the Council taking no action on the Extraterritorial Certified Survey Map at W340 N7661 Townline Road (east side); second by Kowieski. Motion carried 7-0.

Motion by Ritt to recommend to the Council taking no action on the Extraterritorial Certified Survey Map at W340 N7661 Townline Road (west side); second by Kowieski. Motion carried 7-0.

**5. Planning Department Correspondence**

**a: July 2020:** Gallo reported in the month of July staff issued 3 temporary use permits; mailed 4 letters for various issues; received 1 request for occupancy of a new business; and administratively approved 1 site plan approval.

**b: August 2020:** Gallo reported in the month of August 4 temporary use permits were issued, included a Permit for the Harley Davidson Labor Day weekend event; sent 4 letters for various issues; and received 3 requests for occupancy of a new business.

Gallo added that he is currently working on an ordinance regulating food trucks which is currently handled through a temporary use permit issued by staff.

**6. Adjourn:** Motion by Frederick to adjourn at 6:58 pm; second by Brotheridge. Motion carried 7-0.

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Chris Dehnert, Deputy City Clerk