

VILLAGE OF OCONOMOWOC LAKE

OCONOMOWOC LAKE PLAN COMMISSION MEETING MINUTES OF
Monday, June 2, 2008. Unofficial until approved by the Plan Commission.
Approved as written () or with corrections () on _____.

The regular monthly meeting of the Plan Commission of the Village of Oconomowoc Lake was held on Monday, June 2, 2008, commencing at 7:00 p.m., at the Village Hall, 35328 W. Pabst Road, Oconomowoc. Legal requirements for notification as required by law have been met. Roll was taken with the following in attendance:

Mr. Kneiser/Chairperson – present
Messrs., Bickler, Birbaum, Clarkson, Langenbach,
Lyons, Owens, Members – present
Mr. Foster, Member – absent
Ms. Schlieve/Clerk-Treasurer – present
Mr. Wiemer/Police Chief-Administrator – present
Mr. Macy/Attorney – present

Attendance

Pat McAdams (McAdams Realty), Diana Roberson (Roundy's), Frank Norris

Minutes

Motion (Birbaum/Bickler) to approve the minutes for the Plan Commission meeting and public hearing for May 5, 2008, as written, *Carried Unanimously*.

Discussion/action regarding the request of Roundy's Supermarkets, Inc. to display two (2) "Now Hiring" banners for a period of 120 days beginning Wednesday, June 3, 2008, and continuing through Tuesday, September 30, 2008 at the newly constructed Pick N Save store located at 36903 East Wisconsin Avenue in the Village of Oconomowoc Lake.

Ms. Roberson explained that the proposed banners are ten feet wide by four feet high, and will be white with red lettering. Additionally, Ms. Roberson advised that they would like to hang the banners on the existing store instead of the new store, as originally proposed, in order to prevent applicants from entering the construction site of the new store. Motion (Bickler/Birbaum) to approve the request for the two (2) "Now Hiring" banners to be hung on the existing Pick N Save store; and, if after the existing store is removed, Roundy's wants to hang the banners on the new store, they must bring the matter back to the Plan Commission for discussion and possible approval, *Carried Unanimously*.

Discussion/action regarding the request by Pat McAdams for McAdams Realty, located at 36903 and 36933 East Wisconsin Avenue, Village of Oconomowoc Lake, to amend the current Conditional Use permit for the redevelopment of certain properties approved on November 19, 2007, to allow for the redevelopment project to be developed as a commercial condominium and condominium plat in the B-1 zoning district and authorizing such Condominium Declaration and condominium plat for the above named properties. This amendment is required and this authorization is permitted subject to Plan Commission approval under section 17.34(3) of the Village Zoning Code.

Mr. Macy noted that all matters that concerned the commissioners have been addressed in this conditional use document. Motion (Owens/Langenbach) to recommend approval to the Village

Board of Trustees of the amended conditional use permit for the redevelopment of certain properties approved on November 19, 2007, to allow for the redevelopment project to be developed as a commercial condominium and condominium plat in the B-1 zoning district and authorizing such Condominium Declaration and condominium plat for the above named properties, Carried Unanimously.

Discussion/action regarding the approval of the Condominium Declaration and condominium plat documents for the properties owned by McAdams Realty Oconomowoc, LLC, located at 36903 and 36933 East Wisconsin Avenue, Village of Oconomowoc Lake.

Mr. Macy advised that after several revisions to the document, he feels that it now addresses all the concerns of the plan commissioners. Motion (Birbaum/Bickler) to approve the Condominium Declaration and condominium plat documents for the properties owned by McAdams Realty Oconomowoc, LLC, located at 36903 and 36933 East Wisconsin Ave, Village of Oconomowoc Lake, Carried Unanimously.

Discussion/action regarding the zoning administrator's interpretation on whether or not to allow a legal non-conforming residence to be converted to an accessory structure where this conversion would result in a non-conforming accessory structure.

Mr. Wiemer advised that he has been approached by an architect for a property owner in the village regarding plans for that property. The owner would like to remove the main floor of the existing residence, which is currently a legal non-conforming residence, leave the lower level of the existing residence, which would be used for storage, and build a new single family residence on the property. The property owner's plans would change the use of an existing legal non-conforming building from single family residence to accessory structure. The existing structure is located less than 75 feet from the lake. Mr. Wiemer, in his capacity of zoning administrator, advised that it is his opinion that the village zoning code does not allow for a use change of a legal non-conforming building, and that use variances are not allowed in the village; further, accessory structures are not permitted between the residence and the lake. Mr. Macy noted that the property in question was originally five acres, with two houses on it. The former owner elected to divide the property into two lots, therefore removing the rights of pre-existing conditions. Motion (Lyons/Birbaum) to advise the zoning administrator that the plan commissioners agree with his determination that the property owner's proposed plan is neither in the spirit of the law, nor does it conform with Chapter 17 of the zoning code, Carried Unanimously.

Discussion/action regarding the first draft of "An Ordinance to Repeal and Re-Crete Section 17.61(4)(b) of the Village of Oconomowoc Lake Village Code, and to Create Section 17.16(5) of the Village Code, Regarding Use Variances within the Village of Oconomowoc Lake", per correspondence from Mr. Macy dated May 13, 2008.

Mr. Macy explained that the reason for considering this ordinance is due to court rulings in the area of use variances. The proposed ordinance would reflect that every property within the Village has a reasonable use, and therefore no use variances would be needed. Commissioners noted that the proposed ordinance refers to a study that was done by the Plan Commission and Village Board of Trustees, and questioned what study was being referenced. Mr. Macy advised that the reference was to the information found in the Smart Growth Plan. Commissioners felt that a more specific document needed to be created to comply with this ordinance. Staff was instructed to create a document that would list the uses of all parcels in the Village as residential, vacant residential, commercial, or vacant commercial. Motion (Lyons/Birbaum) to table the matter to July 7, 2008, at which time the study would be available for review, Carried Unanimously.

Discussion/action regarding the second draft of “An Ordinance to Create a Definition of Single-Family Dwelling Use in Section 17.10 of the Village of Oconomowoc Lake Zoning Code”, per correspondence from Mr. Macy dated May 12, 2008.

Commissioners discussed whether a new ordinance to address this matter is needed, or whether our existing ordinances are sufficient. Mr. Macy advised that he feels confident that current zoning addresses the issue. A question had been raised as to whether short-term rentals of a residence would be allowed under the Village’s zoning code, and it was concluded that such rentals would clearly be a zoning code violation. Motion (Birbaum/Bickler) to recommend to the Village Board of Trustees that no further action needs to be taken, and that the existing zoning is sufficient, Carried Unanimously.

Motion (Bickler/Birbaum) to adjourn the meeting at 8:00 p.m., Carried Unanimously.

Respectfully submitted by:
Cindy J. Schlieve, Clerk-Treasurer