

VILLAGE OF OCONOMOWOC LAKE

OCONOMOWOC LAKE PLAN COMMISSION MEETING MINUTES

On Monday, November 18, 2019.

Unofficial until approved by the Plan Commission.

Approved as written (X) or with corrections () on 12/2/2019.

A joint meeting of the Plan Commission and Village Board of the Village of Oconomowoc Lake was held on Monday, November 18, 2019, commencing at 6:00 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. Bickler/Chairperson & Village President – present
Mr. Barquist, Mr. Sheahan, Mr. Kohl, Mr. Waltersdorf/Plan Commission Members– present
Mr. Fellows, Mr. Fischer, Mr. Shult, Mr. Waltersdorf, Mr. Zimmermann/Trustees – present
Mr. Birbaum, Mr. Heinrich – excused
Mr. Helwig/Administrator – present
Mr. Macy/Attorney – present
Ms. Vaughan/Clerk – present

ATTENDANCE

Mike & Sue Thelen (4506 Hewitt's Point Road) and Troy Giles (Reinhart – Waukesha), Christina Loayza (Caliber Collision), Ed Johnson (35934 North Beach Road), David Gust

Discussion/action regarding approval of minutes from the October 7, 2019 Plan Commission meeting

Motion (Waltersdorf/Barquist) to approve minutes from the October 7, 2019 Plan Commission meeting, *Carried Unanimously*.

Discussion/action regarding Certified Survey Map (CSM) for property owned by The David Gust Revocable Trust, located on 4345 Buchanan Road, in the Village of Oconomowoc Lake (Tax Key 579-958-003)

Mr. David Gust explained to the Trustees and Plan Commission members why he had switched from four lots to three lots, and then back to four lots. The four lots (three with lake access and one dry lots) would not be affecting any neighboring properties. With the fourth lot added, the private drive will become a private road. The road improvement is already almost completed, and the road agreement is in the final stages. Attorney Macy reiterated to the Village Board Trustees and Plan Commission members that 17.18 of Village of Oconomowoc Lake Zoning code applies, and suggested the following conditions would need to be satisfied before the Village signed off, which Mr. Gust and the Plan Commission went over.

1. Subject to a plan for the improvement of Buchanan Road from Sawyer Road until the Private Road and for the Private Road and Private Driveway which meets the requirements of Ordinance 176, the same to include a timeline for implementation of the same with a drop dead date for finalizing the improvement which will be subject to the Village Administrator approval.
2. Subject to the Owner's submittal of an Agreement which will be subject to the Village Administrator and Village Attorney approval.

3. Subject to the Owner's submittal of a letter of credit in a form or cash, which will be subject to the Village Attorney approval and in an amount, which will be subject to the Village Administrator approval.
4. Subject to the Owner's submittal of an easement for access and maintenance to the lots in a form satisfactory to the Village Attorney.
5. Subject to Buchanan Road ownership going with Lot 1.
6. Subject to all costs, fees, and assessments due and owing to the Village.

Motion (Waltersdorf/Barquist) that the Plan Commission recommend to the Village Board that they approve the Certified Survey Map for The David Gust Revocable Trust subject to the above stated conditions and that the Plan Commission recommend that the Village Board find that the lots have adequate access per section 17.18 Site Restrictions. *Carried Unanimously.*

Motion (Shult/Zimmermann) approve the Certified Survey Map for The David Gust Revocable Trust subject to the above stated conditions Restrictions and the Village Board finds that the lots have adequate access per section 17.18 Site Restrictions. *Carried Unanimously.*

Discussion/action regarding approval of an amendment to the Conditional Use Permit (CUP) for Caliber Holdings Corporation DBA Caliber Collision Centers, located in the business district of the Village of Oconomowoc Lake at 36847 E. Wisconsin Avenue, Oconomowoc, Wisconsin, for an ownership change (formally known as Abra Autobody and Glass).

Christina Loayza from Caliber Collision Centers presented the need for the new Conditional Use Permit, explaining that Abra Autobody and Glass merged with Caliber Collision Centers and a new EIN was created. Loayza advised everything will be the same except the name and advertising.

Motion (Waltersdorf/Sheahan) that Plan Commission recommend approval of an amendment to the Conditional Use Permit (CUP) for Caliber Holdings Corporation DBA Caliber Collision Centers, located in the business district of the Village of Oconomowoc Lake at 36847 E. Wisconsin Avenue, Oconomowoc, Wisconsin, for an ownership change (formally known as Abra Autobody and Glass). *Carried Unanimously.*

Motion (Shult/Fellows) that Village Board directs staff to give notice of public hearing on December 16, 2019 for possible approval of the Conditional Use Permit (CUP) for Caliber Holdings Corporation DBA Caliber Collision Centers, located in the business district of the Village of Oconomowoc Lake at 36847 E. Wisconsin Avenue, Oconomowoc, Wisconsin, for an ownership change (formally known as Abra Autobody and Glass). *Carried Unanimously.*

Discussion/possible action regarding a recommendation to the Village Board to amend section 17.36 entitled "R-1 General Agriculture/Rural Residential District", subsection (4) entitled "Structures, Accessory", subsection (g) entitled "Accessory Structure Location" dealing with accessory structures between the main building and the high-water mark.

Attorney Macy gave the Plan Commission members and Village Board Trustees background on this proposed amendment. He advised the board that there are only two or three properties in the Village that this amendment will affect. The Members and Trustees discussed whether or not a channel should count as "the high-water mark" to which majority were in agreement that a channel shouldn't be counted as "high-water mark". This led to discussion to which Attorney Macy requested clarification on what constitutes a "rear yard" and "front yard" to which Plan Commission members and Village Board

Trustees did such. Members and Trustees requested Attorney Macy to make a minor change in proposed text of this amendment.

Motion (Sheahan/Barquist) that Plan Commission petitions to amend the section 17.36 entitled "R-1 General Agriculture/Rural Residential District", subsection (4) entitled "Structures, Accessory", subsection (g) entitled "Accessory Structure Location" dealing with accessory structures between the main building and the high-water mark after minor revision made by Attorney Macy. *Carried Unanimously.*

Motion (Shult/Fellows) that Village Board directs staff to give notice of public hearing on December 16, 2019 regarding possible amendment to section 17.36 entitled "R-1 General Agriculture/Rural Residential District", subsection (4) entitled "Structures, Accessory", subsection (g) entitled "Accessory Structure Location" dealing with accessory structures between the main building and the high-water mark. *Carried Unanimously.*

Discussion/action regarding the request of Attorney Troy Giles (Reinhart Attorneys at Law) to amend Section 17.32 (2) of the Zoning Code.

Attorney Giles again presented the details of his proposed amendment to Chapter 17.32(2) of the Zoning Code due to Village Board Trustees not being present at the last Plan Commission meeting. He again pointed out that this amendment would not allow home owners to change the footprint of the home or sight line and had a maximum square footage of 750 square feet for legal nonconforming structures. Trustee Fischer questioned why Attorney Giles chose to go this route instead of Board of Zoning Appeals to request variance, to which he was advised the specific property did not meet the criteria and the request for variance would have likely been denied. After lengthy discussion and debate on the specifications of this proposed amendment, Plan Commission members and Village Board Trustees expressed concern for the future impacts that changing the Zoning Code could have on the rest of the Village even though this request in itself is modest.

At this time, President/Chairperson Bickler asked the Plan Commission to vote whether to recommend approval to Village Board. Plan Commission Member Waltersdorf requested to abstain from voting, which Chairperson Bickler allowed.

Motion (Sheahan/Kohl) that Plan Commission recommend approval of the request of Attorney Troy Giles (Reinhart Attorneys at Law) to amend Section 17.32 (2) of the Zoning Code to Village Board. Vote 2-2 and one abstain. *Motion Failed.*

Motion (Sheahan/Kohl) that Plan Commission table this item until all members of the Plan Commission can be present to vote on the request of Attorney Troy Giles (Reinhart Attorneys at Law) to amend Section 17.32 (2) of the Zoning Code to Village Board. *Carried Unanimously.*

ADJOURNMENT

With no further discussion, a motion (Kohl/Waltersdorf) was made to adjourn the meeting at 8:01 p.m., *Carried Unanimously.*

Respectfully submitted by:
Katelyn Vaughan, Village Clerk