

VILLAGE OF OCONOMOWOC LAKE

OCONOMOWOC LAKE PLAN COMMISSION MEETING MINUTES OF Monday, November 2, 2009. Unofficial until approved by the Plan Commission. Approved as written (X) or with corrections () on 12/21/2009.

The regular monthly meeting of the Plan Commission of the Village of Oconomowoc Lake was held on Monday, November 2, 2009, 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, Foster, Langenbach, Lyons/Members – present
Messrs., Clarkson, Owens /Member – absent
Ms. Schlieve/Clerk– present
Mr. Wiemer/Administrator – present
Mr. Macy/Attorney – present

Attendance

Pat McAdams, Brian Ewald (Ewald Automotive), Tom Schuetz (Oconomowoc Auto Parts)

MINUTES

Motion (Bickler/Birbaum) to approve the minutes for the Plan Commission Meeting held on October 12, 2009, Carried Unanimously.

Discussion/action regarding the request of Ewald Kia DBA Ewald Real Estate 36883 LLC for a Conditional Use Permit for the property located at 36883 E. Wisconsin Avenue in the Business District of the Village of Oconomowoc Lake (formerly known as Pepino's of Oconomowoc), for the purpose of vehicle display.

Mr. Wiemer explained that the former Pepino's Restaurant was sold to Ewald Real Estate 36883 LLC. Brian Ewald explained that a request has been submitted by Ewald Real Estate 36883 LLC for a conditional use permit that would allow Ewald's to display Kia vehicles on their newly acquired property. Additionally, they would like to install a sign for the Kia vehicles. The sign would be placed on the existing sign post that previously displayed the Pepino's Restaurant sign. Mr. Ewald further explained that there are two existing light poles that would remain on the property, and that vehicles would only be displayed in front of the existing building. Concerns were expressed regarding the maintenance of the property. Mr. Ewald reported that the row of pine trees will be removed as well as the thistles and weeds from the existing planters. Work is being done on the inside of the building only to clean it up. Current plans do not include using the building. Mr. Ewald also noted that there would be approximately 20 cars displayed in existing parking spaces, and that no vehicles would be parked behind the building or on the grass. The plans for the use of property have not been finalized, so this request is for a one-year conditional use. Once plans have been finalized, Mr. Ewald will present them to the Plan Commission and request an amended conditional use permit.

Motion (Lyons/Foster) to recommend to the Village Board of Trustees the approval of the proposed Conditional Use Permit for Ewald Kia DBA Ewald Real Estate 36883, to display Kia vehicles for sale at the property located at 36883 E. Wisconsin Avenue, with the provision that the property be cleaned up and that the permit would be for a one-year period, Carried Unanimously.

Discussion/action regarding the request of Ewald Kia DBA Ewald Real Estate 36883 LLC to install a sign, "Ewald KIA", at 36883 E. Wisconsin Avenue in the Business District of the Village of Oconomowoc Lake (formerly known as Pepino's of Oconomowoc).

Motion (Lyons/Foster) to approve the request of Ewald Kia DBA Ewald Real Estate 36883 LLC to install a sign, "Ewald KIA", at 36883 E. Wisconsin Avenue, Carried Unanimously.

Discussion/action regarding an Ordinance to Repeal and Re-Create the Definition of "Structure" and the Regulations of Retaining Walls within the Village of Oconomowoc Lake Zoning Code, per correspondence from Mr. Macy dated October 14, 2009.

Mr. Macy presented the proposed ordinance. Mr. Birbaum expressed his concern regarding the prohibition of in-ground swimming pools between the house and the lake on properties in the Village. Commissioners noted that the reason for prohibiting in-ground swimming pools between the house and the lake was due to the additional structures that usually accompany a swimming pool, such as a fence, a gazebo, slides and outdoor furniture or other structures normally present in connection with the use of a swimming pool. Mr. Birbaum felt that if the concern was the structures that might be requested, then those structures should be prohibited, but the prohibition of the pools was too restrictive.

Motion (Bickler/Birbaum) to recommend to the Village Board of Trustees the adoption of the ordinance to repeal and re-create the definition of "structure" and the regulations of retaining walls within the Village of Oconomowoc Lake Zoning Code, Carried. The vote was 4 in favor (Bickler, Foster, Kneiser, and Lyons) and 2 opposed (Birbaum and Langenbach).

Discussion/action regarding specific sections on the rewrite of the floodplain ordinance (6.0 and 6.1 Nonconforming Uses and Nonconforming Structures Located in the Floodplain).

Mr. Macy explained that the Department of Natural Resources (DNR) had contacted Mr. Wiemer and Mr. Macy with a request to attempt once again to adopt a floodplain ordinance. The DNR representative indicated they may be willing to consider some of the language that the Village wanted included in the floodplain ordinance. Mr. Macy rewrote portions of section 6.0 and 6.1 of the ordinance the DNR wants adopted, and requested input from the Plan Commissioners as to whether the rewrite met the needs of the Village, and whether or not any further work should be put into this project due to the uncertainty of the DNR's approval. Discussion followed. Motion (Bickler/Lyons) to table the matter for review at a future Plan Commission meeting, Carried Unanimously.

Discussion/action regarding an Ordinance to Repeal and Re-Create the Definition of "Structure, Original" within the Village of Oconomowoc Lake Zoning Code, per correspondence from Mr. Macy dated October 14, 2009.

Mr. Macy explained the proposed ordinance. The definition of "Structure, Original" would thus read as follows: *The original structure shall be the structure as it lawfully exists on the date of the application for a building permit or if the original structure has been removed from the property the original structure shall be the structure as it existed most recently within the last five years.*

Motion (Birbaum/Bickler) to recommend to the Village Board of Trustees the adoption of the ordinance to repeal and re-create the definition of "structure, original" within the Village of Oconomowoc Lake Zoning Code, Carried Unanimously.

Presentation of a DVD entitled "Preventing Public Officials' Liability".

The DVD "Preventing Public Officials' Liability", provided by the League of Wisconsin Municipalities Mutual Insurance, was viewed by Plan Commissioners.

With no further discussion, a motion (Bickler/Birbaum) to adjourn the meeting at 8:45 p.m., Carried Unanimously.

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