

VILLAGE OF OCONOMOWOC LAKE

**OCONOMOWOC LAKE PLAN COMMISSION MEETING MINUTES
of Monday, October 6, 2014.
Unofficial until approved by the Plan Commission.
Approved as written (X) or with corrections () on 11/03/2014.**

The regular meeting of the Plan Commission of the Village of Oconomowoc Lake was held on Monday, October 6, 2014, 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. Birbaum/Chairperson – present
Messrs. Barquist, Bickler, Foster, Kohl, Owens, Waltersdorf/Members – present
Ms. Cameron/Member – present
Ms. Schlieve/Clerk– present
Mr. Wiemer/Administrator – present
Mr. Eric Larson/Attorney – present

ATTENDANCE

Andrew Liebelt, David Pabst, Jr., Sara Spence, Vic Raasch, Kevin Raasch

MINUTES

Motion (Bickler/Waltersdorf) to approve the minutes as printed, for the Plan Commission meeting held on August 4, 2014, *Carried Unanimously*.

DISCUSSION/ACTION REGARDING AN AMENDMENT OF THE CONDITIONAL USE PERMIT FOR VIC'S CARPET & FLOORING, LOCATED AT 36105 AND 36115 E. WISCONSIN AVENUE, IN THE BUSINESS DISTRICT OF THE VILLAGE OF OCONOMOWOC LAKE, FOR THE PURPOSE OF ADDING A NEW TENANT (AK'S TRADING POST INC. SELLING SPORTING GOODS)

Mr. Wiemer explained that Vic Raasch, owner of the property located at 36105 and 36115 E. Wisconsin Avenue, proposed to rent the remaining vacant portion of his building to Andrew Liebelt. Mr. Liebelt proposes a sporting goods store selling primarily firearms and accessories for hunting and firearms. Mr. Wiemer advised the Commissioners that sporting goods is one of the highway oriented businesses approved by the Village Zoning Code. Mr. Liebelt advised that he provides the required training, per State Statutes, for people who apply to the State of Wisconsin for a concealed carry license as well as a classes on handgun use.

When asked about the security of the weapons, Mr. Liebelt explained that he had video surveillance equipment that could also provide off sight capability for the police department to monitor if that was desired, door alarms connected to an automatic call system for the police to be notified, a special glass break system on the doors, and the hand guns are kept in a cabinet that weighs more than 700 pounds so could not be easily picked up and carried out. The hours of operation are Saturday from 10 a.m. to 5 p.m., Tuesday through Friday from 10 a.m. to 7 p.m., and closed on Sunday and Monday.

Motion (Waltersdorf/Barquist) to recommend approval to the Village Board of Trustees of the amendment to the Conditional Use Permit for Vic's Carpet & Flooring, located at 36105 and 36115 E. Wisconsin Avenue in the Business District of the Village of Oconomowoc Lake, to add AK's Trading Post Sporting Goods as a new tenant, Carried Unanimously.

DISCUSSION/ACTION REGARDING SIGNAGE FOR VIC'S CARPET & FLOORING IN REGARD TO THE PROSPECTIVE NEW TENANT

Mr. Wiemer stated that a photo of the proposed signage for AK's Trading Post Sporting Goods had been provided for the Commissioners. The sign is 24 inches x 40 inches in size, and will be installed above the double doors of the unit, to the left of the photography shop's sign. The Commissioners commented that they felt the sign was not in keeping with the other signage that Mr. Raasch has on his building and would like Mr. Liebelt to come back to the Plan Commission with a rendering of a sign that is more like the existing signage on the building. Mr. Liebelt was receptive the presenting a different sign for the Commissioners to review.

Motion (Bickler/Owens) to approve the sign that was proposed for a period of 90 days, once final approval of the Conditional Use Permit has been received from the Board of Trustees, and that a new sign will be brought to the Plan Commission for its review and approval within the 90 day period, Carried Unanimously.

DISCUSSION/ACTION REGARDING CHAPTER 17, ZONING CODE, SECTION 17.19(1)(e) AND 17.19(2)(d) RELATING TO THE STATUS OF ACCESSORY STRUCTURES WHEN THE RESIDENCE IS REMOVED, PER RECOMMENDATIONS FOR REVIEW FROM PREVIOUS PLAN COMMISSION AND VILLAGE BOARD OF TRUSTEES MEETINGS

Mr. Birbaum introduced the matter. Discussion followed with concerns expressed that the way the revision is stated it appears that the property owners would not be allowed to store any of the mentioned vehicles on the property or in the accessory structures. While the Commissioners understood that the intent was to prevent someone from using the recreational vehicles as a place to live on the property or in the accessory structures, they felt that prohibiting the storage of such things was too restrictive. Concern was also expressed regarding the prohibition of keeping any animals on the property. The keeping of horses or chickens was mentioned as possible uses that might be allowed. Mr. Wiemer noted that a Conditional Use Permit (CUP) is required in order to have horses or chickens. The proposed ordinance would not supersede the ordinance that requires a CUP in order to keep animals.

The Commissioners suggested that the revision be changed to read:

"No animals may be maintained on the property other than as may be allowed under a Conditional Use Permit. There shall be no use of motor homes, houseboats, campers, recreation vehicles or any similar vehicles on or in the accessory structure or accessory structures on the property. The accessory structure or accessory structures shall be considered legal non-conforming accessory structures subject to section 17.33(2)."

Mr. Birbaum noted that on Mr. Macy's draft, there was a question as to whether clarification is needed regarding whether the structure(s) can be remodeled or rebuilt. The Commissioners all

agreed that property owners should be allowed to remodel; and they should also be allowed to rebuild per 17.32 of the Zoning Code regarding legal non-conforming properties.

Motion (Bickler/Owens) to recommend approval to the Village Board of Trustees of the revision to the Zoning Code, 17.19(2), with the changes noted above, Carried Unanimously.

DISCUSSION/ACTION REGARDING AN ORDINANCE TO REPEAL AND RECREATE SECTION 18.02(3)(C) AND TO CREATE SECTION 18.14(3) OF THE VILLAGE OF OCONOMOWOC LAKE SUBDIVISION AND PLATTING ORDINANCE, RELATED TO THE SALE AND EXCHANGE OF PARCELS BETWEEN ABUTTING OWNERS

Mr. Birbaum and Mr. Wiemer noted that this matter had been reviewed by the Trustees, who requested that the Plan Commission create an ordinance to address the issue. Mr. Larson explained the purpose of the ordinance. In the past, some property owners have sold portions of their property to abutting property owners without consulting the municipality in which they owned the property. Some of those types of sales have resulted in issues being created later such as eliminating an access drive to a property or creating an unaccessible piece of land. Mr. Larson advised that municipalities cannot request that a Certified Survey Map (CSM) be prepared when a land sale is done, per State Statutes; however, the Attorney General recently issued an opinion whereby municipalities can create an ordinance that requires property owners to have prior review by the affected municipality of sales or exchanges of parcels between adjoining landowners. Discussion followed. Mr. Owens questioned the meaning of the sentence in section 18.14(3), on page 3, which reads, *“Such conveyance shall not be approved if any of the resulting lots and the existing improvements on the lots would be in violation of applicable open space requirements.”* Mr. Larson explained that many municipalities have ordinances that require open space or green space in subdivisions. It was determined that the Village does not have such an ordinance; therefore, that sentence was struck from the ordinance. Mr. Owens expressed further concern that the ordinance was too restrictive for landowners in that it does not allow for them to increase or decrease the lot size of a legal non-conforming property. It was noted that if a property is legal non-conforming due to its being in existence prior to an ordinance being adopted, then any changes to that lot would require the lot to adhere to code, which is per State Statute as well as the Village’s ordinances.

Motion (Bickler/Kohl) to recommend approval to the Village Board of Trustees of the revision to the Subdivision and Platting Ordinance, to create Section 18.14(3), as prepared, subject to the deletion of the sentence noted above, Carried. Mr. Waltersdorf abstained from the vote. Messrs. Foster, Kohl, Birbaum, Barquist, Bickler and Ms. Cameron voted yes. Mr. Owens voted no.

DISCUSSION/ACTION REGARDING AN ORDINANCE TO CREATE SECTION 18.16 OF THE VILLAGE OF OCONOMOWOC LAKE SUBDIVISION AND PLATTING ORDINANCE, REGARDING FINANCIAL GUARANTEES FOR REQUIRED IMPROVEMENTS

Mr. Larson explained that this ordinance is in response to 2013 Wisconsin Act 280. In Mr. Macy’s correspondence of May 15, 2014, he noted the negative affects of the legislation on municipalities. He recommended adopting an ordinance that required developers to complete all public improvements within their development projects prior to the municipality approving the final plat. An exception could be offered for developers who choose to provide a letter of credit as a financial

guarantee that the public improvements will be properly completed, as opposed to the performance (surety) bond that the current legislation now requires municipalities to accept.

Motion (Barquist/Kohl) to recommend approval to the Village Board of Trustees of the proposed ordinance to create Section 18.16 of the Village of Oconomowoc Lake Subdivision and Platting Ordinance, Regarding Financial Guarantees for Required Improvements, *Carried Unanimously*.

ADJOURNMENT

With no further discussion, a motion (Bickler/Waltersdorf) was made to adjourn the meeting at 8:10 p.m., *Carried Unanimously*.

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