

CITY OF OCONOMOWOC
COMMON COUNCIL MEETING MINUTES
January 16, 2007

Public Hearings:

7:30 PM – The purpose of the hearing is to consider the petition of William Niemann of Pabst Farms and Jed Craig of General Growth Development, for the text amendment to Section 17.105(3)(g)2.c. to allow the following uses in the SI; Suburban Industrial District upon issuance of a Conditional Use Permit: Indoor Sales or Service (per Section 17.206(4)(c); limited to a minimum parcel size of 40 acres (per Section 17.206(4)(c)3.b.) and to create Section 17.206(4)(c)3.b. to read “Within the SI District, permitted uses shall be limited to uses contained in a group development or planned development overlay district, and in either case on a parcel of land not less than 40 acres in size notwithstanding that further land divisions by way of certified survey maps may be allowed at the option of the Common Council after recommendation by the Plan Commission” and to amend Section 17.203 Tables of Land Uses; Table 17.203(4) listing commercial uses shall be amended to show (c) Indoor Sales or Service as a conditional use in the SI; Suburban Industrial Zoning District.

The hearing opened at 7:45 PM. Craig reported that the text amendment request would apply to the large format retail area they are proposing. The area for this development lies east of the woods. No other comments were received. The hearing closed at 7:48 PM.

7:35 PM (or immediately following) – The purpose of the hearing is to consider the petition of Jed Craig of General Growth Development and William C. Niemann of Pabst Farms Development to rezone Parcel 5 and Parcel 6 of Certified Survey Map No. 9170 and Outlot 1 of Certified Survey Map No. 9171 from SC - Suburban Commercial to SC - Suburban Commercial with a Planned Development Overlay and to rezone the westernmost 63 acres of Outlot 2 of Certified Survey Map No. 9171 from SI - Suburban Industrial District to SI - Suburban Industrial District with a Planned Development Overlay. The applicants are proposing that the underlying zoning remain SC - Suburban Commercial and SI - Suburban Industrial and that a planned development overlay district be created by imposing a planned development overlay on the subject property. The subject property is to be developed into a multi-building General Growth commercial development project. The proposed rezoning is Step 3 in the Planned Development (PD) process. The purpose is to take action on the Planned Development Ordinance and the General Development Plan of “Pabst Farm Town Centre”.

The hearing opened at 7:48 PM. Craig stated that this rezone would allow us to move forward with the plan presented previously and in order to create the product proposed, the area needs a PD Overlay. Next a slide show presentation was given that showed several Town Centres located in various states. Also, maps outlining the proposed project area and general development layout were shown. A summary of the proposed uses, square footage of the project, parking and signage were also described.

Florence Whalen, 406 W. Third Street stated that it was essential to tie this project to the downtown. This is a huge proposal and will greatly impact the City. She would like to see two things happen: 1) Move more quickly to revitalize the downtown and 2) the City to ensure there are more meaningful ties between Pabst Farms, General Growth and the downtown.

Beverly Bartel, 978 Valentine Road is very concerned about downtown directional signage being placed at the Town Centre exit. Without it, people will not make it past Pabst Farms and come to the downtown. She would like flyers allowed in the hotels, etc. promoting the downtown and not just a one time thing, but on-going. For three years, it has been presented to the downtown merchants that a Downtown Manager would be hired to work only for the downtown. The City has not honored this commitment and the Chamber has let the merchants down also. She commented to Pabst Farms that she would hope the mall would bring in different retailers, like from Chicago. No other comments were received. The hearing closed at 8:20 PM.

Mayor Sullivan called the regular Common Council meeting to order at 8:20 PM and the Clerk confirmed appropriate notice was given.

Pledge of Allegiance

Roll Call: Aldermen Snyder, Morgan, Gross, Larsen, Antonneau, Cochrane and Hollatz
Absent: Alderman Jones

Staff present: Mayor Sullivan, Gard, Lamp, Gallo, Beguhn, Duffy, Maurer and Coenen

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Others present: Atty. Chapman, Brad Steinke and Stan Sugden

Minutes - December 19, 2006 and January 4, 2007: Motion by Cochrane to approve the minutes from the December 19, 2006 and January 4, 2007 meetings as presented; second by Hollatz. Motion carried 7-0.

Comments and suggestions from citizens: None. At this time Sullivan stated that a Closed Session was held earlier this evening to discuss the Pabst Farms Planned Development Ordinance and a Finance Committee Meeting was also held.

Consent agenda

- A. Licenses
- B. Treasurer's Report
- C. Cooperative Agreement between City of Oconomowoc and Waukesha County Department of Senior Services
- D. Third Amendment to Resolution No. 05-R1790 (Adding/Combining Wards for Elections)

Motion by Hollatz to approve the Consent Agenda; second by Cochrane. Motion carried 7-0.

Committee Reports

- A. Finance – No Report
- B. Personnel – No Report
- C. Protection and Welfare – No Report
- D. Public Services – No Report
- E. Utility – No Report

Plan Commission

- A. **Consider/act on Ordinance to Amend §17.105(3)(g) of the Municipal Code of the City of Oconomowoc Relating to Land Uses Permitted as Conditional Uses in the Suburban Industrial (SI) District (Text Amendment) – 1st Reading (Per Public Hearing)** – Gross reported that this text amendment allows retail uses in the Suburban Industrial District if the uses are on a parcel of 40 acres or more, approved as part of a planned development overlay zoning district and processed and approved as conditional uses. The Plan Commission unanimously recommends approval. Motion by Gross to give the ordinance its first reading; second by Cochrane. Chapman read the ordinance into the record. Antonneau inquired about how large an area we are allowing for clear cutting. No clear cutting is allowed without a CUP. Sullivan requests Council suspend the rules and have the second reading of the ordinance tonight. Once this ordinance is adopted, all the necessary work has been completed, per the four-party MOU, for the release of Parcel 5. Motion carried 7-0. Motion by Gross to suspend the rules to allow the ordinance to have its second reading; second by Cochrane. Motion carried 7-0. Motion by Gross to give the ordinance its second reading in title only; second by Cochrane. Chapman read the title into the record. Motion carried 7-0. Motion by Gross for the ordinance to become law; second by Cochrane. Motion carried 7-0.
- B. **Consider/act on Ordinance to Create A Planned Development on Approximately 184 Acres of Land Located at the Northeast Corner of the STH 67 and Interstate 94 Intersection, in the City of Oconomowoc, Waukesha County, Wisconsin, to be Designated (PD-13-07) and the General Development Plan of Pabst Farm Town Centre – 1st Reading (Per Public Hearing)** – Gross reported that this is Step three of the Planned Development (PD) process. General Growth is planning a 184-acre retail development consisting of a 121-acre Town Centre shopping center and a 44-acre large format retail center. The Plan Commission unanimously recommends approval. Motion by Gross to give the ordinance its first reading; second by Cochrane. Chapman read the entire ordinance into the record as there is value for the public to hear the terms. Steinke then spoke to Council referring them to the project outline displayed on the screen. This PD ordinance will lock in the 975,000 sq. ft. Town Centre along with the large format. The City is not completely happy with the layout of the theater and the layout of the large format and will ask that those items come back for review when they are ready to move forward. He stated that they do understand the importance of the downtown linkage and promotion. Larsen has concerns for the eastern section, specifically big box. Antonneau is surprised at some the language in the ordinance and feels it's a testament to General Growth and their desire to work with the City and move the project forward. Gross feels this is the right development in the right place, by the freeway for traffic and that it will bring in shoppers. General Growth is a top-notch developer. Sullivan reflected about their trip to West Des Moines, to view the Johnson Creek Centre, which allowed them to get a realistic view. He credits the developer

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- for being respective and open to modifications. They are committed to the community and will stay for a long time. He feels good about this project and is willing to make it work. Motion carried 7-0. Motion by Antonneau to suspend the rules to allow the ordinance to have its second reading; second by Cochrane. Motion carried 7-0. Motion by Antonneau to give the ordinance its second reading in title only; second by Cochrane. Chapman read the title into the record. He addressed the housekeeping issue of Parcel 5 and said he has the signed release and termination of rights. Closing took place today in escrow. Motion carried 7-0. Motion by Gross for the ordinance to become law; second by Cochrane. Motion carried 7-0.
- C. **Consider/act on Ordinance to Zone SO Suburban Office Lands in the City of Oconomowoc, Waukesha County, Wisconsin (Former Summit School Property) – 1st Reading** – Gross reported that this petition is to zone the former Summit School property to Suburban Office and the Plan Commission unanimously recommends approval. Motion by Gross to give the ordinance its first reading; second by Cochrane. Chapman read the ordinance into the record. Motion carried 7-0.
- D. **Consider/act on Certified Survey Map for Doug Gallus to reconfigure an existing lot and dedicate road right-of-way to the City (Lexington Square)** – Gross reported that this is the CSM for the Lexington Square Condominiums project, for which the Plan Commission unanimously recommends approval. Motion by Gross to approve the CSM for Lexington Square; second by Cochrane. Gallo stated that the document may require some technical revisions as the roadway is not named yet. Gross amended his motion to reflect approval of the CSM with possible technical revisions due to the roadway; second by Cochrane. Motion carried 7-0.
- E. **Consider/act on the Certified Survey Map for Dan Warren, Pabst Farms Development Inc., to reconfigure existing lands into three lots and one outlot and dedicate road right-of-way. The lands are bounded by STH 67 to the west, Delafield Road to the south, and I-94 to the north. The lands are in the Town of Summit and lie within the City of Oconomowoc ETZ platting jurisdiction area.** – Gross reported that this is the Extraterritorial Certified Survey Map for the Aurora Medical Campus (Triangle parcel) located in the Town of Summit, which is in the City's three mile extraterritorial plan review jurisdiction. The Plan Commission unanimously recommends approval. Motion by Gross to approve the CSM for Pabst Farms Development, Inc.; second by Cochrane. Motion carried 7-0.

New Business

- A. **Consider/act on Resolution Authorizing Settlement of Legal Action between the City of Oconomowoc and Town of Summit (Boundary Agreement)** – Chapman stated that Council was given a revised copy at their desk. On Page 2, Paragraph 2. was added stating no payment of taxes is required. It was added to reflect the language in the Stipulation. This is the resolution to settle the "friendly" lawsuit between the City and the Town of Summit in regards to the Boundary Agreement. Motion by Gross to approve the resolution authorizing settlement of legal action between the City of Oconomowoc and Town of Summit; second by Cochrane. Chapman read the resolution into the record, referenced the Stipulation and attachments, stated the action will be dismissed and the remainder of the land will remain in the town. Motion carried 7-0.

Mayoral Appointments – Sullivan is looking for Council confirmation for the appointment of Bruce Mace, 809 Regent Road, until April 2007, to replace the resignation of William Hehr from the Parks and Recreation Board. Bruce is employed at the YMCA. This appointment will foster communication and planning efforts between the YMCA and the Park & Recreation. Motion by Cochrane to confirm the appointment of Bruce Mace to the Parks and Recreation Board until April 2007; second by Antonneau. Motion carried 7-0.

Announcements and Communications – None

Reports and comments from the Aldermen – Snyder mentioned the DT Newsletter that Council members received previously in their mail and reminded them to read it.

Reports and comments from the Mayor – None

Motion by Cochrane to adjourn the Common Council meeting; second by Antonneau. Motion carried 7-0. The meeting adjourned at 9:40 PM.