

CITY OF OCONOMOWOC
COMMON COUNCIL MEETING MINUTES
October 17, 2006

Public Hearings:

7:30 PM - The purpose of the hearing is to consider the petition of Rick Eckert of Willow Hill Suites Development Corporation, for the creation of, and amendment to, Sections of the City Zoning Code relating to Floor Area Ratio (F.A.R.) Specifically to create Sections 17.105(2)(h)3.a.1) and 2); and 17.105(2)(g)3.a. and to amend Sections 17.105(3)(a)4.a.; 17.105(3)(b)4.a.; 17.105(3)(d)4.a.; 17.105(3)(e)4.a.; 17.105(3)(g)4.a. and 17.105(3)(h)4.a. of the Municipal Code of the City of Oconomowoc.

The hearing opened at 7:37 PM. Gallo briefly reported that because the project exceeds the maximum floor area ratio requirements of our zoning code there was a need to review the F.A.R. in all zoning districts. Staff is recommending the creation of and amendment to the sections of the zoning code related to F.A.R. No other comments were received. The hearing closed at 7:42 PM.

7:35 PM - The purpose of the hearing is to consider the petition of William C. Niemann of Pabst Farms Development Inc. to rezone Parcel 8 of Certified Survey Map #9170, located between Valley Road and Pabst Farms Circle in the City of Oconomowoc to a Planned Development Overlay District. It is proposed that the PD Planned Development Overlay District be applied to the subject property to develop a multi-building commercial development on the west side and a duplex residential condominium project on the east side. 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 "Village Square."

The hearing opened at 7:42 PM. No comments were received. The hearing closed at 7:44 PM.

7:40 PM - The purpose of the hearing is to consider the petition of Robert R. Perry and Jeff Seymour of Rockwell Development, LLC to rezone seven parcels with the tax key numbers of OCOC 0563-060, OCOC 0563-061, OCOC 0563-062, OCOC 0563-085, OCOC 0563-084, OCOC 0563-083, and OCOC 0563-065, located on the southeast corner of Pleasant Street and St. Paul Street in the City of Oconomowoc to a Planned Development Overlay District. It is proposed that the PD Planned Development Overlay District be applied to the subject property to develop a multi-building residential development with some commercial use limited to the ground level. 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 "Rockwell Village at Fowler Lake."

The hearing opened at 7:44 PM. These comments were received:

- 1) T.J. O'Connor, N65 W35065 Baltic Pass – He is a high school student in Oconomowoc and loves art. Vote yes for this project.
- 2) Tyson Monroe, 950 Duchess Dr. – Recommends Council voting yes on this project. He would like to live in a nice condo.
- 3) Sandee Schlicker, 950 Duchess Dr. – She is an artist and finds it a very appealing option to live and work in the same space.
- 4) Ron Schneider, 511 Lincoln – He is an elected officer of St. Paul's and stated they met with the developers and the results of that meeting were the concern with height has been addressed in the new proposal. They have no objections to the height. Their concerns are storm water, transportation and access to St. Paul's being impeded during construction. Stated St. Paul Ave. needs to remain open.
- 5) Mike Herro - Owner of property south of the Rockwell project. Favors portions of the project; specifically, architecture. Objects to 3 ft. setback and density of mid-rise building. The Rockwell plan puts a burden on the Herros in regards to setback, height, storm water, parking, reflective light, pedestrian traffic and landscaping.

- 6) Dan O'Callaghan – Stated there are legal issues here and they are not interested in denying the project. Earlier today, a letter was submitted addressing that the City's zoning ordinance requires no negative impact on adjoining properties and that staff has not evaluated the code completely as the code states an analysis needs to be done before action on a GDP. Further, the Plan Commission did not submit a written report to Council as required by our ordinance. He then read directly from the letter submitted earlier today. (A copy of which is filed with the minutes of the meeting.) A Protest was also filed on October 17, 2006 that requires a super majority (¾ vote) to proceed.
- 7) Larry Witzley – First, he does not see how the Rockwell project follows the Downtown Plan and the City needs to follow our own rules. Secondly, in regards to the Site Plan, the street and pedestrian friendly aspects are not met. Aesthetically, a 30 ft. wall on each side would not be very pleasing and these two developers (Rockwell/Herros) should coordinate their respective projects on all issues for the best results.
- 8) Joe Moroni, 416 Oakwood Ave. – He is a former Alderman and Chairman of the Park & Recreation Board and is in favor of the Rockwell project. Urges Council to move downtown forward.
- 9) Floss Whalen, 406 W. Third – Speaking as a citizen mentioned the CDA's unanimous approval of the project. Feels the City's lack of action and postponement will accomplish nothing. The downtown needs an attractive center.
- 10) Nick Kerzner, 112 S. Oakshire – He owns property in the downtown area and is asking that we require every project to meet the requirements in place, exceptions be rare and consider their impact on the entire plan for downtown.
- 11) Scott Schlicker, 950 Duchess Dr. – Stated he was the first to sell his home to Rockwell and believes in the project. Feels the downtown area will lose value if the project does not move forward.

The hearing closed at 8:37 PM.

7:45 PM - The purpose of the hearing is to consider the application of the City of Oconomowoc, for the amendment to, Section 17.914(5) and 17.914(6) of the City Zoning Code relating to the Planned Development District Procedures of the Municipal Code of the City of Oconomowoc. The purpose of the amendment is to require that the Community Development Authority (CDA) review and comment on all "Planned Development" proposals in the conceptual stage for the downtown revitalization area only.

The hearing opened at 8:37 PM. Sullivan stated that there has been discussion related to the most effective role for the Community Development Authority in the Planned Development process. After review by the Plan Commission and Common Council, the recommendation is that the CDA would be involved with projects within the Downtown Revitalization area only at the conceptual stage. No other comments were received. The hearing closed at 8:39 PM.

7:50 PM - The purpose of the hearing is to consider the petition of Doug Gallus, Gallus Architects, to rezone the property known as lot 3 of Certified Survey Map 7227, located in the SW ¼ of the SW ¼ of Section 3, on the west end of Robruck Drive, tax key number OCOC0587.997.003 in the City of Oconomowoc to a Planned Development Overlay District. The zoning of UR-10/PD Planned Development Overlay District is being requested on the subject property to develop a multi-family residential condominium project. The proposed rezoning is Step 3 in the City's Planned Development process. The purpose is the approval of the planned development ordinance and the general development plan of "Lexington Square Condominiums."

The hearing opened at 8:39 PM. Gallo stated that Gallus was unable to attend this evening. The reason for the public hearing is that it is required as part of the PD process. This project needs some flexibility in order to make it work. This item had the required public hearing at Plan Commission on 10/12/06, but no action was taken. No other comments were received. The hearing closed at 8:41 PM.

Mayor Sullivan called the regular Common Council meeting to order at 8:42 p.m. and the Clerk confirmed appropriate notice was given.

Pledge of Allegiance

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

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

Others present: Atty Chapman and Sugden

Minutes of October 3, 2006: Motion by Cochrane to approve the Common Council Minutes of the October 3, 2006 meeting as written; second by Jones. Motion carried 8-0.

Comments and suggestions from citizens:

A) CDA Report – Laura Rowe

Rowe first reported on the public hearing and stated that the purpose of the amendment is that there is a need for better communication between the CDA, the Plan Commission and Council. It also clearly defines how the CDA fits into the PD process at the conceptual plan phase of downtown projects. Second, Rowe commented on the Rockwell project. She stated the CDA favorably recommends this project and they based that recommendation on a checklist of the Master Plan elements. The CDA had concerns about the side yard setback and storm water, but these issues were addressed at Plan Commission and by Rockwell.

1) Citizens against the Extension of Thackeray Trail

- Shirley Depies, 805 Thackeray Trail – Stated she was the one that circulated a petition that was previously submitted to the City. She read the top portion of it and it opposes multi-family housing and the extension of the road. Also concerned with safety and flooding. Wants the extension eliminated from the plans.
- Tom Depies, 805 Thackeray Trail – He has received info. from a number of groups; i.e. Wisconsin Wetland Association, Waukesha County, DNR and a biologist, and states that the City needs to get DNR approval, wetland delineator and plans to mitigate where the wetlands go through. Also, a permit may be required by the Army Core of Engineers. He respects the Council and asks that they represent the majority of the people on this issue.
- Rick Reith, 689 Thackeray Trail – Referred to photos previously submitted to Council and feels there will be more flooding issues if the wetlands are removed. The Master Plan is truly just a plan with no commitment dates, no funding confirmed, etc. It is essentially a living plan. Stresses reevaluation of the Master Plan and to proceed with caution if we move forward. Suggested possible traffic lights and a frontage road.
- Melissa Krahn, 833 Thackeray Trail – States the City needs to insure homes in the area do not experience flooding, as the land is flat (no grade.) The current wetland conditions provide a free service and there are canary grass plants that absorb lots of water. We would lose this if the area is developed.
- Tom Lindl and Patrick Tait, 839 Thackeray Trail – Lindl: The extension would cause an increase in traffic, serious safety issues, wetland issues, financial issues and degrade the best interests of property owners. Tait: Wants more detail on the plans and stated that nine requirements need to be met.
- Basil Mroz, 844 Thackeray Trail – Lives on the north side of Thackeray Tr. and stated the residents on the north have had no input. He showed the map from Omni and pointed out the north side was not shaded. He also pointed out that Oconomowoc Pkwy was designed as a through street and feels we should extend it. He is concerned about the safety of pedestrians and traffic. Every home has a driveway entrance on Thackeray Tr. compared to only a few entrances on Ocon. Pkwy. Feels four stop signs will be equally as effective.

Consent agenda

- A. Licenses
- B. Treasurer's Report
- C. 911 Joint Powers Agreement between Dodge County and City of Oconomowoc.

Motion by Antonneau to approve the Consent Agenda as presented; second by Hollatz. Motion carried 8-0.

Committee Reports

- A. Finance – No Report
- B. Personnel – No Report
- C. Protection and Welfare:
 - 1. **Resolution: Purchase of a 2007 Ambulance Chassis** – This item was withdrawn.
 - 2. **Resolution: Purchase of Replacement Water Tank and Pump for Grass Fire Truck #4781** – Hollatz reported that the current tank and pump is 37 years old and in need of replacement. Staff recommends the low quote from Bendlin Fire Equipment. Motion by Hollatz to approve the purchase of a replacement water tank and pump from Bendlin Fire Equipment in the amount of \$12,852.00; second by Antonneau. Chapman read the resolution into the record. Motion carried 8-0.
 - 3. **Consider/act on Ordinance Creating Section §21.18 of the Municipal Code of the City of Oconomowoc Prohibiting Ice Fishing on Ice Skating Rinks** – Hollatz reported this ordinance prohibits ice fishing on ice skating rinks prepared and maintained by the Parks, Recreation and Forestry Department at City Beach. Motion by Hollatz to give the ordinance its first reading; second by Antonneau. Chapman read the ordinance into the record. Motion carried 8-0.
- D. Public Services:
 - 1. **Resolution: Partial Chain Link Fencing for the DPW Storage Yard, Project #1259-06** – Larsen reported quotes were received for a 6' high chain link fence for the DPW storage yard along Chaffee Road. Staff is recommending the proposal from Lemke Fence for \$20,410.20, which is \$443.70 higher than the low quote, due to the 12-year warranty period vs. 1-year. Motion by Larsen to approve the purchase of the partial chain link fence from Lemke Fence of Jefferson, Inc. in the amount of \$20,410.20 with a 12-year warranty; second by Hollatz. Chapman read the resolution into the record. Motion carried 8-0.
- E. Utility – No Report

Plan Commission

- A. **Consider/act on the Ordinance for the Creation of, and Amendment to, Sections of the City Zoning Code relating to Floor Area Ratio (F.A.R.) (§17.105)** – Gross reported that this ordinance would change our floor area ratio requirement, which is a limit on how much total space, expressed as a fraction, may be consumed by the floor(s) of a building constructed on a parcel. This issue became apparent when staff reviewed the Hilton Hotel and the Willow Hills Suite projects, therefore prompting staff to review F.A.R. requirements in all zoning districts. Motion by Gross to give the ordinance its first reading in title only; second by Cochrane. Chapman read the title into the record. Motion carried 8-0.
- B. **Consider/act on the Planned Development Ordinance and General Development Plan for Parcel 8 of CSM #9170 located between Valley Road and Pabst Farms Circle in the City of Oconomowoc (Village Square.)** – Gross reported that this is step 3 of the PD process and the Plan Commission approved unanimously. Chapman summarized that the GDP proposes two distinct development projects on both sides of the pond; the west side being the Village Square at Pabst Farms and the east component being the Residences of Village Square. Further, there is a provision in the ordinance that allows them to file for potential uses. Certificates of Zoning Compliance would only be required for infill. The MR-6 and SC zoning still applies as the underlying zoning. It was commented that more parking may be needed in the commercial component of the plan and that the public would benefit with more landscaping in other areas because of the shared parking. Motion by Gross to approve the Planned Development Ordinance and General Development Plan for Parcel 8 of CSM #9170; second by Cochrane. Motion carried 7-1. Larsen voted no.
- C. **Consider/act on the Planned Development Ordinance and General Development Plan for seven parcels (Tax Key Numbers OCOC 0563-060, OCOC 0563-061, OCOC 0563-062, OCOC 0563-085, OCOC 0563-084, OCOC 0563-083, and OCOC 0563-065) located on the southeast corner of Pleasant Street and St. Paul Street in the City of Oconomowoc. (Rockwell Village at Fowler Lake.)** – Gross reported that this is step 3 of the PD process and the project consists of condominium units and townhouses

- with live/work spaces. Motion by Gross to recommend this Planned Development Ordinance and General Development Plan be sent back to Plan Commission for a resolution and written report; second by Cochrane. It was felt that since there is no written report by the Plan Commission and that a protest has been filed requiring the vote to be approved by a super majority, if this item was voted on now it may fail and they would not be able to bring it back to Council for one year. Motion carried 7-0. Larsen abstained.
- D. **Consider/act on the Text Amendment Ordinance regarding Sections 17.914(5) and 17.914(6) of the City Zoning Code, relating to review of all Planned Development proposals in the conceptual stage for the downtown revitalization area only by the CDA** – Gross reported that this amendment would have the CDA provide conceptual review (step 2) of planned developments in the downtown revitalization area only and submit a report to the Plan Commission. Motion by Gross to give this ordinance its first reading in title only; second by Cochrane. Chapman read the title into the record. Gross stated that the public has had ample time to comment on this issue. Larsen referenced comments Kerzner made during the Rockwell public hearing and agrees with his comments about favoring development, but is also concerned with zoning. Going from the current SR-4 zoning to 50 residents is not reasonable. Feels there must be some correlation to our zoning. He also feels that for the CDA to recommend a project like this causes consternation and he is not so sure they get it. Snyder feels that if we do not do something soon, all the development will happen by the highway. Motion carried 6- 2. Morgan and Larsen voted no.
- E. **Consider/act on the Conditional Use Permit for Rick Eckert of Willow Hill Suites Development Corporation, to allow for the construction of Willow Hill Suites, a condo hotel, located adjacent to Olympia Resort, north of 1350 Royale Mile Road** – Gross reported that this CUP is to construct an 88-unit condo hotel on a 2.5 acre lot abutting the Olympia Resort and the Plan Commission unanimously recommends approval. Also, the floor area ratio is addressed through the change to the City's ordinance. Motion by Gross to approve the CUP for Rick Eckert of Willow Hill Suites Development Corp. to construct Willow Hill Suites at 1050 Royale Mile Road; second by Cochrane. Chapman gave a brief overview of the CUP. Antonneau asked if the 46% landscape surface ratio was correct – Yes. Motion carried 8-0.
- F. **Consider/act on the Conditional Use Permit for the Olympia Sports Center located at 965 Cannongate Road** – Gross reported that Jeffrey Statz is requesting to convert the existing building which houses an indoor tennis facility into a sports center with 30 bowling lanes, 22 arcade devices, a foot laser dart area and a 50-seat bar area. The Plan Commission unanimously recommends approval. Motion by Gross to approve the CUP for the Olympia Sports Center at 965 Cannongate Road; second by Cochrane. Chapman commented on the redraft of the CUP, stating that Russell Southcott was named on the document along with defining the responsibilities of the owner and operator. Additionally, the plans must be kept up to date with the City Planner. Motion carried 7-0. Larsen abstained.
- G. **Consider/act on the Conditional Use Permit for Sentry Equipment Corporation located at 966 Blue Ribbon Circle North** – Gross reported that Sentry Equipment would like to construct a new light manufacturing facility on a lot located two lots west of Ace Precision and that the Plan Commission unanimously recommends approval. Motion by Gross to approve the CUP for Sentry Equipment Corp. at 966 Blue Ribbon Circle N; second by Cochrane. Chapman reported briefly on the CUP conditions. Antonneau inquired about hazardous materials and the response is that the amount is not significant and a list would be provided. Snyder complimented Sentry Equipment for staying in Oconomowoc. Larsen agrees and wished them luck. Motion carried 8-0.
- H. **Consider/act on endorsing the Resolution Amending the City of Oconomowoc Comprehensive Master Plan (Parcel 5/Triangle Piece)** – Gross reported that this amendment to the Comprehensive Master Plan changes Parcel 5 and Outlot 1 in the Pabst Farms from SI to SC zoning. In addition, lands located in the Town of Summit south of I-94, known as the Triangle, change from SI and SO to Institutional and Business Park. The Plan Commission held a public hearing and adopted the resolution amending the City's Master Plan. Motion by Gross to endorse the resolution amending the City of Oconomowoc Comprehensive Master Plan by the Plan Commission; second by Cochrane. Chapman pointed out that on Page 2 of the resolution it referenced Parcel 5 zoned as SC and that a requirement of the MOU was that the City change its Master Plan. Motion carried 7-1. Snyder voted no.
- I. **Consider/act on the Certified Survey Map for the Hilton Hotel, located at 1443 Pabst Farms Circle** – Gross reported that the Plan Commission unanimously recommends the approval of the CSM for the Hilton Hotel. Motion by Gross to approve the CSM for the Hilton Hotel located at 1443 Pabst Farms Circle; second by Cochrane. Motion carried 8-0.

- J. **Consider/act on the Certified Survey Map for Sentry Equipment Corporation, located on Blue Ribbon Circle, within the Pabst Farms Commerce Centre** – Gross reported that this is a 4.99-acre parcel and the Plan Commission unanimously recommends approval of the CSM. Motion by Gross to approve the CSM for Sentry Equipment Corp. located at 966 Blue Ribbon Circle N; second by Cochrane. Motion carried 8-0.

New Business

- A. **Consider/act on Resolution Disallowing September 7, 2006 Claim of George Weston Bakeries** – Motion by Cochrane to approve the resolution disallowing the September 7, 2006 claim of George Weston Bakeries in the amount of \$5,411.67; second by Antonneau. Chapman stated that this claim is for damages resulting from a power outage on August 29, 2006. Our insurance company recommends denial of the claim. He then read the resolution into the record. Motion carried 8-0.
- B. **Consider/act on Resolution Disallowing September 20, 2006 Claim of George Weston Bakeries** – Motion by Cochrane to approve the resolution disallowing the September 20, 2006 claim of George Weston Bakeries in the amount of \$4,486.83; second by Antonneau. Chapman stated that this claim is for damages resulting from a power outage on September 15, 2006 when a contractor hit a power line while digging. Our insurance company recommends denial of the claim. He then read the resolution into the record. Motion carried 8-0.

Mayoral Appointments – No appointments at this time, but the Mayor referred to a letter submitted to the Alderman and City Staff reporting vacancies on various Committees, asking anyone to let him know of any interested persons.

Staff Reports – None

Announcements and Communications – None

Reports and Comments from the Aldermen – Morgan suggested that since several property owners on Thackeray Trail stated they did not know about the extension when they purchased their property, he would like to recommend that real estate agents pass on this information to prospective buyers.

Reports and Comments from the Mayor – In referring to the Rockwell project, the Mayor stated his mixture of disappointment in all that has happened over the last three years. He believes the developers need to put forth more effort in resolving their issues and come to an agreement. He complimented Gross on his friendly motion under the circumstances.

Motion by Cochrane to adjourn the Common Council Meeting; second by Jones. Motion carried 8-0 The meeting adjourned at 10:10 p.m.

Diane Coenen, City Clerk