

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, JULY 19, 2018 1:00 P.M.**

CALL TO ORDER

Mr. Morris, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present: Richard Morris James Siepmann Robert Peregrine
 William Maslowski William Mitchell Thomas Michalski

Members Absent: None

Staff

Members Present: Jason Fruth, Planning and Zoning Manager
 Kathy Brady, Support Staff Supervisor
 Ben Greenberg, Senior Land Use Specialist

Guests Present: Scott Krahn: CU6 and SP13
 Atty. Paul Bucher: CU6 and SP13
 Atty. Kevin Clark: CU6 and SP13
 Dave Nosek: CU8 and PO-17-OCOT-17
 Mark Neumann: CU8 and PO-17-OCOT-17
 Mike Johnson: CU6 and SP13
 Fred Manske: CU6 and SP13
 Dianne Johnson: CU6 and SP13
 Henry Krier: CU6 and SP13
 Robert Ullrich: CU6 and SP13

CORRESPONDENCE: None.

MEETING APPROVAL: None.

MINUTES:

- Approval of the June 21, 2018, Minutes.

Mr. Peregrine moved, seconded by Mr. Siepmann and carried unanimously for approval of the June 21, 2018, Minutes, as presented.

PUBLIC COMMENT: None.

SCHEDULED MATTERS: None.

- **CU9 (Rhett Rockwell) Town of Oconomowoc, Section 36**

Mr. Fruth pointed out the location of the property at W342 N5010 Road P in the Town of Oconomowoc on the aerial photograph. He indicated the request is for land altering activities associated with the construction of a new single-family residence, driveway, attached garage, deck, patio and retaining walls.

Mr. Fruth stated that the property is a challenging site as it contains steep slopes immediately off Road P (approximately 30% to the center of the lot). He pointed out on the aerial photograph the topographic view of the property. The original residence built on the property was located near the shore of Okauchee Lake with access granted from the neighbor's driveway to the north. The access is no longer available to the current owner. The original residence has been removed and the current owner plans to build a new residence toward the center of the lot. The driveway would be steep (12% slope) coming off Road P down to the new residence with a level surface for parking. Fill would be needed for the level parking surface and there would be multiple retaining walls along the driveway due to the slope. The highest point of the retaining walls (near the garage) would be approximately 11 ft. The Planning and Zoning Division Staff is recommending approval with conditions. He noted that an Erosion Control Permit would need to be obtained, a licensed architect or engineer would need to approve the plan for the retaining walls to ensure they will not fail overtime, the project be completed within 18 months and there be no adverse drainage onto adjacent properties.

Mr. Mitchell asked if the drainage issues on the site would be rectified? Mr. Fruth replied that he thought there was ample room to have the drainage directed on the lot lines going towards the lake. He added that the Waukesha County Land Resources Division Staff would review and issue an Erosion Control Permit.

After discussion, Mr. Peregrine moved, seconded by Mr. Siepmann and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **CU8 (4N1, LLC/David Nosek and Mark Neumann) Town of Oconomowoc, Sections 35 and 36**

Mr. Fruth pointed out the location of the property at N55 W34911, W34913, and W34915 Lake Drive in the Town of Oconomowoc on the aerial photograph. He indicated the request is for a Conditional Use amendment for three (3) single-family condominium buildings, a detached garage and a boathouse.

Mr. Fruth indicated the Conditional Use was approved in September 2017 for the approval of a three (3) unit condominium building (three attached units). The petitioners submitted revised plans showing three separate condominium units with partially exposed basements. Open space on the site includes a wooded area located in the northeast corner of the property. There will be three (3) separate septic fields located in an open area below the wooded area. In addition, there is a wooded area on the west side of the property, which is being proposed to be preserved in open space with a shared garage for boat storage located in that area. Also being proposed is a shared boathouse near the shore. Several plans were submitted showing a conforming boathouse and another plan showing a boathouse, which would be too wide for what the Shoreland Ordinance would allow. The Planning and Zoning Division Staff informed the petitioner that revisions would need to be made and this is included in the conditions of the "Staff Report and Recommendation".

Chairperson Morris asked what the height of the retaining walls would be, to which Mr. Fruth responded that he did not have specific information, however, there is enough relief to achieve a four to five ft. exposure. He pointed out on Exhibit "C" the rendering showing the area of each unit which would be exposed. Mr. Maslowski asked where the septic tanks would be located and if there would be three (3) separate tanks? Mr. Fruth replied that he was unsure of the exact location of the tanks, however, the Environmental Health Division would be reviewing that aspect of the plans. In addition, there could be a shared well with separate septic systems. Mr. Michalski asked if the neighbors were contacted regarding the project and if there were any concerns? Mr. Fruth responded that two (2) public hearings were held, one for the initial concept with no significant opposition. The second public hearing regarding the 14' offset also had no significant opposition. Mr. Mitchell asked if there would be one pier and one boathouse? Mr. Fruth replied that the pier configuration would need to conform to the state rules.

Mr. Nosek, petitioner, explained that he was unsure of the height of the retaining walls but thought it would be minimal. He further explained that there are three (3) existing piers, which would be allowed to remain per the Wisconsin Department of Natural Resource rules and that up to six (6) boat slips are allowed with the current lake frontage. Mr. Siepmann clarified that each unit would have its own pier with two (2) boat slips, to which Mr. Nosek replied, Yes. Mr. Maslowski asked if the boathouse would be able to store boats? Mr. Nosek responded, that it is a dry boathouse and would be utilized for the storage of boating accessories, not boats. He stated that they originally proposed a 20' x 20' boathouse, however, the Planning and Zoning Division Staff pointed out that at least one side would have to be no longer than 15'. The plans will be changed to include a 15' x 26' boathouse. Mr. Siepmann asked if the 15' side of the boathouse would face the lake? Mr. Nosek replied that the 26' side would face the lake. Mr. Fruth stated that it would not conform to the Shoreland Ordinance. The boathouse would have to be a maximum of 15' fronting the lake. Mr. Nosek indicated that he would adjust the plans. Mr. Siepmann asked if the boathouse would have a deck on top, to which Mr. Nosek replied that decking materials are not allowed on top of the boathouse. However, it would be concrete and used as a patio.

After discussion, Mr. Peregrine moved, seconded by Mr. Mitchell and carried unanimously for approval, as conditioned, in accordance with the "Staff Report Memorandum". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **PO-17-OCOT-17 (4N1 LLC/David Nosek and Mark Neumann) Town of Oconomowoc, Sections 35 and 36**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU8) listed above (matter tabled at the September 21, 2017 meeting).

Mr. Fruth stated that the petitioner has provided sufficient details regarding the project in order to move forward.

After a brief discussion, Mr. Mitchell moved, seconded by Mr. Peregrine and carried unanimously for approval, as conditioned, in accordance with the "Staff Memorandum". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **CU6 (JTM Properties) Town of Oconomowoc, Section 36**

Mr. Fruth pointed out the location of the property at N55 W34657 Road E in the Town of Oconomowoc on the aerial photograph. He indicated the request is for revisions to the existing legal non-conforming Conditional Use Permit for bar/restaurant operational changes.

Mr. Fruth indicated the “Hideaway” property has a legal non-conforming use status dating back to 1980 because it is zoned residential and is in a planned residential category. In 1980, the addition of a food service/grill to the tavern prompted the Conditional Use. The “Hideaway” is surrounded by residential properties. The property contains two (2) principal structures, the bar/restaurant which is located near the shore of Okauchee Lake that occupies the main floor and utilizes the basement for storage and an apartment on the second floor. The other structure is a single-family two-bedroom residence. In addition, there are two accessory buildings, one located north of the bar/restaurant and the other closer to the road. An improved patio area and parking surrounds the tavern/restaurant. Mr. Fruth added that the patio area goes almost all the way up to the shore of Okauchee Lake. The tavern is located approximately 24’ from the shore. In addition to the operational changes being proposed, the petitioners are proposing an expansion to the kitchen on the east side of the structure. He noted that state law changed a few years ago to provide additional flexibility for non-conforming structures, but not for a structure that is this close to the shore. Because it is within 35’ of the shore it is more restricted. He noted that at the public hearing, concerns were expressed regarding parking, increase in noise, music, etc.

Mr. Greenberg, Senior Land Use Specialist, summarized the list of improvements being proposed by the petitioner:

- Increasing the number of Town approved special events to eight (8).
- Approvals for music offerings as part of special events to be completed no later than 11:00 p.m.
- Outside music use, involving recorded music as well as live music, 10:00 a.m. to 10:00 p.m. daily.
- Light acoustical type live music on the patio on Friday, Saturday and Sunday from 12:00 p.m. to 8:00 p.m. (The existing Conditional Use allows for some inside music [juke box and live] Thursday through Saturday to conclude by 1:00 a.m.)
- Include comedy/variety shows.
- Legalize some minor interior remodeling changes, such as: widening of restrooms to make them more ADA compliant, changes to the pass through where food is served between the kitchen and bar area and opening up of a partition wall to increase flow.
- Use approval for a 12’ x 14’ bump out.

Mr. Fruth stated the main reason the application was initiated was to legalize the after-the-fact interior remodeling, approval of a kitchen expansion and respond to neighborhood complaints regarding noise, specifically music. Over the years, there have been numerous amendments, and it was discovered that the Town and County incorrectly approved some expansion of music within the past few years, outside of what the 1996 Conditional Use Permit allowed. The Town Attorney agreed, and said if the petitioner wished to retain some of the past music authorizations made through a Site Plan/Plan of Operation the petitioners would need to go back through a formal Conditional Use amendment.

Mr. Fruth referred to a table within the “Staff Report and Recommendation” describing what uses are allowed under the existing Conditional Use Permit, what is being proposed and the Planning and Zoning Division Staff’s recommendation (see table below).

Use	Existing	Proposed	Staff Recommendation
Indoor Recorded Music	Ok during all hours of operation.	No changes sought.	Ok during all hours of operation. 50-decibel sound limit at property lines.
Indoor Live Music	Maximum of twice per week. 8pm to 11pm Sun-Thu and 8pm to midnight Sat and Sun	No changes sought.	Maximum of twice per week. 8pm to 11pm Sun-Thu and 8pm to midnight Sat and Sun 50 decibel sound limit at property lines.
Outdoor Recorded Music	None allowed	Outside jukebox/Ipod recorded music from 10am to 10pm daily.	None allowed
Outdoor Live Music	None allowed	Light acoustic type music on the patio on Fri, Sat and Sun from noon until 8pm	Soft acoustic music may be allowed on Sat and Sun only from 1pm to 6pm 50-decibel sound limit at property lines.
Special Events	Four max. , no music, to concluded by 7pm.	Eight max. with music to conclude by 11pm	Four Town approved events, which may have a music component. Times and event duration to be approve by Town.

Mr. Fruth stated that a petition was submitted to the Planning and Zoning Division Staff signed by approximately 80 persons expressing concerns to the application filed at the County. The petition specifically referred to noise, music, etc. Within the past 24 hrs, a second petition was received which expressed concerns regarding parking and the petitioners request in general. At the public hearing, the residents who live in the area understand there is restaurant/bar and there will be some degree of activity and noise that comes with living near this type of operation, however, they want a reasonable balance.

Mr. Mitchell asked how many parking spots are available for the business and how is parking enforced? Mr. Greenberg replied, there are approximately 74 to 75 parking spots and they were required to be striped. Mr. Maslowski asked what is the occupancy inside of the building? Mr. Krahn, petitioner, replied approximately 72 to 74 persons. Mr. Fruth said the County is asking for a more detailed parking plan to validate that there is enough parking. As far as enforcing the parking, it would be a police issue. Chairperson Morris asked where the offsite parking is for the shuttle service. Mr. Krahn replied, Whiskey Waters has a parking lot across the street that is being utilized with a small school bus providing transportation to the Hideaway. In addition, people can be shuttled by pontoon boats on the lake. Mr. Peregrine said another bar/restaurant, Foolery’s, has the same issues. He said this proposal and requirements mirror what has been allowed at Foolery’s. He noted that at the Hideway’s location it produces sound that travels across the lake. Mr. Maslowski asked if the conditions are subject to an annual review by the Town, to which Mr. Peregrine stated “Yes.” Mr. Peregrine added that the Police Chief will go into the bar in plain clothes and investigate complaints and report back to the Town Plan Commission. Mr. Krahn stated for the year of 2017, the Police Chief indicated that there were two (2) complaints, one for an approved larger event and when the police showed up for the second complaint they found no issues. Mr. Greenberg confirmed that the Police Chief indicated the same information to him prior to the public hearing. Mr. Maslowski asked if an annual review was stated in the conditions, to which Chairperson Morris said it was included in Condition No. 24. Mr. Fruth added, that the

Shoreland Code allows the Planning and Zoning Division Staff to call for a review at any time. Mr. Michalski clarified that Condition No. 15 states that the kitchen addition would not be permitted. Mr. Fruth replied, “Yes”, and noted the reason is that state law and the Shoreland Ordinance does not allow it. Mr. Michalski asked if the word “load” in Condition No. 18b should be “loud”? Mr. Fruth replied, “Yes” and noted that the correction would be made.

Chairperson Morris asked if anyone from the audience would like to speak on this matter?

Attorney Paul Bucher, representing Mr. Krahn, petitioner, indicated he would speak regarding the issue of music and noise complaints. He attended the Town’s Public Hearing on the matter and said that no one at the meeting wanted the establishment shutdown. The vast majority of people who spoke liked the Hideaway but took issue with the noise and parking. He explained that “No Parking” signs have been put in place and the petitioner is trying to enforce parking. The Hideaway has a great working relationship and everyone agreed that they have been a great neighbor. Over the years, things have evolved significantly, and his client has a responsibility to understand what the rules are and continue to communicate with the Town and County. Education is part of the entire process both for the Hideaway and the neighbors. The neighbors do have a legitimate point that noise does travel across the water. There has been significant change in the demographics and uses of the property that the Town has approved. In the past (2016), the Town of Oconomowoc approved by letter to the County, that soft acoustical outside music would be permitted on the patio, Monday through Friday from 11:00 a.m. to 7:00 p.m, outdoor speakers may be used to play soft island type music and approval of special events. The same in 2017, music is allowed inside and outside live, low volume acoustical music on the patio and special events. In October 2015, the Site Plan/Plan of Operation Zoning Compliance Permit allowed for acoustical music, live acoustical music inside the restaurant and during holidays and during the four (4) approved special events there could be outside music as approved by the Town Board. The petitioner deferred to the Town for the approval of special events, 4 (four), which included music.

Attorney Bucher said Mr. Krahn is requesting an increase in special events from four (4) to eight (8). He recommended that this request be deferred to the Town then they would inform the County of any special events. He also recommended that rather than putting a number on special events, that special events along with a music component, event times and duration be approved by the Town with notice to the County. He felt the 50-decibel sound limit needs to be investigated further. Based upon research, 50 decibels does not seem sufficient.

Mr. Krahn, petitioner, indicated that he would follow the decisions made regarding the music. He is requesting a kitchen buildout and is willing to remove/eliminate a building by the road. He said the Waukesha County Environmental Health inspector agreed that the kitchen should be in a separate area. Currently, the kitchen containing a deep fryer, stove, etc. is located adjacent to barstools where patrons sit. He said the Okauchee Fire Chief strongly recommended that the buildout be for storage purposes also, due to the basement having water issues and being a congested area. The Fire Chief also stated, for safety issues that he would not send any of his firefighters into the basement area. Mr. Krahn said that he currently has an employee that is handicapped and unable to go up and down steps to the basement for supplies. The kitchen buildout would be located next to the building by the bar so it would be easier for him to access the items needed. The buildout would not block any of the neighbor’s view and would be 21’ away from the lot line.

Mr. Siepmann clarified that the kitchen buildout could not be considered because of Shoreland and State Statutes for a non-conforming use? Mr. Fruth replied that the request would require a Variance from the Waukesha County Board of Adjustment. Mr. Krahn said the request for the kitchen buildout is not to increase capacity but for the reasons stated above.

Mr. Maslowski asked Mr. Greenberg if the buildout was discussed with him prior to the public hearing? Mr. Greenberg said as he understood, the request was for flow to go from the kitchenette to an extended kitchen. In addition, it would keep the deep fryer away from the customers, and provide an alternative location for some of the infrastructure. Mr. Mitchell asked if all of the information was provided to him before he made his recommendation. Mr. Greenberg said he spoke to the Environmental Health Division and asked if the petitioners needed the kitchen buildout in order to meet code requirements, to which they replied “No.” Mr. Siepmann asked if the expansion of the building was brought up at the public hearing? Mr. Greenberg replied, “Yes”, as part of the request. Mr. Peregrine said there was confusion regarding the size of the proposed addition and the petitioner did not go into details, however, the Town approved the kitchen expansion, as presented, as it sounded like a reasonable request. Mr. Krahn explained that nothing was approved at the first meeting and the public hearing was held over for another two (2) weeks. Mr. Siepmann expressed concerns regarding the expansion and it may have been glossed over compared to the sound and music issues. He did not want the Park and Planning Commission to make a recommendation for a Variance that the Town did not review thoroughly. Mr. Peregrine stated the Town was unaware that a Variance was needed. Mr. Maslowski asked if the structure had sprinklers to which Mr. Krahn replied, “No.”

Mr. Fruth said the specific proposal calls for an expansion that is not approvable without relief. He believed that the Waukesha County Board of Adjustment would be the more appropriate body to go through the statutory tests and make a determination. He noted the structure was not expandable because it is less than 35’ from the shore. In order for the Board of Adjustment to consider a Variance, maybe the structure could be modified and cutback to be 35’ from the shore or rebuilt, or the petitioner could use one of the multiple structures on the site for storage onsite.

Mr. Michalski asked what the basis was for the 50-decibel requirement? Mr. Fruth responded that the Planning and Zoning Division Staff has researched sound for a variety of different projects over the years (restaurant bars/wedding barns). He explained that the equivalent of 50 decibels is normal conversation or a refrigerator running, at 75 decibels there could be a potential hearing loss if exposed for a period of time. Some establishments in Okauchee are capped at a 35-decibel limit. It was decided that 50 decibels was a reasonable number for this type of establishment.

Mike Johnson (N53 W34576 Road Q) :

- Lives directly south across the lake from the Hideaway for the past 23 years and is opposed to the request.
- He attended both public hearings at the Town and submitted a recording of the public hearings to the Planning and Zoning Division Staff indicating that many people spoke in opposition of the request.
- It was quiet at the Hideaway for 20 years because there were no special events or live music allowed in the residential area.
- In review of the County Permits for the Hideaway property and from 1988 to 2015 all stated no outside music. Only since the current owner purchased the property has there been issues.
- Opposed to allowing special events beginning at 1:00 p.m. and concluding at 11:00 p.m., which is 10 hours of live music on a Saturday, four (4) times a year.

- Why does the Town want to support the request?
- Who would enforce or pay for the enforcement of the decibel limit and who decided to increase it to 50 from 35?
- Today's decision will affect many homeowners who live in the surrounding area. Who benefits from the loud noise, not the residents of the lake who pay property taxes?

Henry Krier (N55 W34685 Road E):

- Resides five (5) doors north of the Hideaway property.
- Presented photos of the Hideaway's last special event showing over 100 persons attending.
- Expressed concerns regarding only one bathroom for men and one for women and felt it was inadequate for the number of people attending the event and wanted to know if the existing septic system could handle this amount of persons.
- Presented photos of the illegal parking along both sides of Road E during special events (approximately 50 vehicles) and expressed concerns with inadequate parking for the establishment. No parking signs were put in place but the parking issues still occur even when the police are called.
- Regarding the petitioner's request for live indoor music until 1:00 a.m. Currently there large crowds of people who show up and when they leave they congregate on the large deck. You can hear their conversations while they are outside drinking at his residence five (5) houses away.
- Vehicles are constantly turning around in his driveway (at the dead end) and ruining his asphalt driveway.
- Loud screaming patrons.
- Patrons are urinating in the bushes, driving over the neighbors landscaping, at least two (2) mailboxes have been hit due to bad intoxicated behavior.
- Bushes and cherry tree of property owner at the end of the street were plowed over. Property owner is afraid to move bushes because someone might hit his house.
- Opposes any outdoor music, which compounds the problems listed above.
- Cannot enjoy his own deck due to the increased noise coupled with the intoxicated behavior, overcrowding and lack of parking. It is a mess that does not compliment the residential neighborhood. Quality of life has been diminished.
- As a Waukesha County taxpayer he has the right to live in a peaceful community. The area is on a peaceful, low wake inlet on Okauchee Lake where families with small children are present, neighbors look out for one another and do not need a night club on a small parcel of land nestled into residential homes with limited parking. Live comedy, variety shows, special events sound like a nightclub to him.
- May 2017, the Town Building Inspector indicated that remodeling was completed without Zoning Permits.
- November 2017, a formal zoning complaint regarding zoning violations and music restrictions. Complaint filed after the summer 2017, loud music and out of control patrons.
- February 2018, a formal noise complaint was filed against the Hideaway.
- March 2018, a formal letter of violation was sent to the owners of the Hideaway.
- The operators of the Hideaway do not follow the rules and there should be no increase in the number of events or outdoor music and any increase in indoor special live performances.

Robert Ulrich (N55 W34653-50 Road E):

- Lives directly to the east of the Hideaway.
- The main changes which have occurred have happened over the past three (3) years, since the new ownership/operator of the property/operation.
- Does not believe the owners of the property are honest, as the group owns Silk Exotic and other nightclubs that has fought and won numerous settlements in Milwaukee.
- Now the owners are trying to push their agenda on the local Town Board and County and are relentless with what they are trying to sell at the expense of the nearby property owners. There has been an increase over the past three (3) years with this ownership group and their philosophy with what they want to do with this property to make more money.
- Improvements have been done without permits. A permanent wood structure dock was built on the shoreline. which extends to within 10' of his shoreline, that is not shown on the map. In addition, there were improvements done to the other residence located on the property.
- Opposed to any expansion of events, expansion on the property or outdoor music.
- A comment was made in reference to keeping an equivalent for what was approved at Foolery's. He does not feel it is appropriate because Foolery's is not non-conforming and non-residential as this property is. It is not an appropriate or fair comparison and should not be part of the discussion. It is different zoning in a different neighborhood.
- Residents care about their neighborhood.

Fred Manske (N53 W34568 Road Q):

- Recently purchased a residence on Road Q (used to live on the main part of Okauchee Lake) and indicated he moved with the intention of living in a more peaceful environment. He was aware of the Hideaway but the number of events has grown and are getting louder and louder.
- Opposed to any additional events or expansion of music.
- Did not think the noise decibel should be higher than 35.
- Asked how the noise would be monitored? No one will monitor the noise.
- The establishment should be forced to have a monitoring system and if it goes over the required decibels then it is taken away.
- This area is a peaceful channel.
- If the approval for additional events and outdoor music is approved, he would like to be informed before the decision is made so he can sell his house and not lose money.
- The occupancy limit for the Hideaway is 75 persons, and he noted there is more than 75 people there at a time.
- He had to follow the landscaping parameters of what was and was not allowed on his property with the County, and the Hideaway should have to follow parameters too.

Attorney Kevin Clark (representing Michael Johnson):

- He explained that he is filling in for Attorney Gutenkunst (who was unable to attend) who has been in contact with Mr. Greenberg from the Waukesha County Planning and Zoning Division regarding this request.
- Historical records show that outside music of any kind, whether recorded or live has never been permitted due to the surrounding residential neighborhood.
- Found it odd that the Planning and Zoning Division recommended that there be no recorded outside music, however, live outside music be allowed for Saturday and Sunday from 1:00 p.m. to 6:00 p.m.
- The recommendation approving outside music overturns 38 years of County precedent.

- The property has not changed and neither has the surrounding neighborhood.
- This change would allow outside music every single weekend of the year.
- Condition No. 4 references that all parking must be on the Hideaway property with no street parking. It shows the petitioner cannot comply with the parking requirement now and allowing outside music will increase the problem.
- At the public hearing there were numerous citizens, which testified that street parking is a major issue and one citizen said he could not get into his driveway. Since people are parking on both sides of Road E, how would an emergency vehicle get through, which is a serious concern?
- The Town of Oconomowoc Plan Commission recommended 35 decibels for music and the County changed it to 50 decibels. If any outdoor music is allowed it should be 35 decibels.
- The position that outdoor music is needed for the bar to be successful is wrong and ignores the better part of its existence (30+ years without outdoor music).

Mr. Maslowski said the resident's rights should be respected, however, still allowing the business to be successful. He suggested continuing to allow the four (4) special events without music, no additional special events and that the Conditional Use and Site Plan/Plan of Operation come back for a yearly review.

Mr. Mitchell asked Mr. Peregrine to describe the Town's thought process for approving the outdoor music. Mr. Peregrine stated that the petitioners asked for more than what was ultimately approved at the Town. The outdoor, light acoustic type music was approved for a shorter period of time than requested. In their decision process, the Town looked at noise and music that came from boats traveling on the water, the fact that music travels over the water and mistakes made by the Town and County with previous Conditional Use approvals. The Town was unaware that the buildout for the kitchen needed a Variance and they thought it was the best resolution of all of the issues.

Chairperson Morris asked if Condition No. 15 (stating that no expansion of the building footprint is permitted) should be eliminated? He said, if the petitioner wishes to expand then they could apply for a Variance. Chairperson Morris and Mr. Mitchell stated they did not feel comfortable making any type of recommendation regarding an expansion, which is not allowed. Mr. Fruth explained that the Town recommended conditional approval, including the kitchen addition. The Planning and Zoning Division Staff revised the Town's condition to read, "No expansion of the building footprint is permitted" and indicated that it should remain because there needs to be a clear record showing it is not being recommended favorably. Mr. Mitchell expressed concerns and added that the parking issue should be enforced better by the Town. Mr. Siepman also expressed concerns regarding patrons parking along the street and noted that the police cannot always be there. He realized the petitioner is trying to address the parking issue by providing shuttles and having "No Parking" signs placed in the area. He sympathized with the surrounding lake residents and believed they should be able to have quiet enjoyment of their property, but he also would like to see the business be able to operate and be prosperous. He said he is opposed to allowing more special events and outdoor live music. Mr. Michalski said he is also against outdoor music and indoor music as late as being requested.

Mr. Greenberg asked Mr. Fruth, if the petitioner applies for a Variance and Board of Adjustment grants a Variance, would it trigger another public hearing for the Conditional Use, to which Mr. Fruth replied "Yes."

After a lengthy discussion regarding the neighbor's comments, parking issues, requiring an annual review of the Conditional Use, the number of special events to be allowed each year, the conclusion time for special events, days when special events should not be held, agreeable solutions for both the neighbors and the business, the Commission decided:

- **Language be added to Condition No. 4 regarding parking, as follows:**
“The business operator shall assist in ensuring that patrons do not park in prohibited locations along the road or offsite.”
- **Language be added to Condition No. 17 regarding special events, as follows:**
“All events shall end no later than 10:00 p.m. and no events shall be held on Sundays.”
- **Delete Condition No. 18b regarding outdoor music.**
- **Wording be added to Condition No. 24 regarding an annual review:**
“The Town Plan Commission and **Waukesha County Park and Planning Commission** may, at any time, decide an annual review is not necessary.”

After discussion, Mr. Maslowski moved, seconded by Mr. Mitchell and carried unanimously for approval, as conditioned in accordance with the “Staff Report and Recommendation” with revisions to the following conditions:

4. **All parking must be on the Hideaway property, with no street parking allowed in the vicinity.** A parking area shall be provided on the premises to accommodate as many vehicles as possible, including any required ADA Accessible spaces. The petitioners should explore the possibility of providing a shuttle service and/or valet parking for patrons and guests. All parking shall be reviewed and authorized by the Town Planner and Waukesha County Planning and Zoning Staff. The business operator shall assist in ensuring that patrons do not park in prohibited locations along the road or offsite.
17. Four (4) “Special Events”, which are defined as any event in which space outside the restaurant (excluding the patio/deck) is utilized for patrons and that is not normally used for patron use during normal business hours. A “Special Event” shall include, but not be limited to, any large outside gatherings of more than 75 persons. A detailed description of the event, including but not limited to, type of event, location of parking, additional sanitary facilities, number of persons, length of time, etc. shall be submitted to the Town Plan Commission and Town Board for their review and approval. In addition, the Police and Fire Chief shall be notified of the event and the number of patrons. The Town Plan Commission and Town Board shall approve all Special Events at least ten (10) days prior to said event taking place. An event is a one (1) day occurrence and not a weekend; thereby each day constitutes a new event. All events shall end no later than 10:00 p.m. and no events shall be held on Sundays.
- 18b. Delete

24. Subject to the Conditional Use being reviewed on a yearly basis, in February of each year, to review the conditions of approval and to allow the Town Plan Commission and Waukesha County Park and Planning Commission to discuss any issues and/or concerns from the previous year with the owners. The Town Plan Commission and Waukesha County Park and Planning Commission may, at any time, decide an annual review is not necessary.

The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **SP13 (JTM Properties) Town of Oconomowoc, Section 36**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU6) listed above.

After a brief discussion, Mr. Mitchell moved, seconded by Mr. Peregrine and carried unanimously for approval, as conditioned in accordance with the “Staff Report and Recommendation” with revisions to the following conditions:

4. **All parking must be on the Hideaway property, with no street parking allowed in the vicinity.** A parking area shall be provided on the premises to accommodate as many vehicles as possible, including any required ADA Accessible spaces. The petitioners should explore the possibility of providing a shuttle service and/or valet parking for patrons and guests. All parking shall be reviewed and authorized by the Town Planner and Waukesha County Planning & Zoning Staff. The business operator shall assist in ensuring that patrons do not park in prohibited locations along the road or offsite.
18. Four (4) “Special Events”, which are defined as any event in which space outside the restaurant (excluding the patio/deck) is utilized for patrons and that is not normally used for patron use during normal business hours. A “Special Event” shall include, but not be limited to, any large outside gatherings of more than 75 persons. A detailed description of the event, including but not limited to, type of event, location of parking, additional sanitary facilities, number of persons, length of time, etc. shall be submitted to the Town Plan Commission and Town Board for their review and approval. In addition, the Police and Fire Chief shall be notified of the event and the number of patrons. The Town Plan Commission and Town Board shall approve all Special Events at least ten (10) days prior to said event taking place. An event is a one (1) day occurrence and not a weekend; thereby each day constitutes a new event. All events shall end no later than 10:00 p.m. and no events shall be held on Sundays.
- 18b. Delete
25. Subject to the Conditional Use being reviewed on a yearly basis, in February of each year, to review the conditions of approval and to allow the Town Plan Commission and Waukesha County Park and Planning Commission to discuss any issues and/or concerns from the previous year with the owners. The Town Plan Commission and Waukesha County Park and Planning Commission may, at any time, decide an annual review is not necessary.

The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

MISCELLANEOUS

• **Election of Officers for the Park and Planning Commission.**

It was decided that the new officers would be:

- Robert Peregrine, Chairperson
- William Mitchell, Vice Chairperson
- James Siepmann, Secretary

After discussion, Mr. Michalski moved, seconded by Mr. Maslowski and carried unanimously for approval as presented.

ADJOURNMENT

With no further business to come before the Commission, Mr. Siepmann moved, seconded by Mr. Michalski to adjourn at 3:20 p.m.

Respectfully submitted,

William Mitchell

William Mitchell
Secretary

WM:kb

(PLEASE FILL OUT COMPLETELY AND PLEASE PRINT. THANK YOU.)

NAME	ADDRESS	PHONE NUMBER	IN ATTENDANCE FOR THE MATTER OF:	RELATIONSHIP TO PETITIONER
SCOTT KRANVA	1145 MARY HILL CIR HARTLAND	414-772-1100		
PAUL BUCHER	355 AUSTIN CR DELAFIELD	262-203-4916	HILFRAVA X	ATTY
KEVIN CLARK	1601 E. FAIRVIEW AVE WAUKESHA	262-542-4272	HIDEAWAY	N/A
DAVE NOSEL	W358 N4959 Harbor Ct. Oconomowoc	414-399-4988	Okean die lake condos	
MARK NEUMANN	W379 S4726 E. KELLY LK RD. DOLLSMEAD	262-751-5880	"	
MIKE JOHNSON	N53 W34576 Rd Q Okauch	414 4918250	HIDEAWAY	
FRED MANSURE	N53 W34568 Rd Q Okauch	414-232-8805	HIDEAWAY	
DIANNE JOHNSON	N53 W34576 Rd Q Okauch	414399-3005	HIDEAWAY	