

**TOWN OF OCONOMOWOC  
PLAN COMMISSION MEETING MINUTES**

**March 4, 2024**

Chairman Robert Peregrine called the meeting to order at 5:00 p.m. Commissioner's present included James Navin, Dione Funk, Linda Bergman, Jim Roche, Wayne Euclide, and Pat Agnew. Also in attendance was Jacob Heermans and Rebekah Leto from Waukesha County Park and Planning and Administrator/Planner Jeffrey Herrmann. Clerk/Treasurer Lori Opitz was excused. For additional attendees please see the sign-in sheet.

**A Joint Public Hearing will be held by the Town of Oconomowoc Plan Commission and a Staff Representative of Waukesha County Department of Parks and Land Use to consider the rezoning request (RZ139) of Cypress Tree, LLC c/o Terry Bartowitz, to amend the District Zoning Map of the Waukesha County Shoreland Protection Ordinance to rezone portions of the property from the FLP Farmland preservation District to the R-1 Residential District to allow for the creation of two (2) approximately 2 acre residential parcels, in accordance with the density standards of the Farmland Preservation District. Lands zoned Environmental Corridor Overlay District and FLC Farmland Conservancy District are not proposed to change. The subject property is described as:**

**Tax Key No. 0488.994.003; Lot 3, Certified Survey Map No. 11032, redivision of Lot 1, CSM No. 6947, part of the NE ¼, SW ¼, and SE ¼ of Section 14 and part of the NE ¼ of Section 23, T8N, R17E, Town of Oconomowoc, and**

**Tax Key No. 0488.994.005; Lot 1, Certified Survey Map No. 11033, a division of Lot 4, CSM No. 11032, Section 14, T8N, R17E, Town of Oconomowoc.**

**More specifically, the two properties contain approximately 84 acres and are located north and east of Mapleton Lake Drive, respectively.**

**Immediately following the above public hearing, two additional joint public hearings will be held to consider the Conditional Use request for Cypress Tree, LLC c/o Terry Bartowitz, for an Unspecified Conditional Use (CU109) to allow guest quarters in conjunction with Angels Grace Hospice and Zachariah's Acres, and for Land Altering Activities (CU110) for grading proposed with the construction of the single family residences and guest quarters on the two proposed parcels. The descriptions of the properties are the same as the RZ139 listed above.**

Chairman Robert Peregrine opened the public hearing at 5:00 p.m.

Rebekah Leto of Waukesha County Park and Planning state the petitioner is proposing to create two 2-acre residential properties- one with frontage on Mapleton Lake and one located in the northeast portion of the subject lot via a CSM. Per the FLP District requirements, this requires that the lands be rezoned from the FLP District where new residential lots and parcels are not a permitted use to the R-1 Residential District. The proposed residential parcels comply with the lot size requirements (1-3 acres) set forth by the FLP rezoning process, as well as the minimum average width requirements (150 ft.) of the R-1 District. The conservancy zoning near the lake will remain unchanged. The remnant parcel would be combined into one out lot. It should be noted that the CSM currently notes the island within Mapleton Lake as Lot 3; however, this is not permitted per the FLP District requirements since it is not at least 35 acres. Therefore, the final CSM must show it as an out lot. It does not appear to be a buildable parcel and is mapped entirely as wetlands.

While the 38-acre eastern parcel technically has access from Norwegian Road via a 33 ft. wide access strip, access to both parcels would extend from the private road. The petitioners will need to seek approval for the creation of a lot not abutting a public road and a waiver from more than 2 residences on a private road and lots less than 3-acres on a private road from the Town and County Plan commissions. In addition,

**TOWN OF OCONOMOWOC  
PLAN COMMISSION MEETING MINUTES**

it will be recommended to the plan commissions that all previous easements be released, and a new easement document be recreated with the current easement agreements.

Each two-acre parcel will have a single-family residence and a guest house. Both parcels require a Conditional Use for land altering activities given the proposed site grading which is considered more than what is "normally" necessary for single family development. The proposed development on Lot 1 will require approximately 6 ft. of fill and the proposed development on Lot 2 will require 8 ft. of fill. A pole barn is proposed on Out lot 1, the remnant 68 acres, for the tree operation. The wetland and PEC around the lake will need to be delineated. All setbacks, offsets and impervious surface calculations are being met based on the preliminary plans.

In addition, an Unspecified CU is being requested to expand some of the existing uses from Zachariah's Acres, and proposed new uses, onto the subject property. The residences being proposed are meant to provide housing for caregivers who act as hosts for the guests in the respective quarters. One of the residents will be the petitioners. These guest houses will be on-site managed and free of charge for those who do not feel safe if they are too far removed from health care providers and those visiting AngelsGrace. The guest houses occupancy will fluctuate by the season, the Angels Grace Hospice census, holidays, etc. The petitioner believes the initially will start out at an annual 40% occupancy rate. In addition, a gazebo is proposed on Out lot 1 that will serve Zachariah's Acres and AngelsGrace visitors near the north side of the lake where there is an existing launch and floating pier system where visitors can rest when walking the existing trails or wait for a pontoon ride. Additional uses that occur on the property include hay wagon rides, snow showing, scavenger hunts, nature walks, the annual walk/run/roll fundraiser, tree planting, and Christmas tree sales.

The petitioner Terry Bartowitz stated in his twelve years of operation, they have accommodated nearly 80,000 visitors at Zachariah's Acres. Since inception, they have also invited individuals and families from Angels Grace Hospice to take a break and walk the trails. After a dozen years of servitude and partnership, deepening their connection to benefit the special needs and the end of life. They would provide an on-site managed, free of charge guest quarters that will not be less than 1,200 square feet and not to exceed 2,500 square feet for those who do not feel safe if they are too far removed from health care provides and young adults with special needs and those visiting loved ones at Angles Grace. He stated the one detached guest quarters would be built next to a newly occupied residence on the tree farm and the other one would be on the east shore of Mapleton Lake. He also reassured that the place of the residence, guest quarters, patio with gazebo on Mapleton Lake does not infringe on any farmland. The placement of the residence, guest quarters and pole building on the tree farm does not infringe upon any plantable acres; they consistently plant 1,400 evergreens per year and make available to Zachariah's Acres annual Christmas tree fundraiser where 1,700 to 2,400 community members support their operations. He also stated occupancy for the two new residences would be comprised of caregivers who act as hosts for the guests in the respective quarters and the guest quarter occupancy will be influenced by seasonal fluctuations, Angels Grave Hospice and holidays. He also stated as a full-time volunteer at Zachariah's Acres, it is his intent to exhibit a greater commitment by residing in one of the two residences and as part of this good faith request, it will include the dedication of a portion of the acreage contiguous to Zachariah's Acres as conservancy.

Krista Uhlenhake, N71W35500 Mapleton Lake Drive, stated there has been an easement on the property line since 2012, is concerned with shoreline erosion, fish being killed off, chemicals into the lake, lighting and any additional lighting, traffic and no public access.

Tom Hock, N71W35750 Mapleton Lake Drive, questioned the 6-family cottages that were not built.

Paul Westbrook, N71W35558 Mapleton Lake Road, is concerned with traffic on a dead end road and why they are not keeping up the farmland preservation.

**TOWN OF OCONOMOWOC  
PLAN COMMISSION MEETING MINUTES**

Keith Farley, W376N7985 McMahon Road is supportive of the request, traffic will not be a concern and Terry Bartowitz is very supported by the community.

Dave Peschek, N73W36381 S. Shore Drive stated he is in favor of the request.

Beth Knoelke, N79W34970 Peterson Road is a nurse at Angels Grace and is in favor of the request.

Chairman Robert Peregrine closed the public hearing at 5:48 p.m.

**Immediately following the above noted public hearings, a final joint public hearing will be held to consider the Conditional Use request (CU102) of Mathew Peterik, 210 Green Lake Drive, Myrtle Beach, SC, 29572-5508, for an unspecified conditional use to allow the existing indoor horse arena to be utilized for boat and RV storage. The subject property is described as Outlot 3, CSM No. 12095, Volume 123, Page 224, located in part of the NE ¼ of Section 13, Town of Oconomowoc. More specifically, the property is located at W340 N7737 Townline Road (Tax Key No. OCOT 0481.997.011).**

Chairman Robert Peregrine opened the public hearing at 6:00 p.m.

Jacob Heermans from Waukesha County Park and Planning stated the subject property is on the west side of Townline Road, East of Norwegian Road, South of Peterson Road, and the Union Pacific Railroad. It is the former David Robinson polo arena and is a 22.48-acre parcel (Out lot 3) created via a CSM in 2020. The CSM also created Lot 3, 4 and Out lot 4 and the lots are subject to a 66' wide ingress and egress easement and the outlots shall be used in accordance with the Farmland Preservation Provisions as noted in the Waukesha County Zoning code and/or Waukesha County Shoreland and Floodland Protection Ordinance. He also stated that on February 24, 2022, a complaint was received that a boat storage business was being run in the former arena. Staff relayed that the Farm Land Preservation allows for agricultural uses, consistent with the uses identified in the Ordinance and commercial boat storage is not an allowable use and the owner was instructed to remove the boats and in January of 2023 verification was received that all boats were removed from the property and that there was a pending offer on the property and the violation was closed. He stated a second complaint was received that boats were being stored in the AG building at the end of October 2023. The County spoke with the owner and the owner stated that he had obtained a Public Warehouse Keepers License from the State of Wisconsin and the County staff discussed the boat storage business and determined that the owner could apply for an unspecified conditional use permit and the Town Plan Commission and Zoning Agency will make a determination to see if the use is in conformance with the purpose and intent of the district. He also stated that there are things to consider that the property is accessed via a private easement and not a public road, residential home site West of the AG building are currently vacant and the fire department access is likely ok, but it will need to be reviewed further, inspected and a knox box installed.

Attorney Mike Schober provided a traffic study completed by TADI. Additional information about the pros and cons of the use as well as additional information on the Public Warehouse Keepers License that was submitted to Waukesha County and the Plan Commission.

Emily Weaver – stated her parents' own Out Lot 4 to the north of the Peterik Property. She stated that she worked for the former owner David Robinson when he operated the polo arena, and the polo events were generally closed to spectators, and it was a low impact use. She believes that the boat storage is a threat to agricultural sue, the driveway is in poor condition due to increased use, the arena building is used for motorcross when boats are not being stored and feels that there are currently 100-120 boats being stored.

**TOWN OF OCONOMOWOC**  
**PLAN COMMISSION MEETING MINUTES**

Christine Janssen, W340N7761 Townline Road stated she has been a property owner since 2020 and built a new home in 2022. She questions if the owner knew that the property would be used for boat storage all along and she is not in favor of the use.

Frank Janssen, W340N7761 Townline Road has owned the property since 2020 and has never met the neighbor. He has seen trucks move 10-20 boats a day and is wondering why the boats are being moved now and questions whether the use poses a safety hazard and if the fire department should be more involved.

Mike Graff, W399N7640 Townline Road, stated that boats are constantly leaving the property and not just during the times identified by the property owner.

Rich Weaver, 6275 Oakland Hills Road, owns Out Lot 4 stated the arena floor is gravel/sand and has concerns about contamination from the boats. He stated people are in the building all day and provide plowing service for the lot owners on the easement and feels that boat storage is not an AG use.

Davide Robinson, former polo arena property owner, stated he was told that boats were not allowed and marketed the property for horses. When he sold the property, he was told that the new owner (Peterik) did not have horses but had friends with horses who would use the arena building.

Chairman Robert Peregrine closed the public hearing at 6:32 p.m.

1. **Approve Minutes for meeting from February 19, 2024.** – Commissioner Navin made the motion to approve the February 19, 2024, meeting minutes as presented. Commissioner Bergman seconded the motion. Motion carried by unanimous voice vote.
2. **Public Comments.** - None
3. **Consider and Act on the Site Plan/Plan of Operation for Cool Joyce Studio. The subject property is described as part of the SW ¼ of Section 36, T8N, R17E, Town of Oconomowoc. More specifically the property is located at N51 W34936 E. Wisconsin Ave, Okauchee WI 53069 (Tax Key No. OCOT 0575.981).** – Commissioner Navin made the motion to approve the Site Plan/Plan of Operation for Cool Joyce Studio located at N51 W34936 E. Wisconsin Avenue per the recommendations of Administrator/Planner Herrmann's report dated February 27, 2024. Commissioner Bergman seconded the motion. Motion carried by unanimous voice vote.
4. **Consider and Act on the Site Plan/Plan of Operation for O'Town Auto, LLC (change of ownership). The subject property is described as part of the SE ¼ of Section 30, T8N, R17E, Town of Oconomowoc. More specifically the property is located at N56 W39369 Wisconsin Avenue, Oconomowoc WI 53066. (Tax Key No. OCOT 552.993.005).** – Commissioner Bergman made the motion to approve the Site Plan/Plan of Operation for O'Town Auto, LLC, change of ownership for the property located at N56 W39369 Wisconsin Avenue. Commissioner Roche seconded the motion. Motion carried by unanimous voice vote.
5. **Adjourn.** – Commissioner Bergman made the motion to adjourn at 6:40 p.m. Commissioner Funk seconded the motion. Motion carried by unanimous voice vote.

Respectfully submitted –  
Lori Opitz, WCMC  
Clerk/Treasurer