

**TOWN OF OCONOMOWOC
PLAN COMMISSION MEETING MINUTES**

November 21, 2022

Chairman Robert Peregrine called the meeting to order at 6:30 p.m. Commissioner's present included James Navin, Linda Bergman, Dione Funk, Jim Roche and Pat Agnew. Commissioner Terry Largent was excused. Also in attendance were Jacob Heermans from Waukesha Park and Planning, Administrator/Planner Jeffrey Herrmann and Clerk/Treasurer Lori Opitz. For additional attendees please see sign-in sheet.

A Joint Public Hearing will be held by the Town of Oconomowoc Plan Commission and a Staff Representative of the Waukesha County Department of Parks and Land Use to consider the rezoning request (RZ107) of Jacob Miller to rezone the property from the FLP Farmland Preservation District to the R-1 Residential District in order to divide a two-acre parcel from the existing larger parent parcel, currently utilized for agriculture, for the construction of a single-family residence. The property is described as part of the SW ¼ of Section 5, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at N68 W35460 CTH K, Oconomowoc, WI 53066 (Tax Key No. OCOT 521.997.001).

Chairman Robert Peregrine opened the public hearing at 6:30 p.m.

Jacob Heermans from Waukesha Park and Planning stated the property would be rezoned from the FLP Farmland Preservation District to the R-1 Residential District in order to divide a two-acre parcel from the existing larger parent parcel, currently utilized for agriculture, for the construction of a single-family residence. He also stated the 163-acre farm contains one dwelling unit and is available to have three (3), based on the 35-acre density and the proposed CSM and rezone creates a 2-acre parcel which conforms with the siting standards and the EHD has reviewed soil tests for a new home and provided their preliminary approval.

The applicant, Jacob Miller, stated that Jacob from Waukesha County explained exactly what he would like to do and that he did not have anything else more to add.

Chairman Robert Peregrine closed the public hearing at 6:33 p.m.

Immediately following the above, another Public Hearing will be held for Michael and Jodee Riggs, d/b/a Bayview Bread Co., who are requesting a Conditional Use for a Limited Family Business. The property is described as Lot 7, Heuser Subdivision, part of the NE ¼ of Section 45, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at W343 N6320 S, Bayview Road, Oconomowoc, WI 53066 (Tax Key No. OCOT 529.077).

Chairman Robert Peregrine opened the public hearing at 6:34 p.m.

Jacob Heermans from Waukesha Park and Planning stated the petitioner is seeking a conditional use for a limited family business that may operate in an attached garage and detached accessory building under a conditional use permit in residential or agricultural districts. He stated it is designed to accommodate a small family business without the necessity for relocation or rezoning, while at the same time protecting the interest of the adjacent property owner and any future development in the area and all employees, except one full-time equivalent, shall be members of the family residing on the premises. The plan commission and zoning agency shall determine the percentage of the property that may be devoted to the limited family business and the more restrictive determination shall apply. Also the conditional use permit shall restrict the number and types of machinery and equipment the limited family business operator may be allowed to bring onto the premises and whether the machinery and equipment must be stored inside of the building and the structures used in the limited family business shall be considered residential accessory buildings shall meet all the requirements for such building and the conditional use permit shall automatically expire and terminate on the sale of the property or its transfer to a non-occupant of the property. He also stated the owner purchased the property in 2003 and in 2007 was granted the 28 x 32 accessory building and since 2021 the owner has been utilizing the cottage bakery

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law to produce baked goods for sale; primarily at farmers markets. The lower level of the accessory building has been converted to a commercial kitchen and the owner is working with Waukesha County on permitting; the upper level contains an office and bathroom; owner needs a license from EHD to sell commercially and the only employees are the homeowners; personal vehicle is used for deliveries; no retail sales should be allowed and the website should state that accordingly and the use will expire at the sale of the property and this conditional use would be for a 1(one) year trial period. He also stated that he received 5 (five) e-mails from residents stating their concerns.

Applicant, Michael Riggs stated that he picks up all of his ingredients at Sysco and has no other deliveries except organic flour that comes every couple months and it's a truck as the size of an Amazon truck and has regular weekly garbage pick-up and nothing out of the ordinary and his business consists of just making breads and croissants and he delivers the orders.

Commissioner Bergmann asked if the Town or the County has received any complaints regarding this business; both Administrator/Planner Herrmann and Jacob Heermans from the County stated they have received no complaints and did not know the business was there until the applicant filed the for the conditional use.

Erik Mullett, Town Supervisor stated he is ok with the operation that is there, however, he was contacted by three area residents that are concerned about the size and the possible expansion and should be operated as a cottage bakery and nothing else and the conditional use should be denied and have it stay as a cottage bakery.

Thomas Carrigan, W343N6305 Bayview Road, asked what kind of impact the business would have on the septic system, he was ok with the Cottage Bakery business, but stated his website offers more than what he states in the hearing, which is bread and crossiants, and would like to have the conditional use have set guidelines and restrictions.

Mark & Maggie Smith, W343W6325 S. Bayview Road stated that they are concerned with the flow of traffic in the area, the smell that it could bring to the area and if this conditional use is granted does this open it up for others to follow in the area, which would bring in more businesses in a quiet residential area.

Tim Martens, W343N6300 S. Bayview Road, stated that he is the neighbor of the applicant and stated that he is in favor of the business and the request and stated he has not seen any noticeable impact to the daily life in the area from the business and the applicant and his wife should be allowed to do this because it is something they enjoy and it gives them a little more income; he stated the most impact he has seen in the area is all the orders that are being delivered by Amazon.

Chairman Robert Peregrine closed the public hearing at 7:20 p.m.

1. **Approve Minutes for November 7, 2022, meeting.** – Commissioner Navin made the motion to approve the November 7, 2022 minutes as presented. Commissioner Roche seconded the motion. Motion carried by unanimous voice vote.
2. **Public Comments.** - None
3. **Consider and Act on the Certified Survey Map (CSM) for Jennifer & Scott Krenz, W355N6106 Schooner Court. The properties are described as Lot 10 and Lot 11 in Lakeview Acres, part of the NE ¼ and NW 1/4, Section 26, T8N, R17E, Town of Oconomowoc (Tax Key No. OCOT 534.010).** – Commissioner Roche made the motion to approve the certified survey map for Jennifer & Scott Krenz, W355N6106 Schooner Court per the recommendation of Administrator/Planner Herrmann's report dated November 13, 2022. Commissioner Navin seconded the motion. Motion carried by unanimous voice vote.

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4. **Consider and Act on the Site Plan/Plan of Operation for Troy Martingilio d/b/a La Belle Automotive. The property is described as part of SE 1/4 and SW ¼, Section 30, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at N56 W39526 Marks Road (Tax Key No. OCOT 551.982.003).** – Commissioner Navin made the motion to approve the Site Plan/Plan of Operation for Troy Martingilio, d/b/a La Belle Automotive at N56W39526 Marks Road per the recommendation of Administrator/Planner Herrmann’s report dated November 13, 2022. Commissioner Funk seconded the motion. Motion carried by unanimous voice vote.

5. **Consider and Act on the request of John Grogan to replace existing retaining walls within 5 (five) feet of the property line. The property is described as SE ¼, Section 36, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at W340 N4963 Road O, Nashotah, WI 53058 (Tax Key No. OCOT 576.125).** – Commissioner Navin made the motion to approve the request of John Grogan to replace existing retaining walls within 5 (five) feet of the property line located at W340N4963 Road O. Commissioner Roche seconded the motion. Motion carried by unanimous voice vote.

6. **Adjourn.** – Commissioner Bergman made the motion to adjourn at 7:29 p.m. Commissioner Navin seconded the motion. Motion carried by unanimous voice vote.

Respectfully submitted –
Lori Opitz, WCMC
Clerk/Treasurer