

## **TOWN OF MUKWONAGO PLAN COMMISSION**

**JANUARY 5, 2011**

### **PUBLIC HEARING**

A Joint Public Hearing held by the Town of Mukwonago Plan Commission and Town Board at the Mukwonago Town Hall, W320 S8315 Beulah Road, Mukwonago, WI was called to order at 6:35 p.m. by Chairman D. Dubey.

Present: Commissioners M. Hintz, B. Holtz, K. McNelly, R. Schuett, G. Yerke, Supervisor P. Topczewski and Chairman D. Dubey.

Supervisors B. Lawn and T. Stefanowski.

Others Present: Attorney E. Larson, Planner T. Schwecke, Building Inspector S. Johnson and Clerk K. Wilson.

Absent: Supervisor F. Leppin.

### **PIEPER CONDITIONAL USE REQUEST FOR FAMILY WINERY**

D. Dubey read the notice stating the Town of Mukwonago Plan Commission and Town Board to consider the application (Application 2010 – 30) submitted by Peter Wormley, the current property owner, and Todd Pieper, potential buyer of subject property, to establish a family winery as a Conditional Use on a vacant parcel of land off of River Road.

Todd Pieper and his wife, Kathy, would like to build a ranch home with an exposed basement and a barn on the 10-acre property which slopes into a wildlife area. The first floor of the ranch home would be living area and the exposed basement would be the winery and tasting area. The entrance to the winery would face south with a view of the Vernon Marsh. He said they need DATCP approval to do wine processing. He said parking would be along the driveway and turn-around in the gravel or grassy areas.

T. Schwecke said the Plan Commission and Town Board first need to discuss the Conditional Use then get more specific with the Site Plan and Plan of Operation. He said based on the information in the application materials and representation made by the applicant, the applicant's proposal meets the five requirements set forth for a winery as an unspecified use. He questioned how the Commission and Board wanted to handle the outdoor activities. The plan shows 26 seats available for patrons inside of the building with an additional 16 seats on the exterior patio. He said eight parking spaces are required for the indoor seating with an additional five parking spaces for the additional outdoor seating.

D. Dubey said there will have to be a designated parking area.

K. McNelly said parking in winter will have to be addressed if the winery is open through December.

S. Johnson said the Commercial Building Code may be required for the home/winery depending on the floor plans.

G. Yerke questioned if grapes grow in the bottomlands. He thinks the southerly part of the property floods in spring.

T. Pieper said he would grow what he can grow and supplement with juices such as cherry from Door County and cranberry from the Warrens area. He said he can not sell directly to a restaurant. He will join a Wine Coop so they can sell to restaurants. He said the only employees would be his wife and him. Any help they would get would be from family members or friends that would not be paid employees. He said signage would be a 4' x 4' sign with no lights.

R. Schuett questioned the acreage that would be set aside for vineyards.

G. Yerke said it should be clear in the Conditional Use the number of or acreage of vineyards.

T. Stefanowski likes the idea of a winery, but has a problem with traffic on CTH I and parking concerns.

D. Dubey said the property is not in Shoreland regulation but questioned if the property is in the DNR Acquisition Area.

B. Holtz said the properties to the east and west of this property are owned by the DNR. She is in favor of the winery but is concerned about the soils because the watertable is so high.

T. Pieper said the outdoor activities would be to walk the property and enjoy the scenic area. They are proposing to be open Friday, Saturday and Sunday from 10:00 a.m. to 5:00 p.m. from May 1- December 31. They are interested in presenting wine programs to community groups on an appointment basis. They would not be serving food. They are investigating selling wine glasses, corkscrews and other wine accessories.

### **Citizen Comments**

**John Schoettel**, River Road, said he lives across from the property.

He questioned if the winery conditions were not met, would the Town revoke the Conditional Use.

D. Dubey said there is a procedure to follow to do a termination.

**Jack Walrath**, River Road, said he has lived in his home for three years and moved there because he wanted peace and quiet and to be away from business.

He asked how many buildings would be involved with the business.

He questioned the use of pesticides and herbicides next to a State wildlife area.

He asked if Piepers were going to irrigate and take down the water level. There would be more truck traffic if they have to bring in juices to supplement their supply of fruits. He said there may be a problem with access off of CTH I.

He is opposed to the proposal. He does not want to have sales of liquor in an agricultural area.

**Kay Clabault**, Avon Drive, (sister of Kathy Pieper) said Piepers would live on site and would be concerned if there was a traffic problem. She feels the proposal would be good for the Town and Village.

**Judy Morris**, Circle Drive, is in support of the proposal. She is a friend of Piepers and she said their wines are fantastic.

**Don Jewel**, Muskego, is working on Pieper's building proposal. He said the winery is a "passion" for Piepers.

B. Holtz said a vineyard and winery are considered agricultural uses in Wisconsin.  
T. Pieper said nothing huge would be coming on the property. A pick-up truck or van or UPS truck would bring in any needed juices or supplies.

**John Schoettel** said when he built his house, he had to share a driveway on River Road.

**Jack Walrath** said selling other products besides wine will add traffic. He questioned if the property perked.

Public Hearing closed at 7:33 p.m.

**Plan Commission** was called to order at 7:33 p.m.

Chairman D. Dubey said the meeting was noticed.

Present: Commissioners M. Hintz, B. Holtz, K. McNelly, R. Schuett, G. Yerke, Supervisor P. Topczewski and Chairman D. Dubey.

Others Present: Supervisors B. Lawn and T. Stefanowski.

Attorney E. Larson, Planner T. Schwecke, Building Inspector S. Johnson and Clerk K. Wilson.

Absent: Supervisor F. Leppin.

Motion by G. Yerke, seconded by R. Schuett, to approve the December 1, 2010 Plan Commission Minutes as written. Motion carried.

Motion by R. Schuett, seconded by P. Topczewski, to approve the November 17, 2010 Special Plan Commission Minutes as written. Motion carried.

## **PIEPER CONDITIONAL USE REQUEST FOR FAMILY WINERY**

### **Conditional Use**

All members of the Plan Commission except M. Hintz were in favor of the winery. Some questioned if the property is in the DNR Acquisition Area and questioned the soils and access.

K. McNelly suggested that the Town should inquire of the DNR if the property is in the acquisition area.

T. Schwecke questioned if the "by appointment" times should be considered Special Events.

Winery would be open May 1 through December 31 on Friday, Saturday and Sunday from 10:00 a.m. – 5:00 p.m. Owners would be on site year round to take care of their product.

T. Schwecke suggested an annual review and a minimum planting plan.

**Site Plan and Plan of Operation**

G. Yerke said it is about a 30' incline from the house to the road. He questioned the barn being at the front of the lot.

S. Johnson said the maximum driveway grade is 10%.

T. Schwecke said there needs to be more detail regarding the parking. It should be closer to the entrance of the winery and should be a hard surface.

**RESOLUTION FOR RON LAMBERT'S REQUEST FOR PACE FUNDING**

Ron Lambert said he is submitting an application to the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) for funding under the PACE Program for property off of CTH E that the Town previously approved as a subdivision plat for Grey Hawk Meadows. He is requesting a resolution of support from the Town of Mukwonago. He plans on farming the 107 acres and raising Arabian horses and beef cattle.

D. Dubey said the property is zoned A-1 and the Master Plan shows the area as single family.

Motion by K. McNelly, seconded by P. Topczewski, to recommend to the Town Board to approve a resolution of support for Ron Lambert's application to the Wisconsin Department of Agriculture, Trade and Consumer Protection for PACE Funding.

Motion carried.

**NEW LOTS CREATED**

D. Dubey said according to the Assessor's Report there were no new lots created in the Town of Mukwonago in December.

Motion by P. Topczewski, seconded by R. Schuett, to adjourn at 8:18 p.m.

Motion carried.

Katherine W. Wilson  
Town Clerk  
Town of Mukwonago