

County Zoning Agency
MINUTES
January 17, 2019 – 4:30 p.m.
100 West Walworth Street
Elkhorn, Wisconsin

Committee Chair Tim Brellenthin called the meeting to order at 4:30 p.m.

Roll call – Committee members present were Supervisors Tim Brellenthin, Dave Weber, Rick Stacey, Susan Pruessing and Jerry Grant. Citizen Members Richard Kuhnke, Sr. and Jim Van Dreser were absent/excused. A quorum was present.

County Staff present – Land Use and Resource Management Department Director Michael P. Cotter, Deputy Director/Shannon Haydin, and Site Planner/Hearing Facilitator Matt Weidensee. Present for a portion of the meeting / hearing David Bretl/County Administrator, Nick Sigmund/Senior Zoning Officer, Brian Smetana/Agricultural Conservation Technician.

A “sign-in” sheet listing attendees on January 17, 2019 is kept on file as a matter of record.

Details of the January 17, 2019 meeting / hearing are on a digital recording which is on file and available to the public upon request / video to view on our website: www.co.walworth.wi.us

Dave Weber motioned to approve the agenda as amended to table items 8.b.1.) JHGKL, LLC / Super Aggregates. Seconded by Rick Stacey. Motion carried. 5-favor 0-oppose.

Jerry Grant motioned to approve the December 20, 2018 minutes. Seconded by Sue Pruessing. Motion carried. 5-favor 0-oppose

Zoning / Sanitation / Land Conservation Enforcement – Michael Cotter
Disc Count #4:34:53 – 4:35:12

Subdivision Items – Old Business – None

Subdivision Items – New Business –

1. **George Christon Trust and Karon M. Christon Trust** proposed 1 lot Certified Survey Map, Located in Section 35, T4N, R15E, Town of Whitewater, Tax Parcel #'s DCHR 00003, DCHR 00004, DCHR 00005, DCHR 00006. The purpose of the proposed CSM is to combine lots 3, 4, 5 and 6 of Christon Heights Subdivision into one lot of 9.13 acres. The property is zoned R-1 (Single Family Residential) and C-2 (Upland Resource Conservation District). County Zoning Agency review of this CSM is required to approve the dual zoning on the CSM parcel and to approve the release of restrictions placed on the original Subdivision Plat including building envelopes, stormwater management easement, Christon Court Road (Vacated by the Town), and a utility easement. Note: these restriction removals only pertain to the area encompassed by this CSM.

Warren Hansen speaks regarding the application.

Rick Stacey motioned to approve with the following conditions: 1) Approval is subject to obtaining an amendment to the existing Planned Residential Development

Conditional Use Permit from the County Zoning Agency; 2) Approval is subject to complying with the amended conditional use permit; 3) Approval is subject to amending the Covenants and Restrictions for this subdivision to reflect the changes to the lots that are being made; 4) Approval is subject to obtaining a land disturbance, erosion control & stormwater approval from the Walworth County Land Conservation Office prior to construction if required by the Walworth County Code of Ordinances; 5) Approval is subject to meeting all applicable state statutes and Walworth County Ordinances. Seconded by Jerry Grant. Motion carried. 5-favor 0-oppose.
Disc Count #4:35:16 – 4:40:31

2. **Penwern LLC and Jeremy and Julie Levy** proposed 1-lot, 1-outlot Certified Survey Map, Section 33, Town 2 North, Range 16 East, Town of Delavan, Parcel #'s FA127000003 and FA127000004. The proposed CSM contains 2.382 acres of land and is zoned R-2A: Single Family Residence District (Sewered). The proposed CSM needs County Zoning Agency Committee review and approval because the proposed access easement serves more than two parcels. The CZA Committee will also need to modify the private road width standard of the Walworth County Subdivision Ordinance.

Atty. Anthony Colletti speaks regarding the application.

Dave Weber motioned to approve with the following conditions: 1) Approval is subject to preparing and recording a maintenance agreement for the access easement; 2) Approval is subject to identifying outlot 1 as an Ingress and Egress Easement and specify the parcels of land that it serves; 3) Approval is subject to showing the stone wall on the face of the CSM; 4) Approval is subject to meeting all requirements of state statutes and county ordinances. Seconded by Rick Stacey. Motion carried. 5-favor 0-oppose.

Disc Count #4:40:35 – 4:48:43

3. **Oak Park Road Building LLC & Comer Family Trust**, proposed 2-lot, Certified Survey Map, Section 26, Town 4 North, Range 16 East, Town of La Grange. Parcel #'s HOP 00001, HOP 00002 (Lots 1 and 2 of Oak Park Subdivision) and H LG26000037. The proposed CSM contains 1.47 acres of land and is zoned R-1 Single Family Residence District. This CSM requires County Zoning Agency review and approval because it crosses the exterior boundary of a subdivision plat.

Atty. Anthony Colletti speaks regarding the application.

Rick Stacey motioned to approve with the following conditions: 1) Approval is subject to obtaining a construction site erosion and sediment control permit prior to any land disturbance or vegetation removal activity; 2) Approval is subject to meeting all requirements of state statutes and county ordinances. . Seconded by Dave Weber. Motion carried. 5-favor 0-oppose.

Disc Count #4:48:46 – 4:51:51

Old Business - Ordinance Amendments – None

Old Business – Discussion Items –

1. Future of **Livestock Siting** in Walworth County – Shannon Haydin

Rick Stacey motioned to TABLE this matter until February CZA Meeting. Seconded by Sue Pruessing. Motion carried. 5-favor 0-oppose.
Disc Count #4:52:45 – 4:53:22

New Business - Ordinance Amendments – None

New Business – Discussion Items –

THIS ITEM NOT HEARD – Tabled for Variance

- ~~1. **JHGKL, LLC – Owner, Super Aggregates C/O Jack Pease – Applicant** – Amendment of a conditional use for grading and excavation within the 100 foot stockpile setback and 200 foot excavation setback and relocation of stockpile storage to within zero to fifty feet of property lines as per plans submitted with variance approvals required. Tax Parcels G SC 900004 and 4A, Sugar Creek Township.~~
2. **Beber Camp Property Inc. – Owner**, – Amendment of a conditional use for the addition of a 2018 Staff Housing Building resulting in a less than 25% increase in building structures since the last CU hearing. Tax Parcels P ET 500003, 6C, 10, 11 and P ET 400007 and 8, East Troy Township.

1-17-2019 – Amended for Staff Housing Building, see condition #1, 16.

2-18-16 – Amended re seasonal yurt platform complex and associated restroom, shower and recreational building, conditions #1, 17.

4-16-09 – Amended re addition of health center, conditions #1, 15, & 16.

NAME: ~~B'NAL B'RITH BEBER CAMP – HENRY MONSKY~~ **Beber Camp** **Property, Inc.**

TOWN: EAST TROY

A conditional use permit for the addition of a Health Center to a children's summer camp for non-winterized summer use as specified in Chapter 74, Division 4, Walworth County Code of Ordinances, Walworth County, Wisconsin, on lands zoned C-2 Upland Resource Conservation District, and described as follows:

Tax Parcel #'s P ET 400007, P ET 400008, P ET 500002, P ET 500003, P ET 500006C, P ET 500010, P ET 500011

Has been APPROVED subject to the following conditions:

1. The Conditional Use for the recreational youth camp and conference center **with a new health center and amended 2-18-2016 for a seasonal yurt platform complex and associated restroom, shower and recreational building and amended January 17, 2019 for addition of the 2018 Staff Housing Building as shown on a site plan dated Received December 27, 2018** is approved as per the plan submitted **with all additional conditions**.
2. Use of the grounds shall be limited to normal recreation youth camp and conference center use as stated in the plan of operations.
3. All housing for the youth camp and conference center users shall occur in the buildings identified on the plan.

4. The project must meet with all State, Federal and local approvals.
5. The applicant must obtain the required County Zoning permits.
6. Hours of operation shall be as stated in the plan of operations.
7. Sufficient adult supervision must be present at all times when the camp or center is used by children.
8. The total capacity of the camp and conference center shall be as identified in the plan of operations.
9. The applicant must obtain an approved Land Disturbance, Erosion Control and Stormwater permit from Land Conservation if required by Ordinance.
10. The project site must meet with all County sanitary requirements.
11. All perimeter fencing shall be maintained as identified on the project plan.
12. The applicant obtaining adequate liability insurance and keep the insurance current during the life of this conditional use.
13. All lighting must be shielded and directed on to the property.
14. Parking must meet with requirements of the county zoning ordinance. All parking across from residential zoning must be setback 25 feet from the roadway. All parking must be in compliance with County requirements within 60 days of this approval.
15. **If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.**

Specific Conditions:

16. ~~The existing health center must be removed from the site by September 15, 2009.~~
17. **There shall be a noise curfew enforced at 10:00 P.M. for the benefit of the surrounding neighbors as per the Town.**

Dated this 21st day of August, 2008.

COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

Dated this 21st day of August, 2008.

COUNTY ZONING AGENCY
RICHARD BRANDL, CHAIRMAN

**Dave Weber motioned to approve. Seconded by Jerry Grant. Motion carried.
5-favor 0-oppose.**

Disc Count #4:53:25 – 4:55:31

3. **George and Karon Christon Trust – Owner**, – Amendment of a conditional use for a six lot PRD to be converted to a three lot PRD by combining lots 3 through 6 of Christon Heights Subdivision into one CSM parcel and leaving lots 1 and 2 as configured., Tax Parcels DCHR-1 through 6, Whitewater Township.

Amended 1/17/2019 to vacate the road and combine lots 3 through 6 into one C.S.M. parcel and cause the six lot PRD to be a three lot PRD (see # 1, 8, 9, 11, 16, 17.

NAME: CHRISTON TRUST, GEORGE C. CHRISTON AND KARON - OWNERS

TOWN: WHITEWATER

A conditional use permit for a ~~6~~ **three**-lot Planned Residential Development as specified in Chapter 74, Division 4, Walworth County Code of Ordinances, Walworth County, Wisconsin, on lands zoned C-2 Upland Resource Conservation District and R-1 Single-Family Residence District (Unsewered), and described as follows:

Tax Parcel #'s ~~D-W 3500001, D-W 3500001B, and D-W 3500001C~~ **DCHR 00001 through 6.**

Has been APPROVED subject to the following conditions:

1. Approved as per plan submitted **and amended 1-17-2019 to vacate the road and combine lots 3 through 6 into one C.S.M. parcel and cause the six lot PRD to be a three lot PRD** with all additional conditions.
2. The applicant must obtain a land disturbance, erosion control & stormwater approval from Walworth County Land Conservation Office prior to construction if required by Section 26 of the Walworth County Code of Ordinances. The construction activities of this development must comply with the Walworth County Land Disturbance, Erosion Control and Stormwater Management Standards contained in Section 26 of the Walworth County Code of Ordinances. All grading must be conducted consistent with the approved Land Disturbance, Erosion Control and Stormwater Management Plan. All topsoil generated from the site must be evenly distributed back onto the site on the areas from which it was removed or in areas in need of the topsoil. The quantity of topsoil generated from one lot may not be located on another lot within the development at the expense of the lot from which the topsoil was generated. No materials may be removed from the site without county approval. An operation and maintenance plan for each stormwater best management practice must be prepared and included in the covenants and restrictions or other documents governing the homeowner association created for this development. The plat prepared for this subdivision must show the location and label each stormwater best management practice planned to serve the development.
3. The owner/applicant must obtain all required zoning and sanitary approvals prior to construction.
4. The owner must meet all town, county and/or state highway access requirements.
5. The project must meet all federal, state, county and local ordinances.
6. The owner/applicant must provide a tree cutting and restoration plan meeting ordinance requirements for review and approval. Tree cutting shall be limited to that specified on the approved plan of operations.
7. No alteration of the shoreland/wetland area shall be allowed without county required approval.
- ~~8. The roads shall meet with county road standards as provided for in the Walworth County Land Division Ordinance.~~
9. This Planned Residential Development (PRD) is approved as a ~~six~~ **three** lot single-family subdivision **as amended 1-17-2019** subject to subdivision association rules. The governing rules for the subdivision association shall be submitted to the Walworth County Land Use and Resource Management Department for review for consistency with county ordinances and requirements. Any changes to the subdivision association rules that may affect county approval of the PRD must obtain additional county conditional use review and approval.
10. The proper preservation, care and maintenance by the original and all subsequent owners of the design of the PRD and all common structures, facilities, essential services, access and open spaces including use of the open space shall be assured by deed restriction referencing the subdivision plat and association rules. All property within the subdivision must remain as part of the subdivision and may not be removed from the subdivision without county approval.
- ~~11. The preliminary plat and final plat shall identify the building envelope on each individual lot within the subdivision prior to approval. A typical envelope diagram shall not be acceptable.~~
12. The county reserves the right to rescind this conditional use upon any violation of county regulations.
13. The property owner shall be held solely responsible for addressing all restrictive covenants or association rules beyond those enforceable under county ordinance and regulations.
14. All cars shall be parked in the marked spaces as identified on the approved plan of operations. Use capacity of the site shall be restricted by the cars capable of being parked in the marked spaces as identified on the plan. Parking must meet with requirements of the county zoning ordinance. The off street parking area shall be graded and surfaced so as to be dust free and properly drained. All parking areas shall be clearly marked. All parking must be in compliance with county requirements within 60 days of this approval.

15. Any changes to the character, intensity or use of this site not capable of being discerned by the Walworth County Land Use and Resource Management Department as consistent with this approval must be brought before the Walworth County Zoning Agency for additional conditional use review.

Specific Conditions:

- ~~16. Lots one through four shall meet the setbacks of the C-2 zone district and lots five and six shall meet the R-1 setback requirements.~~
17. **The building setbacks for Lot 1 and Lot 2 of Christon Heights shall be as shown on the approved plat and the building setbacks on the new C.S.M. created from Lots 3 through Lot 6, as well as the vacated road, shall be as required by the Zoning Ordinance.**

Dated this 21st day of December, 2006.

COUNTY ZONING AGENCY
RICHARD KUHNKE, SR., CHAIRMAN

**Jerry Grant motioned to approve. Seconded by Dave Weber. Motion carried.
5-favor 0-oppose.
Disc Count #4:55:32 – 4:58:03**

4. **Oversea Investor Funding LP – Owner**, - Amendment of conditional use for expansion of an outdoor pool and decking area by greater than 25% at the Lodge on Geneva Ridge Condominium development. Tax Parcels JLGR – All, Geneva Township.

Amended 1/17/2019 for expansion of outdoor pool area and deck (see #1).

Amended 10/18/2018 to replace the nursing home use with a new conditional use for a retirement home containing 120 age-restricted (55+), independent adult living apartments and grant three year time extension.

***Amended 6/18/2015 see conditions # 1, 17, 19, 26, 31, 40**

***Amended 12/19/2013 see conditions #1, 41 and 42**

NAME: GR Senior Housing LP/The Lodge at Geneva Ridge Condominium Association (John Maier Jr. Attorney at Law- agent)

The property owner is requesting to eliminate the memory care and assisted living uses from an approved nursing home in the portion of the Geneva Ridge Condominium Hotel identified as unit one. The owner is seeking approval to replace the nursing home use with a new conditional use for a retirement home containing 120 age-restricted (55+), independent adult living apartments. The new facility would be known as the Geneva Ridge Independent Adult Living Facility and referred to as the "ALF". The initial construction would contain 96 of the proposed 120 adult apartments and the remaining 24 apartments listed as optional would be constructed when market conditions warrant. All utility and support facilities to serve the ALF, including the water tower, Red Chimney Road improvements, storm water facilities, parking, landscaping, and water and sanitary sewer extensions would be constructed concurrently with the building improvements. Construction access would be off Chimney Road near Hwy 50. The engineering and other submittals for the construction of the approved nursing home are all applicable to the construction of the new ALF building and only the use has substantially changed. The ALF facility would have sprinklers for fire protection. The vehicular traffic patterns for the new ALF are proposed to be the same as proposed and approved for the current nursing home CUP. The existing cross access easements between the users of the complex remain as originally proposed. The plan for the rebuilding of Red Chimney Road are part of the existing Development Agreement with the Town of Geneva.

TOWN: Geneva

Tax Parcel #'s JLGR-all described **by a condominium plat for the Lodge At Geneva Ridge.**

Has been APPROVED subject to the following conditions:

1. Approved per plans submitted for an existing hotel to include 202 hotel rooms, **a 120 apartment senior housing facility as a retirement home** and outdoor recreational area for outdoor food and beverage **with amended 1/17/2019 for expansion of outdoor pool area and deck as per plan submitted dated 1/3/2019** under condominium ownership as a Planned Unit Development (PUD) **and amended 12/19/2013 to allow the multiple units of the senior housing element to be**

combined into one unit and amended 6/18/2015 to allow the hotel and adult living facility (ALF) buildings with a 20 foot building separation as per plan submitted with all additional conditions as stated.

2. The project must meet all Federal, State, County and local Ordinances.
3. The applicant shall be responsible for meeting all requirements of the Condominium Ownership Act (State Chapter 703) and the County Subdivision Control Ordinance. The transfer of ownership of any units may only include, therewith, a fractional interest in the site on which the unit is located and such transfer shall not result in the subdivision of minor subdivision as defined under the Walworth County Subdivision Control Ordinance.
4. This Planned Unit Development is approved as condominium subject to a condominium declaration. The proper preservation, care and maintenance by the original and all subsequent owners of the exterior design of the condominium and all common structures, facilities, essential services, access and open spaces shall be assured by deed restriction referencing the condominium declaration.
5. Use of the common area, private areas and limited common areas shall be restricted to those identified in the plan of operations and the approved condominium declaration.
6. There shall be No alterations of the shoreland setbacks or wetlands without obtaining County required approvals.
7. The roads shall meet County road standards as provided for in the County Land Division Ordinance. The owner must meet all Town, County and/or State highway access requirements.
8. The declaration for the condominium association must assure that sewerage waste load will not increase over time without providing necessary sewerage capacity.
9. The applicant must obtain all required zoning permit and sanitary approvals for each structure prior to construction on site. No additional structures shall be added to the plan without obtaining County approval and a zoning permit. This permit does not include conditional use approval for any amenity that is not specifically identified on the project plans as approved. The Zoning Office prior to issuance of a zoning permit shall further review all structure locations. All structures in the shoreland area will be required to meet the requirements of the County Shoreland Zoning Ordinance.
10. All cars shall be parked in the marked spaces as identified on the approved plan of operations. Use capacity of the site shall be restricted by the cars capable of being parked in the marked spaces as identified on the plan. Parking must meet with requirements of the county zoning ordinance. The off street parking area shall be graded and surfaced so as to be dust free and properly drained. All parking areas shall be clearly marked. All parking must be in compliance with County requirements within 60 days of zoning permit approval.
11. The applicant must obtain a Land Disturbance, Erosion Control & Stormwater approval from Land Conservation Office prior to construction if required by Section 26 of the Walworth County Code of Ordinances. The construction activities of this development must comply with the Walworth County Land Disturbance, Erosion Control and Stormwater Management standards contained in Section 26 of the Walworth County Code of Ordinances. All grading must be conducted consistent with the approved Land Disturbance Erosion Control and Stormwater Management plan. All topsoil generated from the site must be evenly distributed back onto the site on the areas from which it was removed or in areas in need of the topsoil. No soil may be removed from the site without County approval. An operation and maintenance plan for each stormwater best management practice must be prepared and included in the covenants and restrictions or other documents governing the homeowner association created for this development. The plat prepared for this development must show the location and label each stormwater best management practice planned to serve the development.
12. The applicant must provide a tree cutting, landscaping and restoration plan meeting ordinance requirements for review and approval. Tree cutting shall be limited to that specified on the approved plan and narrative.
13. The applicant shall submit an outdoor lighting plan for review and approval prior to construction. All lighting shall be shielded and directed on site.
14. The County reserves the right to rescind this conditional use upon any violation of County regulations.
15. Implementation of this conditional use is subject to all requirements of Wis. Chapter 703 regarding changes to condominium plats and declarations. The property owner shall be held solely responsible for addressing all restrictive covenants beyond those enforceable by County regulations (including those within the condominium declaration). The condominium declaration must be submitted to the County Land Management Department for review for consistency with County ordinances and requirements and the conditional use approval. Any wording of the condominium declaration, which in the opinion of the County Land Management Department is inconsistent with County approvals including the plat, amended narrative, ordinances or requirements will require County conditional use review and approval. The condominium

declaration and any other separate declarations, covenants and restrictions on this property shall be consistent with the plat created for the development and comply with and or not conflict with all requirements of Wis. Statute 703.

16. The applicant must phase construction substantially in compliance with the approved plan, use restrictions and condominium declaration. Any changes to phasing, ownership or specified use within each phase must be added to the condominium declaration by addendum and reviewed by the Land Management Department for approval.
17. Application with Walworth County for approval of the condominium plat, recording of the plat and the entire project plan shall occur within one year of this conditional use approval, **if necessary, as amended 10/18/2018**. The condominium plat shall be accompanied by the complete condominium declaration.
18. Any changes to the character, intensity or use of this site not capable of being discerned by the Land Management Department as consistent with this approval must be brought before the County Zoning Agency for additional conditional use review.
19. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period **from the date of the conditional use amendment approval on 10/18/2018**. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

Specific:

20. Due to multi-jurisdictional review resulting from extraterritorial zoning, this conditional use was reviewed and approved by the County under County Shoreland Zoning Ordinance jurisdiction for the shoreland portion of the property only. Environmental reviews and approvals shall take into consideration all impacts upon the shoreland portion of the property from both on and off site.
21. The roadways are intended to remain private.
22. The declaration for the condominium association shall assure that sewerage waste load will not increase over time without providing necessary sewerage capacity. The applicant shall provide verification of available sewerage capacity for the project prior to construction starting on site.
23. No access to the lake is approved as part of this PUD approval. The unit owners are non-riparian and have no private property rights to Lake Como. The neighboring riparian property owners may not make general arrangements for allowing access to Lake Como for the hotel and adult living facility unit owners without obtaining conditional use approval for a public marina.
24. The condominium units within the hotel portion of the PUD shall be for transient use only. No stays of 30 days or longer shall be allowed. The units shall be rented out as hotel rooms by a hotel management agency (Agency). The Agency shall keep records of all occupancies and lengths of occupancies for each unit that may be reviewed at any time by the County or Town to assure the transient use of units.
25. This conditional use is only valid if all jurisdictional municipal approvals are granted for the development.
26. The construction of the new **Adult Living Facility Building adjacent to** the existing hotel shall require the installation of the proposed water tower, **or other reservoir and distribution system reviewed and approved by the Town Plan Commission and Board** for fire safety purposes **as per the Town**.
27. No backwashing of the filter systems from the swimming pools into the stormwater treatment facility shall be allowed.
28. The Spa shall be allowed to be open to the general public including the indoor pool in the hotel.
29. This conditional use shall replace the existing approval for the site as solely a condominium hotel and allows a 202 room hotel, a 120 ~~apartment unit~~ senior housing facility **as a retirement home** and outdoor recreational area for outdoor food and beverage under condo ownership as a Planned Unit Development (PUD) as specified in Chapter 74, Division 4, Walworth County Code of Ordinances, Walworth County, Wisconsin, on lands zoned B-4 Highway Business District.
30. Any changes to utility easements, stormwater management practices, use intensity or improvements upon the adjoining tax parcels as a result of the PUD must obtain the neighboring property user's and owner's approval (I.E. Interlaken Condominium Association)

31. The new plat shall provide assurance against use conflicts between the condominium hotel and senior housing elements by regulation of common area and limited common area uses.
32. The property owner shall obtain legal rights of access on Red Chimney Road and Interlaken Drive by either owning the road or obtaining and recording access easements prior to this conditional use being valid.
33. The property owner shall obtain legal rights to the off-site stormwater management basins and utilities to serve the project by either owning the property or obtaining easements prior to this conditional use being valid.
34. The County is not party to nor in approval of the submitted "Project Development Agreement" dated May 21, 2012 and will require any future land divisions, use changes, access and utility easements to meet with all County ordinances and requirements prior to recording of the new condominium plat and declaration.
35. The water, sewer, stormwater, utility and drainage systems including safety and maintenance of the detention basins, **and Red Chimney Road** shall be reviewed and approved by the Town Plan Commission and Board prior to installation as per the Town.
36. Any future amendments of the Conditional Use plan shall be reviewed by the Town Plan Commission and Board as per the Town.
37. The Agreement of May 21, 2012 shall be part of the Town Developer's Agreement as per the Town.
38. A **new** Town approved Developer's Agreement shall be in place prior to the issuance of a Town building permit and commencement of construction as per the Town.
39. The capacity and design of the sanitary force main sewer plans shall accommodate and be available for hook up by the units on the south shore of Lake Como as per the Town.
40. Construction of the Adult Living Facility shall commence within **three** years of this approval **as amended 10/18/2018** or come back to the Town Plan Commission for a new recommendation from the Town Board as per the Town.
41. **The County is not party to any lease arrangements upon the common and or limited common areas as established in the Declaration. Any use of the common areas and/or limited common areas shall be consistent with open space recreational activities by the Condominium association members, for use by the Commercial Unit and ALF owners or obtain specific separate conditional use approval.**
42. **This condominium is approved as per plan submitted. Any proposed future structures or building additions shall require conditional use approval and addendum to the condominium plat.**
43. **The letter dated October 4, 2018 from Attorney John Maier shall be included as part of the conditional use application as per the Town.**

Dated this 21st day of June, 2012.

COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

Dated this 19th day of December, 2013

COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

Dated this 18th day of June, 2015

COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

Dated this 18th day of October, 2018.

COUNTY ZONING AGENCY
TIM BRELLENTHIN, CHAIRMAN

**Rick Stacey motioned to approve. Seconded by Dave Weber. Motion carried.
5-favor 0-oppose.**

Disc Count #4:58:08 – 5:00:33

Public Hearing: 5:30 p.m.

Ordinance Amendments – None

Rezones with Conditional Uses –

1. **David A. Hernandez and Tereasa Surratt – Owners**, Section 2, Sugar Creek Township. Rezone approximately 1.3 acres of R-1 Single Family Residential (shoreland and non-shoreland) zoned property to the C-2 Upland Resource Conservation (shoreland and non-shoreland) District. The rezone is accompanied by a conditional use request to add an adjacent approximately 22.3 acres condominium property to the existing Camp Wandawega recreational camp in order to expand the campground by addition of three new group recreational camp areas and one Public/Private group tent camp resulting in a total of 46 potential additional camp users. Tax Parcels GLVPC 00001 through 4 for the rezone and includes Tax Parcel GA455200001 and 2 for the conditional use.

*** AMENDED *** (* 7/10/2013)

*** SECOND AMENDED *** (** 9/4/2013)

Amended January 17th, 2019 for 22.3 acre land addition and 46 additional guest camping individuals. (see #1, 3, 5, 8, 14, 18, 19, 20, 21.

NAME: David A. Hernandez
Tereasa Surratt
**JMA Pleasant Lake Properties

TOWN: Sugar Creek

The application indicates: The property owners are requesting to rezone 3.12 acres of land from R-1 to P-1 in order to bring a historic recreational camp into compliance with the County Zoning Ordinance. The recreational camp is regulated by a conditional use permit allowing for the following uses: Kids' Camp, Art Camp, Band Camp, public assembly uses for weddings, Mass in the Grass (outside church activities during the spring through summer on Sundays) and a caretaker's quarters for the owners of the property. **The CU is amended January 17th, 2019 to add approximately 22.3 acres of C-2 land to the recreational camp to provide for three Recreational Camps and one Public/Private group tent camp to the existing recreational campground. The additional three recreational camps would consist of camp #1 a six unit (structure) camp for a group of 12 people and camp #2 & 3 two four unit (structure) camps for use by groups of 12 people each for a total of 36 new recreational campers to the overall campground. Camp #4, a proposed group Public/Private Campground facility with five proposed, two person tents for a total of a group of 10 people tent camping is also proposed to be added to the overall campground.**

Tax Parcels ~~GLW 00280 and GLW00 381 and Parts of Tax Parcels G SC 200007 and~~

~~**G SC 200001.~~ **GA455200001 & 2 and GLVPC 00001 through 4 and all common area**

Has been APPROVED subject to the following conditions:

General:

1. The Conditional Use for the recreational *youth camp is approved as per the plan submitted **and amended January 17th, 2019 to add approximately 22.3 acres of C-2 land to the recreational camp to provide for three recreational camps and one public/private group tent camp to the existing recreational campground. The additional three recreational camps would consist of camp #1 a six unit (structure) camp for a group of 12 people and camp #2 & 3 two four unit (structure) camps for use by groups of 12 people each for a total of 36 new recreational campers to the overall campground. Camp #4, a proposed group public/private campground facility with five proposed, two person tents for a total of a group of 10 people tent camping is also proposed to be added to the overall campground.**

2. Use of the grounds shall be limited to the recreation camp activities as stated in the plan of operations excluding shared parking.
3. All housing for the recreational camp users shall occur in the buildings identified on the plan **for camp guest housing**. There shall be no overnight stays in any structure not identified on the site plan as a **camping** cabin, guest room or caretaker's residence **or approved tent. (i.e. There shall be no camp guests allowed to stay in the caretaker's quarters, picnic pavilion, nature watching stand areas, storage shed, craft cabin, camp shower house, garage, shed, treehouse, gazebo, unlabeled structures, etc.)**
4. The project must meet with all State, Federal and local approvals.
5. The applicant must obtain all required County Zoning permit. **The location or labeling of a potential structure on the approved conditional use site plan shall not be determinative of zoning permit requirements, setbacks, size or locational approvals (i.e. see - reported grey water tank location, shed, etc.).**
6. Hours of operation shall be as stated in the plan of operations.
7. Sufficient adult supervision must be present at all times when the camp is used by children.
8. The total capacity of the camp shall be as identified in the plan of operations with 25 onsite beds with a **total of 25 50camping guests in the existing recreational camp, 36 new recreational campers in sites # 1-3, a group of 10 people tent camping as a group public/private camp in site #4 for total of 71 96 overnight camp users** and **an overall total of 150** attendees for public assembly of weddings and Sunday outdoor church services.
9. The applicant must obtain an approved Land Disturbance, Erosion Control and Stormwater permit from Land Conservation if required by Ordinance.
10. The project site must meet with all County sanitary requirements.
11. All perimeter fencing shall be maintained as identified on the project plan.
12. The applicant obtaining adequate liability insurance and keep the insurance current during the life of this conditional use.
13. All lighting must be shielded and directed on to the property.
14. Parking must meet with requirements of the county zoning ordinance. All parking **shall meet the exterior boundary setbacks established for a recreational camp with exception for the street yard setback from the roadway to the existing and expanded parking lot as shown shall be granted established street yard across from residential zoning must be setback 25 feet from the roadway.** All parking must be in compliance with County requirements within 60 days of this approval.
15. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
16. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

Specific:

17. The parking standards have been modified by this conditional use to allow overflow parking on the grass during the occasions of events as stated in the project narrative and depicted of the project plan. Normal recreational camp (non-event) use shall use the surfaced parking as depicted on the project plan.
18. **The approved parking for the public/private group tent camp #4 shall be shown on the site plan meeting all parking requirements and may remain unsurfaced and shall be surfaced prior to the group tent camp area #4 use.**
19. **There shall be no new disturbance to the exterior buffer for the recreational camp as shown on the approved site plan.**

20. The grass event parking shall be used solely for approved events for public assembly of weddings and Sunday outdoor church services, as specified in the conditional use narrative above.
21. The proposed primary water, toilet and shower facility and second water source as labeled on the site plan shall be installed and functional prior to a campsite needing the water supply within 300 feet and or toilet within 400 feet being used for camping.

Dated this 20th of June, 2013. / Dated this 10th day of July, 2013

COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

Dated this 4th of September, 2013.

COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

**Atty. Rob Van Scoyoc and David Hernandez speak regarding the application.
Speaking in OPPOSITION: Jeff Hattendorf, Greg Roth, James Parchem. David Hernandez speaks in rebuttal.**

Rick Stacey motioned to approve with amendment to include quiet hours from 10:30 p.m. to 8:00 a.m. Fri to Sun and holidays, 9:30 p.m. to 8:00 a.m. Mon-Thurs. Seconded by Jerry Grant. Motion carried. 5-favor 0-oppose.

The rezone petition will move forward to the February 12, 2019, Walworth County Board for possible action.

Disc Count #5:36:43 – 6:24:40

Rezones –

1. **Jerome M. and June E. Rogosineski – Owners**, Section 7, East Troy Township. Rezone approximately 31.95 acres of A-1 zoned property to the C-2 Upland Resource Conservation District in order to divide the property into three parcels. Tax Parcel P ET 700004.

Jerry Rogosineski speaks regarding the application.

Rick Stacey motioned to approve. Seconded by Dave Weber. Motion carried. 5-favor 0-oppose.

The rezone petition will move forward to the February 12, 2019, Walworth County Board for possible action.

Disc Count #6:24:44 – 6:29:48

Conditional Uses –

1. **DMTD Investments, LLC – Owner, Tim O’Leary – Applicant**, Section 30, East Troy Township. Conditional use approval for construction of a pole barn on a farm separation remnant to be used for the storage of farm equipment. Part of Tax Parcel P ET3000002.

General:

1. Approved per plan submitted to construct a building for farm use on a farm separation remnant with all additional conditions.
2. Must meet all applicable Federal, State, County and local regulations.
3. The applicant must obtain Township approval for access prior to construction on site.
4. No further land divisions of the parcel will be allowed without proper County approvals.
5. The building shall serve the stated agricultural purpose.
6. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
7. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

Specific:

Tim O’Leary speaks regarding the application.

**Rick Stacey motioned to approve. Seconded by Dave Weber. Motion carried.
5-favor 0-oppose.**

Disc Count #6:29:54 – 6:32:17

2. **Walter and Bente Goldstein – Owners, Section 18, Spring Prairie Township. Conditional use approval for a bed and breakfast in their home. Tax Parcel O SP1800002.**

General:

1. Approved per plans submitted for a bed and breakfast establishment with all additional conditions.
2. Must meet all applicable Federal, State, County and local regulations.
3. The owner of the bed and breakfast establishment shall reside in the establishment any time there are guests on site for bed and breakfast use.
4. All cars shall be parked in the marked spaces as identified on the approved plan of operations. Use capacity of the site shall be restricted by the cars capable of being parked in the marked spaces as identified on the plan. Parking must meet with requirements of the county zoning ordinance. The off street parking area shall be graded and surfaced so as to be dust free and properly drained. All parking areas shall be clearly marked. All parking must be in compliance with County requirements within 60 days of this approval. The driveway to the site must be a minimum of 12 feet wide.
5. Hours of operation shall be 24 hours per day. Guest shall check in by 4:00 p.m. and check out by 12:00 p.m.
6. One exterior advertising sign, not exceeding nine square feet in area, may be erected on the premises. Signage must be identified on the plan of operations and the applicant must obtain the required sign permit from the County Zoning Office.
7. Access to the site must be as identified on the plan.
8. All lighting shall be shielded and directed onto the property.
9. No outside storage of goods or materials shall be allowed on site.
10. The property owner shall be responsible for enforcing quiet hours between 10:00 p.m. and 7:00 a.m.
11. No bedrooms shall be permitted to be located in an accessory structure.
12. Individual rentals shall not exceed 14 consecutive days in length.

13. No retail sales shall occur in a bed and breakfast establishment.
14. No meal except breakfast is served and the breakfast is provided only to lodgers.
15. No more than 4 rooms may be for rent with a maximum of 10 guests.
16. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
17. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

Specific:

18. There shall be no additional light added to the property and any changes to lighting must be reviewed for shading and direction on site.
19. There shall be no parking on the streets for registered guests.
20. There shall be no unattended fires allowed on site.

Bente Goldstein speaks regarding the application.

Dave Weber motioned to approve. Seconded by Rick Stacey. Motion carried. 5-favor 0-oppose.

Disc Count #6:32:21 – 6:35:28

3. **Brian Davis – Owner, Section 14, Spring Prairie Township.** Conditional use approval for a bed and breakfast in a home. Tax Parcel O SP1400002E03.

General:

1. Approved per plans submitted for a bed and breakfast establishment with all additional conditions.
2. Must meet all applicable Federal, State, County and local regulations.
3. The owner of the bed and breakfast establishment shall reside in the establishment any time there are guests on site for bed and breakfast use.
4. All cars shall be parked in the marked spaces as identified on the approved plan of operations. Use capacity of the site shall be restricted by the cars capable of being parked in the marked spaces as identified on the plan. Parking must meet with requirements of the county zoning ordinance. The off street parking area shall be graded and surfaced so as to be dust free and properly drained. All parking areas shall be clearly marked. All parking must be in compliance with County requirements within 60 days of this approval. The driveway to the site must be a minimum of 12 feet wide.
5. Hours of operation shall be 24 hours per day. Guest shall check in by and out would be between 11:00 a.m. and 8:00 p.m.
6. One exterior advertising sign, not exceeding nine square feet in area, may be erected on the premises. Signage must be identified on the plan of operations and the applicant must obtain the required sign permit from the County Zoning Office.
7. Access to the site must be as identified on the plan.
8. All lighting shall be shielded and directed onto the property.
9. No outside storage of goods or materials shall be allowed on site.

10. The property owner shall be responsible for enforcing quite hours between 10:00 p.m. and 7:00 a.m.
11. No bedrooms shall be permitted to be located in an accessory structure.
12. Individual rentals shall not exceed 14 consecutive days in length.
13. No retail sales shall occur in a bed and breakfast establishment.
14. No meal except breakfast is served and the breakfast is provided only to lodgers.
15. No more than 4 rooms may be for rent with a maximum of 10 guests.
16. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
17. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

Specific:

18. There shall be no additional light added to the property and any changes to lighting must be reviewed for shading and direction on site.
19. There shall be no parking on the streets for registered guests.
20. There shall be no unattended fires allowed on site.

Brian Davis speaks regarding the application.

Speaking in OPPOSITION: Benjamin Netz. Rebuttal by Brian Davis.

Rick Stacey motioned to TABLE for a drone video and information on any association for Paradise Valley. Seconded by Dave Weber. Motion carried. 5-favor 0-oppose.

Disc Count #6:35:33 – 6:57:07

Adjournment

Rick Stacey motioned to adjourn. Seconded by Jerry Grant. Motion carried. 5-favor 0-oppose

The meeting was adjourned at 6:57 p.m.

Submitted by Sheril Oldenburg, Recording Secretary.
Minutes are not final until approved by the committee at its next meeting.