

County Zoning Agency
MINUTES
February 18, 2021 – 4:30 P.M.
100 West Walworth Street
Elkhorn, Wisconsin

Committee Chair Rick Stacey called the meeting to order at 4:35 p.m.

Roll call – Committee members present in person were Supervisors Rick Stacey, Dave Weber, Ryan Simons, and Citizen Members Richard Kuhnke, Sr. Supervisor Jerry Grant, Sue Pruessing and citizen member Jim Van Dreser appear by telephone. A quorum was present.

County Staff present – Land Use and Resource Management Department Director Michael P. Cotter, Senior Planner/Hearing Facilitator Matt Weidensee via video. Present for a portion of the meeting / hearing Senior Zoning Officer Nicholas Sigmund, Senior Urban Conservation Technician/Fay Amerson, and Conservation Technician Brian Smetana.

A “sign-in” sheet listing attendees on February 18, 2021 was not presented due to the continued COVID-19 threat.

Details of the February 18, 2021 meeting / hearing are on a digital recording which is on file and available to the public upon request / video to view in the agenda center on the website:
www.co.walworth.wi.us

Dave Weber motioned to approve the agenda as amended to table item 9.d.1.) John Leek Trust; 9.f.1.) The Salvation Army – Army Lake Camp; and 9.f.3.) Joseph and Wendy Staller. Seconded by Ryan Simons. Motion carried. 7-favor 0-oppose.

Richard Kuhnke, Sr. motioned to approve the January 21, 2021 CZA Meeting Minutes Seconded by Dave Weber. Motion carried. 7-favor 0-oppose

Zoning / Sanitation / Land Conservation Enforcement –Staff provides update on DLSD issue.
Disc Count #4:37:57 – 4:39:43

Wendeberg Violation Update – Lee Huempfer – Estee Scholtz -
Discussion by Staff, Atty Huempfer and Atty Scholtz regarding court case with Wendeberg and moving forward on clean-up matters, notification to defendant and contracting for removal.

This matter will return for further discussion at future meetings. No action is taken by the Committee.

Disc Count #4:39:44 – 4:52:02

Subdivision Items – Old Business – None

Subdivision Items – New Business – None

Old Business - Ordinance Amendments – None

Old Business – Discussion Items – None

New Business - Ordinance Amendments – None

New Business – Discussion Items –

1. **Como Road Storage LLC C/O Erwin Hintz - Owner**, Section 21, Geneva Township. Amend CU to add a five car storage building that is less than 25% of existing buildings to an existing approved storage facility. Tax Parcel J G 2100008A.

Amended 2/18/2021 for addition of a 28 ft. by 50 ft. storage building. See # 1

NAME: ERWIN AND MARY HINTZ

TOWN: GENEVA

A conditional use permit for use of a school for professional offices and a day care center with existing storage facilities in the rear of the building as specified in Chapter 74, Division 4, Walworth County Code of Ordinances, Walworth County, Wisconsin, on lands proposed to be zoned B-2 General Business District, and described as follows:

All of Tax Parcel #J G 2100008A

Has been APPROVED subject to the related rezone passing County Board and the following conditions:

1. Approved as per plan submitted allowing a daycare center and storage facilities as per plan submitted **and amended 2/18/2021 for addition of a 28 ft. by 50 ft. storage building** with all additional conditions.
2. No general public sales allowed from the storage facility. No business activities other than specified in the plan of operations may be conducted from out of the storage facilities.
3. On site hours of operation for the storage facilities shall be from 6:00 a.m. to 6:00 p.m. seven days a week.
4. Must meet all applicable federal, state, county and local regulations.
5. Outside lighting shall be shielded and directed on site.
6. The applicant must obtain all required zoning permit approvals including a sign permit if different from the present sign.
7. No burning of waste materials shall occur on site.
8. The applicant must obtain the required town, county and/or state highway approval for the access.
9. The applicant must obtain a Walworth County Land Disturbance, Erosion Control and Stormwater Management permit from the Walworth County Conservation Office if required by 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 this approval.
11. The project site must be kept neat, clean, and mowed in all areas.
12. No new equipment may be stored outside without county approval.
13. Use of the daycare facility shall be limited to a maximum of 20 children consistent with the state license and according to the operations plan submitted.
14. The applicant/owner shall obtain and maintain adequate liability insurance for the daycare center.
15. All parking must occur in the areas identified on the approved plan. Parking must meet with requirements of the county zoning ordinance. All parking must be graded and surfaced so as to be dust free. All parking for business on site must be in compliance with county requirements within 60 days of this approval.
16. 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:

17. This conditional use shall replace the existing conditional use for the storage facilities on site.
18. Retail sales may not occur in the office portions of the existing building without first obtaining county approval of a revised parking plan meeting county ordinance requirements for the entire site.

Dated this 8th day of January, 2008.

COUNTY ZONING AGENCY
RICHARD KUHNKE, SR., CHAIRMAN

Staff presents request.

Dave Weber motioned to approve with amended condition. Seconded by Jerry Grant. Motion carried. 7-favor 0-oppose.
Disc Count #4:52:08 – 4:53:57

2. **ConAgra Foods Packaged Foods LLC – Owner, Section 32, Darien Township. Amend CU Request and after the fact amend conditional use to allow for additional land disturbance due to extra topsoil discovered and needed to be excavated and relocated during the North Lagoon Modification project. Tax Parcel B D 3200001.**

NAME: Conagra Foods Packaged Foods, LLC (f/k/a Bird's Eye)

TOWN: Darien

A conditional use permit for an industrial waste storage pond as specified in Chapter 74, Division 4, Walworth County Code of Ordinances, Walworth County, Wisconsin, on lands zoned A-1 Prime Agricultural Land District, and described as follows:

Part of Tax Parcel #'s B D 2800007, B D 2900007, B D 3200001, and B D 3300014

Has been APPROVED after the appropriate findings were made as required by State Farmland Preservation Program **Sec. 91.46** Wis. Stats. Subject to the following conditions:

1. This facility is approved per plan submitted as a temporary wastewater storage facility for wastewater from **ConAgra Foods Packaged Foods, LLC** vegetable process plant and amended 2/18/2021 for a land restoration spoils disposal location to be applied to agricultural land with all additional conditions.
2. Use of the site shall be strictly limited to the materials (process vegetable wastewater) specified in the plan of operations. All materials stored on site must be permitted for land application.
3. There shall be no other users of the wastewater storage facility.
4. The owner/operator must comply with all Federal, State, County and local regulations. The property owner shall meet all testing and monitoring requirement for the facility prior to land application of the wastewater.
5. All signage must conform to County ordinance standards.
6. The owner shall notify the County if any changes are made regarding operation of this site including quantity, location and type of materials to be stored on site.
7. The site shall be maintained in a nuisance free condition. The owner shall be held solely responsible for the control of dust, odors, fire, vermin, insects, rodents, filth, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.
8. If applicable conditions are violated, Walworth County may require a clean-up schedule, modification of the process operation or termination of the operation and this conditional use permit.
9. Staff may conduct inspections necessary to ensure site is operated and maintained according to all applicable regulations.

10. The owner must obtain a Land Disturbance, Erosion Control and Stormwater Permit from Land Conservation Office. This permit may require the installation of a stormwater catch basin for drainage from off the loading area and storage areas.
11. The owner/operator shall provide a copy of all required certification from D.N.R. for the conditional use file and keep the certifications current in the County file.
12. 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.
13. 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:

14. Proper access must be granted by the State Department of Transportation prior to operations.
15. The site shall be used for location of a wastewater storage facility solely for the food processing plan.
16. The property owner must prepare a spill prevention plan, complying with USEPA and WDNR standards as per the County Conservation Office.
17. **The wastewater storage lagoon shall be removed and the property graded back to acceptable agricultural contours under approval of a new conditional use permit for agricultural land restoration upon termination of use.**
18. **Approved subject to Conagra's execution of an agreed upon second amendment to the wastewater lagoon agreement previously executed by and between the Town and Birds Eye, LLC, as per the Town.**

Dated this 17th day of February, 2011.

COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

Dated this 20th day of August, 2020.

COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

cc: Town of Darien, Cecil R. Logterman, Chairman, N2826 Foundry Rd, Darien, WI 53114
Town of Darien, Marilyn Larson, Clerk, N2826 Foundry Rd., Darien, WI 53114

**Staff presents request – After the Fact hearing.
Michelle Spruth/Foth speaks regarding the application on questions from the
Committee.**

**Richard Kuhnke, Sr. motioned to approve. Seconded by Dave Weber. Statement by
Staff concerning moving forward by LURM with the “after the fact” amendment of
the conditional use due to addressing odors prior to spring. Motion carried.
7-favor 0-oppose.**

Disc Count #4:53:58 – 5:00:23

3. **Transformative Arts** – Request for Amendment of the conditional use for the Belfry Theater to allow temporary reduction in the number of required parking stalls based on Covid 19 capacity limits, Tax Parcel F D 3600001.

Approved 2/18/2021 for Temporary reduction in capacity and parking stalls as per plan submitted. See #1

Approved 11/15/2018 for expansion of the caretakers quarters causing expansion of greater than 25% requiring conditional use approval as if establishing the PUD anew.

Amended 10-18-2018 for expansion of a 12 unit hotel/motel with one caretaker dwelling in order to make the already approved hotel/motel units larger and add two parking stalls for a caretaker's dwelling.

Amended 8-16-2018 for outdoor food and beverage on a patio, restroom addition and expansion of to the lobby, expansion of the theater back stage and storage area and hotel/motel use when theater is not used. See conditions #1, 2, 9, 14, 21.

Amended 4-24-2018, condition #1

NAME: Transformative Arts, Inc.

TOWN: Delavan

Tax Parcel #F D 3600001

Has been APPROVED subject to the following conditions:

General:

1. The Conditional Use is approved and per plan and plan of operations submitted for use of the existing Belfry Theater for public assembly uses as a conditional use including: theater, musicals performances, meetings, conferences, weddings and receptions and related activities **and amended April 24, 2018 to include restrooms, utility rooms, revised parking and a holding tank as per the revised site plan dated received 4-19-2018.** Amended 8-16-2018 as per plan submitted to allow outdoor food and beverage on a new patio, restroom addition to lobby, expansion of the lobby area, expansion of the back stage and storage area of the theater building and hotel/motel/office use in the existing residential structure when theater is not used with use of the residential structure for staff and performers when the theater is in use. Amended 10-18-2018 for expansion of a 12-unit hotel/motel with one caretaker dwelling in order to make the already approved hotel/motel units larger and add two parking stalls for a caretaker's dwelling and Approved 11-15-2018 for expansion of the caretaker's quarters resulting in total expansion of greater than 25% requiring conditional use approval as if establishing the PUD anew and amended 2/18/2021 for temporary reduction in the number of parking stalls required due to reduced capacity during the Covid 19 pandemic from 64 stalls to 24 stalls serving a capacity of the theater of 120 total occupants to be reviewed again in June, 2021.
2. Use of the Theater shall be limited to the uses as stated in the plan of operations. **Any onsite food service shall be in conjunction with the use of the theater for activities specified in the plan of operations. Food service is to be provided to persons while attending a theater performance.**
3. The project must meet with all State, Federal and local approvals.
4. The applicant must obtain all required County Zoning permit including a sign permit for any proposed signage.
5. Sufficient adult supervision must be present at all times when facilities are in use.
6. The applicant must obtain an approved Land Disturbance, Erosion Control and Stormwater permit from Land Conservation if required by Ordinance.
7. The applicant is responsible for obtaining adequate liability insurance and keeps the insurance current during the life of this conditional use.
8. All lighting must be shielded and directed on to the property.
9. All parking must occur in the areas identified on the approved plan. Parking must meet with requirements of the county zoning ordinance. All parking must be graded and surfaced so as to be dust free. All parking must be in compliance with County requirements within 60 days of this approval. **Parking for hotel/motel use of the existing residential structure shall be covered by the theater parking area. Use of the theater parking area for hotel/motel use shall only occur when the theater is closed to all use until such time as separate parking is reviewed and approved for the hotel/motel use.**
10. The property owner must obtain the required County sanitary permit approval for facilities to be located on site.

11. 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.
12. 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:

13. All outdoor lighting shall be “dark sky” and shielded from the neighboring properties as per the Town.
14. The hours of operation shall be 8:00 a.m. to 11:59 p.m. during and surrounding the days of performances as per the Town. **Hotel/Motel use shall occur 24 hours per day when the theatre is not in use with check in and checkout between the hours of 8:00 a.m. and 10:00 p.m.**
15. All garbage will be enclosed and removed as per the Town.
16. There shall be no outdoor performances or outdoor speakers/sound systems as per the Town.
17. The Theater shall be connected to a septic or sanitary sewer system within 2 years as per the Town.
18. All traffic must exit the property by use of the Hwy 67 exit as per the Town.
19. Directional traffic signage shall be provided indicating the one-way use of the drive access and exit to the site.
20. The Theater shall have a maximum capacity of 235 people including caterers, band employees, and staff.
21. The property owner shall provide a copy of approval from the appropriate building inspector for the County file prior to use of the Theater for public assembly events **and the residential structure being used for any type of commercial stays by staff/performers or hotel/motel use.**
22. There shall be no enclosure of the drainage swale between the Theatre and the on-site residence without first contacting the WI. D. O. T. for culvert sizing and design standards and obtaining a construction site erosion control and stormwater permit from the County Conservation Office.
23. **Units within the hotel/motel may not constitute dwellings without meeting the 40,000 square foot lot size per dwelling unit.**
24. **Approval subject to all parking meeting County requirements.**

Dated this 15th day of November, 2018.

COUNTY ZONING AGENCY
TIM BRELLENTHIN, CHAIRMAN

cc: Town of Delavan, Ryan Simons, Chairman, 5621 Town Hall Road, Delavan, WI 53115
Town of Delavan, Dixie Bernsteen, Clerk, 5621 Town Hall Road, Delavan, WI 53115

Staff presents request.

Michael Deutsch speaks regarding the application.

**Dave Weber motioned to approve. Seconded by Jim Van Dreser. Motion carried.
7-favor 0-oppose.**

Disc Count #5:00:25 – 5:07:21

4. Plat review language concerning written approval for proposed private roads from emergency service units – Rick Stacey

Rick Stacey presents request for discussion. Staff discusses current standards per ordinance. Staff will discuss and return next month with more information.

Disc Count #5:07:22 – 5:25:49

5. Price County Resolution 6-21 – Revise Wisconsin Act 67 to Return Authority on Conditional Use Permits to Local Control (To be referred to the County Zoning Agency)

Staff presents request. Recommends placing this matter on file.

Richard Kuhnke, Sr. motioned to place this matter on file. Seconded by Ryan Simons. Motion carried. 7-favor 0-oppose.

Disc Count #5:25:50 – 5:27:59

5:32 p.m.:

Ordinance Amendments – None

Rezoning with Conditional Uses –

TABLED – AT REQUEST OF APPLICANT

1. ~~**John Leek Trust – Owner**, Section 26, Sharon Township. Rezone approximately 1.654 acres of A-1 Prime Agricultural Zoned property to the A-4 Agricultural Related Manufacturing warehousing and Marketing District in order to obtain conditional use approval for using existing and proposed pole buildings for Recreational Vehicle and Boat Storage. Part of Tax Parcel AA411700001.~~

Rezoning –

1. **Brian Madl – Owner**, Section 17 & 18 Lafayette Township. Rezone approximately two acres of C-4 Shoreland Lowland Resource Conservation District and C-1 Non-Shoreland Lowland Resource Conservation District to the A-2 Agricultural Land District to match the wetland boundary to delineated field conditions and remove portions of an existing house and accessory structure from the designated wetland area. Part of Tax Parcel KA300700001.

Staff presents request.

No One Appeared regarding the application.

Jim Van Dreser motioned to approve. Seconded by Dave Weber. Motion carried. 7-favor 0-oppose.

The rezone petition will move forward to the March 9, 2021 Walworth County Board for possible action.

Disc Count #5:32:14 – 5:35:02

Conditional Uses –

TABLED – INCOMPLETE APPLICATION

1. ~~The Salvation Army – Army Lake Camp, Sections 9 and 16, East Troy Township. Expansion of the Army Lake Camp by review and approval of a conditional use request for a new master plan to add 93 additional camp beds, by addition of seasonal staff housing, additional adult housing, staff residences, a health center, a chapel, recreation pavilion, pool and pool house and maintenance building along with remodeling of some existing camp housing and addition of a boat ramp. Tax Parcels PA348300001, PA348300002, PA348300003, PA348300004.~~
2. **Randy Fischer – Owner, Section 14, Linn Township. Conditional use review and approval for storage of boat lifts for sale outside on an existing B-2 General Business District property that was an auto repair facility. Tax Parcel I L 1400002B4.**

General Conditions:

1. Approved per plans submitted for outdoor storage of boat lifts along with use of the building for maintenance of Reed’s Constructions vehicle and equipment and for assembly of boat lifts to be sold from the site with all additional conditions.
2. All storage areas, materials and equipment shall be located as defined on the plan of operations.
3. The site shall meet all applicable federal, state, county and local regulations.
4. The owner/applicant must obtain all required zoning and sanitary approvals prior to use of the site as approved this conditional use permit.
5. Access approval must be obtained from the town highway department.
6. Hours of operation shall be from 6:00 a.m. to 6:00 p.m. Monday – Friday and 6:00 a.m. to noon on Saturday with return of equipment from off-site work up to 9:00 p.m.
7. No burning shall be allowed on site without a state burning facility license and any required local approvals.
8. The project site must be kept neat, clean, and mowed. The site shall be maintained in a nuisance free condition. The owner shall be held solely responsible for the control of dust, odors, fire, vermin, insects, rodents, filth, fluid/oils spills, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.
9. There shall be no expansion of this boat lift assembly and storage facilities into industrial manufacturing without first obtaining required zone district approval. Approval of industrial zoning at this location is not guaranteed and would require consistency review with the Town and County Land Use Plans.
10. 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.
11. Any changes to the character, intensity or use of this site not capable of being discerned by the Walworth County Land Management Department as consistent with this approval must be brought before the Walworth County Zoning Agency for additional conditional use review.

Specific Conditions:

12. The storage area may not be leased to other users without new conditional use approval for recreational vehicle and boat storage.
13. Boat lifts may not be stored on the septic system infiltration field. The property owner must located the septic system infiltration field or obtain other system approval from the County Sanitarian prior to storing boat lifts outside on the property.

Staff presents request.

Randy Fischer speaks regarding the application.

Dave Weber motioned to approve. Seconded by Richard Kuhnke, Sr. Motion carried. 7-favor 0-oppose.

Disc Count #5:35:03 – 5:39:44

TABLED - NO TOWN DECISION

- ~~3. Joseph and Wendy Staller — Owners, Section 17, Richmond Township. Conditional use review and approval to have a wine tasting bar with outdoor food and beverage area on a property zoned B-4. Tax Parcel C R 1700021.~~

Statement by Staff concerning continued use of the virtual component for CZA Meetings in the future for the convenience of all parties.

Adjournment

Dave Weber motioned to adjourn. Seconded by Richard Kuhnke, Sr. Motion carried. 7-favor 0-oppose

The meeting was adjourned at 5:45 p.m.

Submitted by Sheril Oldenburg, Recording Secretary.

Minutes are not final until approved by the committee at its next meeting.