

County Zoning Agency
MINUTES
February 21, 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 and Citizen Member Jim Van Dreser. Citizen Member Richard Kuhnke, Sr. was absent/excused. A quorum was present.

County Staff present – Land Use and Resource Management Department Director Michael P. Cotter and Site Planner/Hearing Facilitator Matt Weidensee. .

A “sign-in” sheet listing attendees on February 21, 2019 is kept on file as a matter of record.

Details of the February 21, 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

Rick Stacey motioned to approve the agenda as amended to table items 8.b.2.) David A. Hernandez and Tereasa Surratt – Owners, Robert T. VanScoyoc, Sweet & Maier, S.C. – Applicant; 8.b.4.) Sugar Creek Lutheran Church – Owner, Ervin Schlepp / representative; 8.d.1.) Karl Sawyer – Owner. Seconded by Jerry Grant. Motion carried. 6-favor 0-oppose.

Sue Pruessing motioned to approve the December 20, 2018 BOA Training minutes and the January 17, 2019 CZA Meeting minutes. Seconded by Dave Weber. Motion carried. 6-favor 0-oppose

Zoning / Sanitation / Land Conservation Enforcement – Michael Cotter
Disc Count #4:34:11 – 4:34:24

Subdivision Items – Old Business – None

Subdivision Items – New Business – None

Old Business - Ordinance Amendments – None

Old Business – Discussion Items –

1. **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 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 **by staff.**
19. There shall be no parking on the streets for registered guests.
20. There shall be no unattended fires allowed on site.

Committee views the drone video recorded and discusses lighting issues with applicant. Applicant indicated attempts at different lighting. Dave Weber motioned to approve with the addition of “by staff” approval on paragraph 18. Seconded by Jerry Grant. Motion carried. 6-favor 0-oppose. Disc Count #4:34:30 – 4:46:36

New Business – Discussion Items –

1. Time limits for presentations and public comment

Discussion by the CZA regarding the possibility of setting time limits for hearing items. Jim Van Dreser requests this matter return next month with a chart laying out potential time frames as discussed.

Disc Count #4:46:38 – 4:56:43

THIS ITEM NOT HEARD - Incomplete application, Request to table by applicant

- ~~2. **David A. Hernandez and Tereasa Surratt – Owners, Robert T. VanScoyoc, Sweet & Maier, S.C. – Applicant** Amendment of a conditional use on lands zoned P-1 and C-2 to relocate recreational camp areas #2 and #3 in an approved recreational camp, Tax Parcels GA455200001 and 2 and GLVPC 00001, 2, 3, and 4, Sugar Creek Township.~~
3. **Reid and Linda Sorensen – Owners** – Amendment of an existing conditional for an A-2 zoned commercial stable to allow an expansion of a 30 ft. by 36 ft. spectator pavilion by construction of a 24 ft. by 36 ft. addition to be enclosed and used for an office. Tax Parcel PA374700001, East Troy Township.

Amended 2-21-2019 for a 24 ft. bt 36 ft. addition to an existing pavilion see #1 and #5 through #17.

AMENDED CONDITIONAL USE PERMIT

NAME: ~~WARREN REID~~ **and Linda** SORENSON (PREVIOUSLY UNDER HAROLD DEBACK, REID SORENSON, APP.)

TOWN: EAST TROY

A conditional use permit for the location of an equestrian center with support facilities including: indoor riding area; stables for horses; covered/enclosed hot walker area; pasture run-in-sheds; outdoor arenas; show stables; help housing; show secretary office; hay storage building; turn-outs; maintenance building, plus main resident home and amended 2-21-2019 for a 24 ft. bt 36 ft. addition to an existing pavilion to be use for commercial stable office space as specified in Section 4.0 of the Zoning Ordinance, Walworth County, Wisconsin, on lands zoned A-2 Agricultural Land District and described as follows:

Tax Parcel #'s ~~PET1700005 and PA211100001~~ PA374700001

Has been APPROVED subject to the following conditions:

1. Approved as per plan submitted for a commercial horse stable and amended 2-21-2019 for a 24 ft. bt 36 ft. addition to an existing Pavillion to be use for commercial stable office space with all additional conditions.
2. Indirect lighting for any outdoor activities shall be installed to prevent unnecessary illumination of adjacent properties.
3. The request must comply with all Federal, State, and local requirements.
4. The conditional use is approved per revised plan submitted.
5. Any changes in the proposed use of the property will require additional County approvals.
6. Business hours shall be from 6:00 a.m. till 8:00 p.m. with extended hours from 6:00 a.m. to 10:00 p.m. during daylight savings time. On site horse care shall be allowed on a 24-hour basis during emergencies.

7. Parking must meet with requirements of the county zoning ordinance. All parking must be in compliance with County requirements within 60 days of this approval.
8. All lighting must be shielded and directed on to the property.
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 shall obtain adequate liability insurance and keep the insurance current during the life of this conditional use.
13. The applicant must create a designed management plan including designed rotational grazing areas, animal confinement (paddock locations), and manure stacking, surface water drainage, nutrient management and spreading locations. Once the plan is created the applicant must obtain approval of a plan from the County Land Conservation Office and comply with all recommendations.
14. The applicant shall obtain a Walworth County sign permit prior to placement of any sign on site.
15. Retail sales from the tack room shall be allowed on site to customers of the horse operation only. The tack room will not promote off street traffic sales.
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.

Amended and Approved this 15th day of April, 2002.

LAND MANAGEMENT COMMITTEE
ROBERT W. TILTON, CHAIRMAN

Applicant has indicated that he has just received the additional conditions and would request this matter be tabled to April to allow time for review of the conditions. He is out of town next month.

Jim Van Dreser motioned to TABLE this matter to April to allow applicant to review conditions. Seconded by Dave Weber. Motion carried. 6-favor 0-oppose.

Disc Count #4:56:48 – 4:51:32

THIS ITEM NOT HEARD - No Town recommendation

- ~~4. **Sugar Creek Lutheran Church – Owner, Ervin Schlepp / representative – Applicant –** Amendment of a conditional use for an existing P-1 and P-2 zoned cemetery by addition of an 80 unit columbarium for placement of cremated ashes of individuals. The expansion is 15.2% of the existing cemetery units qualifying for a less than 25% conditional use expansion by amendment. Tax Parcel G-SC2800002 and 3, Sugar Creek Township.~~

Public Hearing: 5:30 p.m.

Ordinance Amendments – None

Rezones with Conditional Uses –

THIS ITEM NOT HEARD - Incomplete application

1. ~~**Karl Sawyer – Owner**, Section 16, East Troy Township. The property owner is requesting to rezone approximately 9.85 acres of R-1 Single Family Residential (unsewered) property to the B-4 Highway Business District in addition to rezoning small areas of A-1 Prime Agricultural, B-4, and C-1 and C-4 shoreland and non-shoreland wetland areas to match wetland boundaries to delineated field conditions and correct zone boundaries to lot lines in order to obtain conditional use approval for a mini-warehouse storage facility. Parts of Tax Parcels P-ET1600001 and 6B.~~

2. **A.G. Shaw – Owner**, Section 22, LaFayette Township. The property owner is requesting to rezone approximately 8,000 sq. ft. of area from the A-1 Prime Agricultural District to the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District in order to obtain conditional use approval for a kennel to house dogs to be trained on site. In addition a conditional use is proposed for land restoration for construction of a shallow pond to be used in dog training. Parts of Tax Parcel K LF2200002A.

General:

1. Approved per plans submitted as a dog kennel for up to 18 dogs and as Land Restoration for a pond with all additional conditions.
2. The off street parking area shall be graded and surfaced so as to be dust free and properly drained. All parking must be in compliance with County requirements within 60 days of this approval.
3. The kennel and pond project must meet all applicable Federal, State, County and local regulations.
4. The kennel is approved for a maximum of 18 dogs to be on site for training.
5. All outdoor lighting shall be shielded and directed on site.
6. The site must be kept neat, clean and mowed.
7. All animal waste must be disposed of on a daily basis in a sanitary fashion as to prevent occurrence of nuisance.
8. The applicant must obtain a Land Disturbance, Erosion Control and Stormwater permit from Land Conservation. The applicant must comply with all established standards of the Land Restoration and Land Disturbance, Erosion Control and Stormwater Management permits.
9. The applicant must follow phases of excavation and restoration as part of the approval under the County's Land Disturbance Erosion Control and Stormwater Management Ordinance. The applicant must submit a project-sequencing schedule for each phase leading to completion prior to approval.
10. Implementation of dust and noise control measures shall occur at all times on site.
11. Hours and days of operation for kennel and pond construction shall be set at 6:00 a.m. to 6:00 p.m. Monday through Friday and 6:00 a.m. to noon on Saturday.

12. Any additional Office/trailer or structures shall obtain approved County zoning and sanitary permits.
13. All soil and equipment storage must be in an approved location.
14. No materials shall be brought in from off-site other than those materials specified in the approved operations plan.
15. All soil generated from the site must remain on site for use in restoration. All topsoil will be graded evenly consistent with the approved restoration plan.
16. All site dewatering shall be conducted so as to prevent sedimentation outside of the project area. The site may not be dewatered until all sediment has settled in the open water area of the disposal site.
17. No storage of chemicals and petroleum products shall occur on site.
18. The County shall not be party to the land restoration project. The applicant shall be held solely responsible for any damages resulting from use of the site. The County will not be liable for any damage to the property affected by the fill or to any neighboring property or drain tiles due to the project.
19. 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.
20. 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:

AG Shaw speaks regarding the application.

Dave Weber motioned to approve. Seconded by Jim Van Dreser. Motion carried. 6-favor 0-oppose.

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

Disc Count #5:34:53 – 5:38:30

Rezones –

1. **Baumeister Trust – Owner, Darrell and Kathleen Baumeister – Applicants**, Section 24, Lyons Township. The property owners are requesting to rezone approximately 2.5 acres of A-4 Agricultural Related Manufacturing, Warehousing and Marketing District back to the original A-2 Agricultural District as the A-4 use no longer exists on the farm. The A-4 portion of Tax Parcel N LY2400002.

No appearance is made regarding the application.

Jim Van Dreser motioned to approve (the rezone is a downward zoning). Seconded by Rick Stacey. Motion carried. 6-favor 0-oppose.

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

Disc Count #5:38:37 – 5:41:18

2. **RPNRE, LLC – Owner**, Section 33, Troy Township. The property owner is requesting to rezone approximately 31.1 acres of A-1 Prime Agricultural zoned property to the A-2 Agricultural zone district in order to correct an illegal parcel split which created a non-buildable substandard A-1 zoned property. The requested changing to the A-2 Agricultural smaller lot size required district would make the parcel buildable. The A-1 portion of Tax Parcel L T 3300002A.

Attorney Patrick DeMoon and James Rohrer speak regarding the application.

Rick Stacey motioned to approve. Seconded by Dave Weber. Motion carried. 6-favor 0-oppose.

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

Disc Count #5:41:21 – 5:48:59

Conditional Uses –

1. **KARI Lancer, LLC – Owner, Kip Kolich – Applicant**, Section 13, Sugar Creek Township. The property owner is seeking conditional use approval for Outdoor Food and Beverage consumption for a drive up coffee shop. Part of Tax Parcel G SC1300006.

General:

1. The Conditional Use for use of a deck/patio and drive up window for outdoor food and beverage consumption for a coffee shop is approved as per the plan submitted with the following conditions.
2. Use of the grounds shall be limited to the uses as stated in the plan of operations.
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 keeping 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 be marked and 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.
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. The outdoor seating area shall be use from May 1st to October 31st of each year. Hours of operation on the deck/patio seating area shall be 10:00 a.m. to 11:00 p.m.
14. All outdoor seating and all outdoor food and beverage consumption must be in the area specified on the approved site plan.
15. The outdoor seating area must meet with the commercial building code including all proposed lighting. Open flame tiki torches may not be used as lighting.
16. Any proposed outdoor fire pit/cooking facilities must meet with Local and State requirements.
17. **The property owner shall obtain a sanitary system inspection prior to use of the holding tank as per the Town.**

No appearance is made regarding the application.

Rick Stacey motioned to approve with the addition of condition #17. Seconded by Dave Weber. Motion carried. 6-favor 0-oppose.

Disc Count #5:49:02 – 5:53:50

2. **Hyacinth Partners, LLC – Owner, Mark McKibben – Applicant**, Section 21, Troy Township. The property owner is requesting to expand an approved building at the Uriel Pharmacy from a 30 foot by 50 foot structure to a 40 foot by 62 foot structure and to connect buildings together with hallway corridors on the portion of the property zoned B-4 Highway Business District. In addition, the owner is requesting approval for an addition to the caretaker’s residence in the A-4 district. Tax Parcel LA275300001.

Amended 2-21-2019 See Narrative and #1, 23, 24

Amended 1-19-2017 See #1, 3, 17, 20 & 24-32

NAME: ~~MARK MCKIBBEN~~ **Hyacinth Partners, LLC**

TOWN: TROY

The owner is requesting conditional use approval allow expansion of an existing herb/medicine production facility and pharmacy called Uriel Pharmacy by addition of a visitor’s center with facility tours, **offices, storage**, and retail **space** on lands zoned B-4 Highway Business District. The Visitor’s Center is proposed in a new ~~30~~ **40** ft. by ~~50~~ **62** ft. building. The narrative indicates that the owner would like to be able to give tours of the facilities, hold evening talks and presentations about the Uriel Pharmacy, display educational materials about Uriel Pharmacy’s work and allow purchase of Uriel Pharmacy products in the visitor center. The owner has indicated intent to also have retail sales in the proposed new building.

Part of Tax Parcel #LA275300001

Has been APPROVED subject to the following conditions:

General Conditions:

1. Approved per plans submitted for a visitor’s center/retail sales, **offices and storage** in support of a products pharmacy in the B-4 zone district and a natural herb pharmaceutical productions facility in the A-4 zone district **and amended February 21st, 2019 to expand an approved building at the Uriel Pharmacy from a 30 foot by 50 foot structure to a 40 foot by 62 foot structure and to connect buildings together with a hallway corridor on the portion of the property zoned B-4 Highway Business District and approval for an addition to the caretaker’s residence in the A-4 district.** with all additional conditions.
2. The site shall meet all applicable federal, state, county and local regulations.
3. Outdoor lighting shall be shielded and directed on site.

4. The applicant/owner shall obtain and maintain adequate liability insurance.
5. The owner/applicant must obtain access approval from the Town of Troy Highway Department.
6. No outside display area shall be allowed on site.
7. No food and or beverage shall be sold on site.
8. All storage areas, materials and equipment shall be located as defined on the plan of operations.
9. The applicant must obtain a Walworth County Land Disturbance, Erosion Control & Stormwater approval from the 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. An operation and maintenance plan for each stormwater best management practice must be prepared. The plat prepared for this property must show the location and label each stormwater best management practice planned to serve the development. All grading must be conducted consistent with the approved Walworth County 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 materials may be removed from the site without county approval.
10. No fill, debris, branches or leaves may be brought back and disposed of on site. No burning of waste materials shall occur on site.
11. The owner shall notify the County if any changes are made regarding operation of this site including size, location, type of materials and services to be on site or sold on site.
12. 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.
13. The applicant must obtain all required zoning permit approvals including a sign permit.
14. The project site must be kept neat, clean, and mowed.
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.
16. **This conditional use must be actively exercised within one year. Failure to actively exercise this conditional use within one year 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 during the one year period.**

Specific Conditions:

17. Retail sales shall only be allowed in the area specified on the approved plan.
18. All waste and medical disposal must meet with local, state and federal regulations.
19. Hours of operation for the visitor's center shall be from 8:00 a.m. to 5:00 p.m. Monday – Saturday with special hours of operation from 5:00 p.m. to 10:00 p.m., 12 days per year, including tours of the production facility during the special hours. The owner shall keep record of all classes/meetings held during the special hours and make the record available to the Town and/or County upon request. **Retail sales shall only occur when the visitor center is open.**
20. Use of the visitor's center shall be limited to a maximum capacity of 50 people.
21. All events/meetings shall be scheduled and shall be by reservation only.
22. There will be no adult entertainment allowed on site.

23. The new floorplan submitted with the February 21st, 2019 amendment approval to expand a building at the Uriel Pharmacy from a 30 foot by 50 foot structure to a 40 foot by 62 foot structure shall be followed for use of the new building. ~~The original March 2008 floor plan submittal of the visitor's center, sales office and storage building is adopted by this approval with the following modifications: The area depicted as the medical office, waiting room, exam room doctor's office, medical therapies room and associated bathroom area shall be used for expansion of the multipurpose room (reception area, educational displays, retail displays). All reference to child care shall be removed from the plan. The second floor of the building shall be used for sales office/inventory. (See revised site plan mark up dated 1-4-2017).~~
24. ~~The sales office/inventory space shall not expand into the visitor's center/multipurpose rooms, storage, or other portion of the building without additional Town and County conditional use review and approval.~~
25. The Visitor's Center, sales office and storage area are approved in support of the products pharmacy in the B-4 zone district and a natural herb pharmaceutical productions facility in the A-4 zone district. Should the pharmacy and or production facility terminate then the supporting Visitor's Center shall be required to cease.

Tom Stelling speaks regarding the application.

Dave Weber motioned to approve. Seconded by Rick Stacey. Motion carried.

6-favor 0-oppose.

Disc Count #5:53:53 – 5:59:54

Adjournment

Dave Weber motioned to adjourn. Seconded by Rick Stacey. Motion carried.

6-favor 0-oppose

The meeting was adjourned at 6:00 p.m.

Submitted by Sheril Oldenburg, Recording Secretary.

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