

County Zoning Agency

MINUTES

May 16, 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 Citizen Members Richard Kuhnke, Sr. and Jim Van Dreser. Supervisor Jerry Grant was absent/excused. A quorum was present.

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

A “sign-in” sheet listing attendees on May 16, 2019 is kept on file as a matter of record.

Details of the May 16, 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.e.1.) Karl Sawyer – Owner. Seconded by Rick Stacey. Motion carried. 6-favor 0-oppose.

Richard Kuhnke, Sr. motioned to approve the April 18 CZA Meeting minutes, amending the meeting call time to 4:30 p.m. Seconded by Rick Stacey. Motion carried. 6-favor 0-oppose

Zoning / Sanitation / Land Conservation Enforcement – Michael Cotter
Disc Count #4:34:33 – 4:35:12

Subdivision Items – Old Business – None

Subdivision Items – New Business –

1. Thomas A Trucco: owner, Brian Cook: applicant. Restriction Removal and Affidavit of Correction request on lots 4 and 5, Block 2 of Woodlawn Bay Community Subdivision also identified as Tax Parcel # FWD 00014 located in Section 28, Town 2 North, Range 16 East, Town of Delavan. The applicant is requesting the County Zoning Agency to remove a platted 40 foot street yard building setback limitation and apply the 25 foot street yard setback as required by the Walworth County zoning Ordinance.

Brian Cook/Cook Construction speak regarding the application.

Richard Kuhnke, Sr. motioned to approve with the following conditions: ~~1) Approval is subject to obtaining City of Delavan approval or providing verification from the City that they have waived their review authority; 2) Approval is subject to the applicant preparing and submitting an affidavit of correction document prior to the County Zoning Agency Committee public hearing;~~ 1) Approval is subject to the applicant recording an Affidavit of Correction with the Register of Deeds Office; 2) Approval is

subject to providing a copy of the Affidavit of Correction to the Land Use and Resource Management Department; 3) Approval is subject to meeting all applicable State Statutes and County Ordinances. Seconded by Rick Stacey. Motion carried. 6-favor 0-oppose.

Disc Count #4:35:17 – 4:42:24

Old Business - Ordinance Amendments – None

Old Business – Discussion Items –

1. **Yggdrasil Land Foundation – Owner, Jeff Johnson – Applicant**, Section 11, LaFayette Township. Conditional use to allow the operator of a farm under a farm lease to operate a Farm Family Business Wedding Barn from out of an existing pole barn on the farm. Part of Tax Parcel K LF1100005.

General:

1. Approved as per plan submitted for use of an existing barn and ancillary outdoor use for seasonal rental for family events (weddings, baby showers, anniversaries, family reunions, and similar family related events) as a Farm Family Business Wedding Barn with all additional conditions.
2. The Farm Family Business Wedding Barn in the A-1 and A-2 zoning district is limited to a use that is conducted by the owner or operator of a farm that requires no buildings, structure or improvements other than the existing barn on the farm, is limited to two non-farm family employees and does not impair or limit the current or future agricultural use of the farm or of other protected farmland. Caterers and band members shall not be considered employees of the farm family business wedding barn if hired by the family renting the barn.
3. Farm Family Business wedding barn events shall be limited to 12 per year. The property owner shall keep of log of all family events held in the barn including the name of the family, purposes of the gathering, dates, times and total capacity proposed. The property owners shall make the log available to the Town and or County upon request. This conditional use approval is subject to annual review.
4. The site must meet all applicable Federal, State, County and local regulations.
5. Rental of the family event barn shall be by appointment only.
6. The barn must have been in existence on site as an agricultural structure five years prior to the request to use the barn for family events.
7. The structural design of the barn shall remain as a barn or (as it existed as a barn) with the exception of electrical, plumbing and ADA requirements necessary to meet the commercial building code. There shall be no furnaces, air conditioning or kitchens etc. installed in the barn.
8. The capacity of the wedding barn shall be no greater than that allowed by the State Commercial Building Code/Fire Code including caterers, band employees, and staff.
9. The property owner shall provide a copy of the commercial building permit and fire code permit approval from the appropriate building inspector/fire inspector for the County file prior to use of the barn for approved events. Bathrooms: No more than 2 bathroom stalls in a building. Portable toilets shall be provided for additional service and a pumping contract shall be provided to the county to assure maintenance and removal at the end of the season.
10. All food and beverages shall be brought on site by the family renting the barn for the specific family event or by a caterer hired by the family renting the barn.
11. No permanent liquor license shall be applied for or issued for the premises under this approval as a farm family business. The wedding barn shall not become a bar/tavern.

12. Alcoholic beverages sold on site must be purchased from and dispensed by a licensed provider. All alcoholic beverages sold on site must be served by a certified bartender in compliance with all laws and regulations established by appropriate governmental units including no service to underage or intoxicated guests.
13. No retail sales other than beverages during an event shall be allowed on site.
14. There shall be a detailed approved site plan identifying outdoor areas used for a farm family business wedding barn use such as but not limited to outside cooking, bonfires, outdoor music, party tents, the parking area and portable toilets if provided.
15. Outdoor bonfires shall be in an acceptable location within a fire ring as specified on the site plan.
16. There shall be no fireworks or firework displays launched from the Farm Family Business wedding barn during events.
17. Event hours shall be from Friday and Saturday from 9:00 a.m. to 12:00 a.m. (midnight) and Sundays 9:00 a.m. to 6:00 p.m. during the months of May, June, July, August, September and October.
18. Garbage shall be removed from the property on the Monday after the event, at the latest.
19. Parking shall be made available on site during the use of the wedding barn for family events. There shall be no parking on the public or private streets. Exclusive (non-burdened) access to the parking area must be provided. All parking shall meet the size, setback and separation distances of the County Zoning Ordinance. All parking must be graded and surfaced so as to be dust free. All parking must occur in the areas identified on the approved plan. All parking shall be marked on site by post and rope marking at a minimum.
20. Adult supervision must be present at all times when facilities are in use.
21. The property owner shall be responsible for obtaining adequate liability insurance and keeps the insurance current during the life of this conditional use.
22. The applicant shall obtain a Walworth County sign permit prior to placement of any sign on site. Signage is limited to one sign per parcel and does not exceed nine square feet in area, is located at least five feet from the road right-of-way, at least ten feet from a side property line and shall not exceed six feet in height and shall be located at least 50 feet from any intersection.
23. All lighting must be shielded and directed on to the property and extinguished at the close of each day's event.
24. The applicant must obtain an approved Land Disturbance, Erosion Control and Stormwater permit from Land Conservation if required by Ordinance.
25. Any changes in the proposed use of the property shall require additional Town and County approvals including potential need for a rezone review and new decision to a zone district that allows public assembly prior to continued operations. A rezone and conditional use approval will be required for any proposal to expand the facilities beyond the use of existing barn and designated outside area.
26. This conditional use or a farm family business wedding barn shall be subject to an annual staff zoning review for compliance with zoning issues subject to an annual \$100 zoning request review fee.
27. There shall be no more than four pets allowed on site at any time without approval for a kennel from the Town and County.
28. The conditional use only applies to the use of the barn and outside area. There shall be no wedding barn use of the house.
29. 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.
30. 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.
31. The owner of the property shall release, indemnify and hold harmless Walworth County and its agents and employees from all liability, claims, demands, causes of action, costs, or losses for personal injuries, property damage or loss of life or property as a result of exercising this approval.

Specific:

Staff presents aerial video and photographs of the proposed barn for events. Discussion by the Committee regarding requirements including parking, facilities, definitions of “farm family” business.

Jeff Johnson answers Committee question regarding rent – All rent is included in compensation. Rental agreement in effect if renter not working for them.

Rick Stacey motioned to TABLE until June for a Full committee vote. Seconded by Dave Weber. Motion carried. 6-favor 0-oppose.

Disc Count #4:42:34 – 5:07:37

2. **ZIOTO Enterprises – George Paziotopolis.** As per condition #1 of the existing conditional use: Approved for ~~six years~~ **one (1) year** as per plan submitted for outside storage allowing a seasonal fireworks stand and sheds to be stored on site for sale. **The property owner shall apply for and return to the County Zoning Agency for a full plan review of all uses on the property in May, 2019.** Tax Parcel(s) B D 800005.

Staff presents review items for the agenda item. Committee discusses original conditional use permit and future plans, and options for the Committee.

George Paziotopolis speaks regarding intentions for the site including gas station / restaurant. Concerns from years ago with DOT putting in a by-pass.

Committee recommends Applicant speaking with DOT to determine plans with the highway. Staff will review previous conditional use issued.

No action needed.

Disc Count #5:07:42 – 5:18:50

New Business - Ordinance Amendments –

1. Walworth County - Amendment to Section(s) 74-38, 74-43, 74-45, 74-49, 74-51, 74-53, 74-54, 74-55, 74-56, 74-58, 74-62, 74-64, 74-65, 74-66, 74-71.1, 74-89, 74-111, and 74-119 of the Walworth County Code of Ordinances - Zoning and Section(s) 74-165, 74-167, 74-174, 74-176, 74-178, 74-179, 74-180, 74-181, 74-182, 74-183, 74-185, 74-187, 74-189, 74-191, 74-192, 74-193, 4-222 74-232 74-240, 74-248, and 74-263 of the Walworth County Code of Ordinances - Shoreland Zoning.

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

This item will move forward to the June 11, 2019 Walworth County Board for possible action.

Disc Count #5:18:51 – 5:19:22

New Business – Discussion Items –

1. **Covenant Harbor Bible Camp – Owner**, Section 35, Geneva Township. Request for Amendment of an existing conditional use to remove four cabins, a bath house, nature center, and a seasonal housing building called the Wagon in order to convert a director’s cabin into an open air pavilion and replace the existing removed buildings with six modern cabins, a director’s cabin, a well house, new parking area, a new entrance road, a playground, installation of a new well and additional septic mound system. All improvements shall be less than the already approved existing and proposed buildings identified on the existing 2003 conditional use master plan and therefore allowable as an amendment of the existing conditional use being less than 25% of existing approved structures. Tax Key Parcels J G 3500010 and 16, Geneva Township.

Amended 5-16-2019 as per plan submitted See #1, 14.

* Amended 1-20-06

NAME: COVENANT HARBOR

TOWN: GENEVA

A conditional use permit for an addition to an existing recreational camp as specified in Chapter 74, Division 4, Walworth County Code of Ordinances, on lands zoned C-2 Upland Resource Conservation District, and described as follows:

Tax Parcel #'s J G 3500016 and J G 3500010

Has been APPROVED subject to the following conditions:

1. The Conditional Use for the recreational camp is approved as per the plan submitted and amended 5/16/2019 to remove four cabins, a bath house, nature center, and a seasonal housing building called the Wagon in order to convert a director’s cabin into an open air pavilion and replace the existing removed buildings with six modern cabins, a director’s cabin, a well house, new parking area, a new entrance road, a playground, installation of a new well and additional septic mound system with all additional conditions.
2. The project must meet with all State, Federal and local approvals.
3. The applicant must obtain the required County Zoning and Sanitation permits.
4. 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.
5. 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.

Specific:

6. Use of the recreation camp shall be limited to a capacity of 445 guests allowed on site over night.
7. The owner must submit a copy of private liability insurance covering use of the property as a recreational Camp.
8. An emergency service and fire access must be identified on the plan and maintained on the site.
9. No outdoor camping shall be allowed on site.
10. Accessory buildings on the entire recreational facility (including the incorporated property) may not exceed the total square feet allowed under the C-2 zoning regulations of the County Zoning Ordinance.
11. No commercial activities may be conducted on the unincorporated portion of the property that are not part of a recreational camp as defined by the Walworth County Zoning Ordinance. (I.E. No Conference Center Activities).
12. The proposed new maintenance building will need to meet the required 100-foot street yard setback for a recreational camp as specified in the zoning code. In addition all proposed driveways must meet the minimum 24-foot width requirement.

Dated this 19th day of September, 2003.

COUNTY ZONING AGENCY
RICHARD KUHNKE, SR., CHAIRMAN

*Amendment 1-20-06 as follows:

13. The old garage is approved to be converted into a meeting room for use by people who are attending the recreational camp.

*Amendment 5-16-19 as follows:

14. The applicant shall follow the landscape plan for replacement of trees as per the Town.

Staff discusses requested amendment.

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

Disc Count #5:19:25 – 5:22:07

Public Hearing: 5:30 p.m.

Ordinance Amendments –

1. Amendment and Update to the Walworth County Comprehensive Plan - Neal Frauenfelder – Dave Schilling

Staff presents the Walworth County Comprehensive Plan Update and overview of changes.

**Dave Weber motions to approve. Seconded by Richard Kuhnke, Sr. Motion carried.
6-favor 0-oppose.**

This item will move forward to the June 11, 2019 Walworth County Board for possible action.

Disc Count #5:39:10 – 5:54:14

Rezones with Conditional Uses –

THIS ITEM NOT HEARD-Incomplete application–no Preliminary Stormwater Review

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. **Frank Henningfeld – Owner, Ron Henningfeld – Applicant**, Section 24, East Troy Township. Rezone approximately .69 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 part of cheese processing by allowing aging of cheese within shipping containers on the farm. Part of Tax Parcel P ET2400005.

General:

1. Approved per plans submitted for aging and storage of cheese as part of cheese production within storage containers served by water and a holding tank on property zoned A-4 with all additional conditions.
2. The A-4 area may not be separated off from the farm parcel.
3. No general public sales, tours or show room shall be allowed on premises.
4. Storage limited to material and goods directly associated with business. Outside storage shall be limited to storage containers and shall be located as identified on the plan of operations. No outside storage areas including displays of goods shall be allowed in the required setback areas. All storage areas, materials and equipment shall be located as defined on the plan of operations.
5. The site shall meet all applicable Federal, State, County and local regulations including commercial building code if required.
6. The applicant must obtain zoning permit approvals for the storage containers. All required approvals shall be obtained including holding tank approval from the DNR and permit approval and a sign permit if a sign is requested.
7. All parking and access to the site shall meet County requirements. All parking shall be installed according to County requirements within 60 days of this approval.
8. No filling shall be allowed in any wetland areas.
9. No filling shall occur on site without proper permit approvals.
10. Access approval must be obtained from the Town prior to use of the site.
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.
12. Hours of operation shall be from 6:00 a.m. to 6:00 p.m. seven days a week.
13. The project site must be kept neat, clean, and mowed.
14. No burning shall be allowed on site without a State burning facility license and any required local approvals.
15. The owner/applicant must obtain County Land Conservation Office approval of a spill prevention plan (SPP) and a stormwater pollution prevention plan for this site if require by ordinance.
16. The owners of the property shall release, indemnify and hold harmless Walworth County, the Town of East Troy and their agents and employees from all liability, claims, demands, causes of action, costs, or losses for personal injuries, property damage or loss of life or property prior to this conditional use being valid.
17. 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.
18. 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:

Staff presents request and indicates this is consistent with Farmland Preservation. Frank Henningfeld / Ron Henningfeld speak regarding the application. Rick Stacey motioned to approve. Seconded by Sue Pruessing. Motion carried. 6-favor 0-oppose.

The rezone petition will move forward to the June 11, 2019, Walworth County Board for possible action.

Disc Count #5:54:18 – 6:00:22

3. **Martin Vanderstappen Jr. – Owner**, Section 34, Linn Township. Rezone approximately 1.99 acres of A-1 Prime Agricultural District property to the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District in order to obtain conditional use approval for contractor storage for an electrical contractor. Part of Tax Parcel I L 3400007.

General:

1. Approved per plans submitted for a contractor storage facility and office for an electrical contractor business with indoor and outdoor storage for the business with all additional conditions.
2. The A-4 rezone area shall not be separated off from the farm parcel.
3. All storage areas, materials and equipment shall be located as defined on the plan of operations.
4. No general public sales allowed from the indoor and outdoor contractor storage facility. No business activities other than specified in the plan of operations may be conducted from out of the contractor storage facilities.
5. The site shall meet all applicable Federal, State, County and local regulations.
6. The applicant must obtain all required zoning permits including sanitation and sign permits.
7. No filling shall be allowed in any wetland areas.
8. No filling shall occur on site without a site grading plan and proper permit approval.
9. All areas shall be kept neat, clean and mowed.
10. All outside lighting shall be shielded and directed on site.
11. All fuel storage shall be located within a State approved containment facility.
12. Access approval must be obtained from the Town and be submitted for the conditional use file prior to operation on site.
13. 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.
14. 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.
15. The building contractor storage facilities hours of operation shall be from 6:00 a.m. to 6:00 p.m. with hours for return of equipment from off site until 9:00 p.m.
16. All equipment stored outside shall be owned or operated by the business.

17. The owner/applicant must obtain County Land Conservation Office approval of a spill prevention plan (SPP) and a stormwater pollution prevention plan for this site if require by ordinance.
18. No burning shall be allowed on site without a State burning facility license and any required local approvals with submittal for the conditional use file.
19. The property owner must maintain adequate liability insurance during use of the property and keeps the insurance current during the life of this conditional use.
20. The owners of the property shall release, indemnify and hold harmless Walworth County, the Town of Linn and their agents and employees from all liability, claims, demands, causes of action, costs, or losses for personal injuries, property damage or loss of life or property prior to this conditional use being valid.
21. 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.
22. 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:

Staff presents request and indicates this is consistent with Farmland Preservation.

Martin Vanderstappen speaks regarding the application.

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

The rezone petition will move forward to the June 11, 2019, Walworth County Board for possible action.

Disc Count #6:00:25 – 6:04:40

Rezones – None

Conditional Uses –

1. **Wisconsin Resorts Inc. – Owner, Warren Hansen, Farris Hansen & Assoc. – Applicant, Section 12, LaFayette Township.** Conditional use approval to conduct Public Assembly and Outdoor Food & Beverage activities on land zoned B-5 in a pavilion type structure on top of a proposed golf cart storage facility. Parts of Tax Parcels K LF1200010 and 1B.

General:

1. The Conditional Use for seasonal use of a golf cart storage structure deck for outdoor food and beverage consumption and public assembly use 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. There shall be no retail sales or off street customer service of any type from the deck/pavilion.
4. The project must meet with all State, Federal and local requirements.
5. The applicant must obtain all required County Zoning permit including a sign permit for any proposed signage.

6. Sufficient adult supervision must be present at all times when facilities are in use.
7. The applicant must obtain an approved Land Disturbance, Erosion Control and Stormwater permit from Land Conservation if required by Ordinance.
8. The golf cart storage structure deck/pavilion shall be use from May 1st to October 31st of each year. Hours of operation shall be 8:00 a.m. to 12:00a.m. (Midnight).
9. All outdoor seating and all outdoor food and beverage consumption must be within/on the deck/pavilion.
10. The deck/pavilion must meet with the commercial building code including all proposed lighting.
11. All lighting must be shielded and directed on to the property.
12. The applicant is responsible for obtaining adequate liability insurance and keeps the insurance current during the life of this conditional use.
13. 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.
14. The property owner must obtain the required County sanitary permit approval for facilities to be located on site.
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 required Lot line adjustment has to meet all set-back requirements as per the Town.
18. The structure must satisfy DNR navigable stream set-back (stream was moved 40+ years ago) as per the Town. *DNR states in an e-mail to County staff upon site inspection the stream near the proposed structure is not navigable.*

Staff presents request.

Warren Hansen speaks regarding the application.

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

6-favor 0-oppose.

Disc Count #6:04:41 – 6:13:49

2. **AMJ Properties, LLC – Owner, Josh Dutton – Applicant, Section 21, Darien Township.** Add a 200 ft. by 100 ft. building to an existing M-2 zoned industrial complex increasing the total building size for the site by greater than 25% of existing buildings requiring conditional use approval as if establishing the site anew. Tax Parcel B D 2100010.

NAME: AMJ Properties, LLC

TOWN: Darien

The property owner is requesting conditional use approval for **addition of a 20,000 sq. ft. building in excess of 25% of existing structures to an existing** metal fabrication and manufacturing facility **requiring conditional use approval as if establishing the site anew** along with conditional use approvals for **(the proposed new building requires removal of the existing caretaker's residence)** ~~an on-site caretaker's residence in an existing home and~~ two on-site signs on land zoned M-2 Heavy Industrial District. The business specializes in maintenance, repair and building of grain elevators, fertilizer plants and industrial millwright work. The on-site metal fabrication and manufacturing facility supports field operations by providing custom built parts for the grain, fertilizer

and industrial industries. The proposed current staff levels for the site would consist of 8 employees in the shop, 5 office employees and 25 field employees who work on the maintenance, repair and building of grain elevators and fertilizer plants.

Tax Parcel B D 2100010.

Has been APPROVED subject to the following conditions:

General:

1. Approved as per plan submitted for multiple conditional uses as a Planned Unit Development (PUD) being a metal fabrication and manufacturing facility along with ~~conditional use approvals for an on-site caretaker's residence in an existing home and~~ two on-site signs on land zoned M-2 Heavy Industrial District **and amended 5/16/2019 for addition of a 20,000 sq. ft. building in excess of 25% of existing structures requiring conditional use approval as if establishing the site anew as per the revised site plan** with all additional conditions.
2. All uses of the site shall meet applicable Federal, State, County and local regulations including commercial building inspection.
3. Outside lighting shall be shielded and directed on site.
4. The applicant must obtain all required zoning permit approvals including sign permits.
5. The applicant must obtain the required State Highway D.O.T. approval for any changes to the access.
6. No fill, debris, branches or leaves may be disposed of on site. No burning of waste materials shall occur on site.
7. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management Permit from the County Conservation Office if required by ordinance.
8. All parking and access to the site shall meet County requirements. All parking shall be installed according to County requirements within 60 days of this approval. Vehicle parking shall be located as identified on the approved plan of operations.
9. 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.
10. Implementation of dust and noise control measures shall occur at all times on site.
11. On site hours of operation shall be from 6:00 a.m. to 6:00 p.m. Monday through Saturday with No operation on Sundays or Holidays. Hours of operation shall be 24 hours per day for the caretaker's facility.
12. All perimeter fencing shall be maintained as identified on the project plan.
13. The operator shall obtain adequate liability insurance and keep the insurance current during the life of this conditional use.
14. No on-site general public sales shall be allowed from the metal fabrication and manufacturing facility.
15. No business activities other than specified in the plan of operations may be conducted from out of the facilities.
16. No storage of chemicals, petroleum products and flammable materials shall occur on site unless stored in a containment facility meeting State requirements.
17. The owner must provide a waste disposal plan stating where all trash, metal filings, drain oil and other fluids are disposed and shall follow the approved plan during operations on site.
18. Walworth County staff may conduct inspections necessary to ensure site is operated and maintained according to applicable regulations.
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:

21. No outside storage areas for materials are shown on the site plan. No outside storage of materials has therefore been approved by this conditional use. Outside storage is limited to the type, quantities and location of material identified on the plan of operations. No outside storage areas including displays of goods are allowed in the required setback areas.
22. All trucks, trailers and equipment in transit shall be allowed to be stored on site for a maximum of 90 contiguous days at which point they shall be removed from the property.
23. The County reserves the authority to require any outside stored materials to be removed from the site within 48 hours of a determination the storage is inconsistent with this approval, has become unsightly or is detrimental to human health and safety.
24. No outside storage of chemicals shall occur on site.
25. The industrial building must have proper ventilation meeting the requirements of the State and Federal codes. Exhaust system shall meet all requirements of the code including hours of operation and noise.
26. No dumping of chemical waste shall be conducted outside of the building. All discharge of chemical waste to the holding tank or septic system shall be pre-approved by the County sanitarian.
27. All flammable waste materials shall be stored in a non-flammable, enclosed container and be gated in a non-combustible fence.
28. The owner shall obtain approval of a pollution prevention plan from the County Land Conservation Office and a hazardous spill plan from the State if required by law.
29. No occupancy shall be allowed for the business activity approved by this conditional use until all conditions of approval are met.

Dated this 19th day of May, 2016.

COUNTY ZONING AGENCY
TIM BRELLENTHIN, CHAIRMAN

cc: Dutton Welding, & Millwright Services, Inc., W8895 Westbound Ln, Darien, WI 53114
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 with amendments.

Josh Dutton speaks regarding the application.

Jim Van Dreser motioned to approve. Seconded by Richard Kuhnke, Sr. Motion carried. 6-favor 0-oppose.

Disc Count #6:13:52 – 6:18:36

3. **Lake Geneva House of Music LLC – Owner, Christopher T. Buttleman – Applicant,** Section 26, Geneva Township. Public assembly and outdoor food and beverage consumption conditional use approvals on land zoned B-2 General Business District in order to hold seven yearly events for outside bands playing music for up to 500 ticket holding general public patrons who would park on site. The outdoor portion of Tax Parcel J G 2600007B.

General:

1. The Conditional Use for public assembly and outdoor food and beverage consumption on land zoned B-2 General Business District in order to hold seven yearly events for outside bands playing music for up to ~~500~~ 455 ticket holding general public patrons who would park on site is approved with all additional conditions.
2. A maximum of 7 special events shall be allowed on site each year. Each event shall not exceed three consecutive days being Friday, Saturday and Sunday during the hours of operation. Set up preparation can occur on day one. The event shall be held on day two and dismantling for special events shall occur during the third days provided for each event.
3. The outdoor areas hours of operation shall be from May 1st to October 31st of each year. Hours of operation for outdoor areas shall be ~~10:00~~ 11:00 a.m. to ~~10:00~~ 11:00 p.m. Setup preparation for special events may begin at 7:00 a.m. and must be dismantled by 12:00 ~~a.m.~~ p.m. (noon).
4. Use of the grounds shall be limited to the uses as stated in the plan of operations.
5. All special events must occur in the area specified for special events on the approved plan. All outdoor seating and all outdoor food and beverage consumption must be in the area located on the approved plan.
6. The project must meet with all State, Federal and local approvals.
7. The applicant must obtain all required County Zoning permit including a sign permit for any proposed signage. Special event signage must meet with the County zoning ordinance.
8. Sufficient adult supervision must be present at all times when facilities are in use.
9. The applicant must obtain an approved Land Disturbance, Erosion Control and Stormwater permit from Land Conservation if required by Ordinance.
10. The applicant is responsible for obtaining adequate liability insurance and keeps the insurance current during the life of this conditional use.
11. All lighting must be shielded and directed on to the property.
12. All parking must occur in the areas identified on the 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.
13. The property owner must obtain the required County sanitary permit approval for facilities to be located on site.
14. 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.

Specific:

15. All decks, the stage and electrical service (including all proposed lighting) must meet with the commercial building code.
16. The special event designated vending and patron attendance area must be fenced. The fencing shall be added to the site plan. Driveway access and or designated parking areas for the event shall be located outside of the designated vending and patron attendance fenced area.
17. The owner shall keep a record of the type, dates and times and occupancy of all special events and make the record available to the County upon request.
18. The stage as shown on the plan must be relocated as to meet setback requirement for a structure. The stage must be removed from the parking area when not being used for an event.
19. The use capacity for special events area shall be set at ~~500~~ 455 people.
20. The owner will need to submit a revised site plan prior to obtaining zoning permit approval and use of the site. The site plan must show a minimum of 100 code compliant parking stalls for the 500 outdoor event area customers, one parking stall per (5) employees, one parking stall per vendor station and one stall per food truck if not self-propelled. Offsite parking must be located within 400 feet of the event parcel. Pedestrians from off-site parking may not cross the public road without an approved pedestrian cross walk from the controlling municipal jurisdiction. All agreements for shared

parking if approved shall be recorded at the register of deeds office. The agreements must state a minimum time frame for the agreement to be in force; provide for ingress/egress easements and state safe and proper maintenance provisions for driveways, parking and pedestrian connections. All off-site parking will be required to meet with all parking standards of the County Zoning Ordinance.

21. A portion of the south driveway access crosses the neighboring property. A written agreement from the neighbor must be provided for the conditional use file prior to the hearing stating the music event patrons will be allowed to use this portion of the neighboring property for access without over burdening the access.
22. The beer and wine garden must be fenced. Access to a beer and wine garden must be from the fence openings only.
23. The owner will need to come back for amendment of this conditional use prior to expansion or relocation of outdoor use areas.
24. An emergency actions plan must be provided indicating how fire protection (fire extinguishers) shall be located and manned and what electrical protections are provided for the stage area and amplified equipment prior to use of the site for a special event.
25. A security plan shall be provided and reviewed by the designated fire and police departments and submitted for the conditional use file prior to use of the site for a special event.
26. The indoor businesses are to be closed during the events. Lease agreements shall be provided verifying agreement by the other on site businesses not to be open during the events.
27. **No pets shall be allowed on site during the music events, as per the Town.**
28. **The property owner shall be required to have an annual review of the conditional use in the Fall of each year and then submit a schedule of the next season to the Town Plan Commission as per the Town and a one-time review at the County Zoning Agency at the November, 2019 CZA meeting, with an event schedule the following April.**
29. **There shall be no use or filling of the area designed as C-1 wetland.**

Staff presents request and reviews options for additional parking needs.

Chris Buttleman speaks regarding the application. Applicant agrees to amend maximum attendance to 455 visitors, and concurs with fencing recommendation.

Rick Stacey motioned to approve with the amendment to condition 28 for a one-time review at the November CZA meeting and a schedule for events by April. Seconded by Jim VanDreser Motion carried. 6-favor 0-oppose.

Disc Count #6:18:38 – 6:53:54

Adjournment

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

The meeting was adjourned at 6:54 p.m.

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