

County Zoning Agency
MINUTES
May 19, 2022 – 4:30 P.M.
100 West Walworth Street
Elkhorn, Wisconsin

Chairman Ryan Simons called the meeting to order at 4:30 p.m.

Roll call – Committee members present in person were Supervisors Ryan Simons, Sue Pruessing, Dennis Karbowski, Joanne Laufenberg, Al Stanek, and citizen members Richard Kuhnke, Sr. and Jim Van Dreser. A quorum was present.

County Staff present – Land Use and Resource Management Department Director Michael P. Cotter, Senior Planner/Hearing Facilitator Matt Weidensee. Present for a portion of the meeting / hearing Senior Zoning Officer Nicholas Sigmund.

A “sign-in” sheet listing attendees on May 19, 2022 was not presented due to the continued COVID-19 threat.

Details of the May 19, 2022 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

Richard Kuhnke, Sr. motioned to approve the agenda as amended to table items 9.a.1) Walworth County - Amendment to Section(s) 74-165, 74-174, and 74-241 of the Walworth County Code of Ordinances; 9.d.1.) Justin & Christin Milbradt; and 9.f.2.) David A. and Kathleen L. Thate. Seconded by Sue Pruessing. Motion to Approve the agenda carried. 7-favor 0-oppose

Sue Pruessing motioned to approve the Tuesday, April 26, 2022 CZA Meeting Minutes. Seconded by Dennis Karbowski. Motion carried. 7-favor 0-oppose

Zoning / Sanitation / Land Conservation Enforcement
Disc Count # 4:34:05 – 4:35:41

Introduction of new LURM Deputy Director/County Conservationist – Mandy Bonneville

Subdivision Items – Old Business – None

Subdivision Items – New Business – None

Old Business - Ordinance Amendments –

1. Richmond request for a “one-time event” ordinance amendment – Nick Sigmund

Staff discusses responses received from townships and sheriff’s department. Staff provides concerns and example of road blocking on a previous event, potential upcoming events, and potential options to address these types of requests on public lands. Discussion regarding parking and the suggestion of public lands. Committee discusses scenarios and issues that arose concerning parking, etc. Three concerns to be address – 1. Parking; 2. Sanitation; and 3. First responder issues/safety.

Joanne Laufenberg motions to direct staff to prepare an ordinance for discussion by the Committee. Seconded by Dennis Karbowski. Motion carried. 7-favor 0-oppose.
Disc Count # 4:37:12 – 5:00:54

Old Business – Discussion Items –

- 1. 1 YEAR COMPLIANCE REVIEW: Catherine Duesterbeck – Owner, Benjamin Johnson – Applicant, Section 29, Sugar Creek Township. Annual Compliance review for microbrewery. The A-4 portion of Tax Parcel G SC2900004.**

Staff discusses parking issues on-site and the correct location of parking in the A-4 District. Staff discusses contacts by the Sheriff’s Dept. concerning parking on the county highway. Staff discusses requirements and differences of A-1 v. A-4 parking.

Ben Johnson discusses contact with Staff regarding the parking and misunderstanding of the use of A-1 for parking. Applicant is willing to apply for amended conditional use and further rezone.

This matter will remain on for a 1 year review.

No action is taken by the Committee.
Disc Count # 5:01:01 – 5:13:53

- 2. DECISION HEARING: Christian League for the Handicapped, Inc. dba Inspiration Ministries – Owner, Abbey Provident Venture, LLC C/O Richard Donner – Applicant, Section 2, Walworth Township. Rezone approximately 4.13 acres of P-2 Institutional Park District land to the C-2 Upland Resource Conservation District with conditional use for a separate approximately 20.9 acres parcel for an existing recreational camp to operate as the Lake Geneva Hospitality Academy. Part of Tax Parcel E W 200013.**

General:

1. The Conditional Use for a recreational camp is approved as per the plan submitted for use by a groups of association identified as the Lake Geneva Hospitality Academy for educational opportunities for students interested in careers in the hospitality industry and culinary arts programs. The recreational camp may be used occasionally by Inspiration Ministries for events, activities, meetings, short term housing programs and other agreed upon arrangements in furtherance of Inspiration Ministries mission to assist developmentally disabled adults transition to independent living.

2. Use of the grounds shall be limited to the recreation camp activities as stated in the plan of operations. No business activities other than those specified in the plan of operations may be conducted from the recreational camp.
3. Application with Walworth County for approval of a ~~certified survey map (CSM)~~ **parcel split**, recording of the ~~CSM~~ **parcel split** and the entire project plan shall occur within one year of this conditional use approval.
4. All housing for the recreational camp users shall occur in the buildings identified on the plan for housing. There shall be no overnight stays in any structure not identified on the site plan as a camping cabin, the lodge or caretaker's residence.
5. The project must meet with all State, Federal and local requirements prior to use as a recreational camps.
6. The applicant must obtain all required County Zoning permit including a sign permit for an entrance sign to the recreational camp. Signage must be identified on the plan of operations and the applicant must obtain the required sign permit from the County Zoning Office.
7. Hours of operation shall be 24 hours per day with quite hours between the hours of 11:00 p.m. to 7:00 a.m. The property owner shall be responsible for enforcing quite hours.
8. No outside announcement speaker system may be used on site. Acoustical musical instruments may be played outside between the hours of 10:00 a.m. and 11:00 p.m. All performance by the camping clients requiring amplifiers or speaker systems must be conducted in the cabins or lodge buildings only.
9. Sufficient adult supervision must be present at all times when the camp is used by children.
10. The total capacity of the camp shall be ~~80~~ **124** camp guests and 12 staff as identified in the plan of operations per the available parking.
11. The Recreational Camp conditional use permit allows for non-camp day users during specific stated and conditional use permit approved yearly recreational, educational, or religious purposes events so long as the non-camping day visitors do not exceed the number of on-site camping individuals. There shall be no more than ~~80~~ **124** non-camping day visitors allowed on site during recreational camp events.
12. The number of recreational camp events allowing non-camping day visitors shall be set at 12 per year. When events are held the entire recreational camp must be used by a single associated camping group.
13. The applicant must obtain an approved Land Disturbance, Erosion Control and Stormwater permit from Land Conservation if required by Ordinance.
14. The project site must meet with all sanitary sewerage requirements. The applicant shall provide verification of available sewerage capacity for the project prior to use of the site as a recreational camp under this conditional use approval.
15. All perimeter fencing shall be maintained as identified on the project plan.
16. The applicant must obtain adequate liability insurance and keep the insurance current during the life of this conditional use.
17. All lighting must be shielded and directed on to the property.
18. Parking must meet with requirements of the county zoning ordinance. All parking shall meet the exterior boundary setbacks established for a recreational camp. All parking must be in compliance with County requirements within 60 days of this approval.
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. The parking standards have been modified by this conditional use to allow overflow parking on the grass during the occasions of events as stated in the project narrative and depicted of the project plan. Normal recreational camp (non-event) use shall use the surfaced parking as depicted on the project plan.
22. Outdoor campfires shall be located in the specified fire ring areas identified on the recreational campsite plan.
23. The required exterior buffer for the recreational camp as shown on the approved site plan shall be a no mow area allowed to become a natural buffer.
24. There shall be no commercial use of the recreational camp for weddings, conferences and or other non- Lake Geneva Hospitality Academy or non- Inspiration Ministries use or events without additional zoning review and approval by the Town and County.
25. The existing RV Site Area has not been included in the plan of operations and shall not be used without specific approval from the Town and County.

5:15 p.m. - Supervisor Sue Pruessing recuses herself from this decision hearing though having the ability to remain impartial, due to contacts outside of the public hearing and leaves the meeting.

Staff provides guidance on the proceeding of the decision hearing and reminding the Committee that the public hearing is closed. A review of the hearing and requested information is provided to the Committee concerning the neighboring distances, other park/rec camps in Walworth County, law enforcement records, drone footage, comparison of proposed Town conditions with Staff recommended conditions. Staff presents information concerning the neighbors, other camps, drone footage and comparisons. A summary of violations was provided by discussion with the sheriff's department and types of calls.

Responses provided by Committee questions concerning town/county comparison of conditions.

Jim Van Dreser motions to DENY based upon the camp not being a recreational camp by definition. Seconded by Dennis Karbowski. Discussion by Van Dreser noting Ordinance sections.

The basis provided for the Denial of this request are as follows:

- **The definition of a recreational camp: “refreshment of strength and spirits, it’s past time diversion exercise or other resources affording relations and enjoyment. Refers to all those activities that people choose to do to refresh their bodies and minds and to make their leisure time more interesting and enjoyable.”**
- **ATCP references regarding recreational and educational camps – “camp means a premises including temporary and permanent structures that is operated as an overnight living quarters where both food and lodging or facilities for food and lodging are provided for children or adults or both children and adults where a planned program of recreation or education that is offered free of charge or for the payment of a fee by a person or by the State or local unit of government.”**

- **Walworth County Code of Ordinances – Section 74-186 review and approval of conditional uses, second paragraph saying “The Committee may authorize the County Zoning Administrator to issue a conditional use permit after review and public hearing, provided that such conditional uses and structures are in accordance with the purpose and [THE] intent of this ordinance as outlined in Sections **74-153** and **74-154** of same, and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment, environmental quality, water quality, shoreland cover, or property values in the County and its communities.”**
{Editor’s correction to Section 74-59 – Non-shoreland ordinance}

- **Walworth County Code of Ordinances – Section 74-153: “The purpose of this ordinance is to promote the comfort, health, safety, prosperity, aesthetics, and general welfare of the County and its communities and to protect the shoreland, natural and agricultural resources and environmental corridors, as identified and mapped in the County Land Use Plan, the Farmland Preservation Plan, the Regional Natural Areas and Critical Species Habitat Protection and Management Plan for Southeastern Wisconsin, the County Park and Open Space Plan, and/or on the County Zoning Map.**
{Correction by Staff to Section 74-128 – Editor’s correction to Section 74-28 Non-shoreland ordinance}

- **Walworth County Code of Ordinances – Section 74-154: “It is the general intent of this ordinance to:**
 - Number (1) Regulate the use of all structures, lands, and waters within the shoreland areas of Walworth County.**

 - Number (6) says Obtain the wise use, conservation, development, and protection of the County's water, soil, wetland, woodland, and wildlife resources and attain a balance between land uses and the ability of the natural resource base to support and sustain such uses.**

 - Number (7) says Prevent overcrowding and avoid undue population concentration and urban sprawl.**

 - Number (8) Stabilize and protect the natural beauty and property values of the County.**

 - And (11) Preserve natural growth and cover and promote the natural beauty of the County.**
{Correction by Staff to Section 74-129 – Editor’s correction to Section 74-29 Non-shoreland ordinance}

- **Walworth County Code of Ordinances – Section 74-62, Recreational and related uses says: “Except where specifically permitted as a principal use in division 3, the following recreational related uses shall be conditional uses and may be permitted as specified.”**

point (6) says “occupancy of a camping unit on a continuous year-round basis or utilization of a camping unit as a permanent abode or legal place of residence shall be prohibited.”

- Walworth County Code of Ordinances – Section 74-53 - There is an accommodation for what I believe they are trying to do and that is in the P-2 zoning district. Under P-2 zoning, Institutional Park District under principal uses item c says “college dormitories.” That’s really what is being proposed for this camp is a dormitory setting.
- Wisconsin Act 67 - “However, local governments still have discretion in terms of whether or not something is listed as a conditional use in the zoning ordinance.” “The fact that Act 67 talks about denial of a permit and the right challenge a denial in court shows the legislature did not take away all authority to deny an application for a conditional use permit.”

I believe it’s our duty to make sure that the use meets the criteria that we have for conditional use. It’s not only our duty but our responsibility. I believe we would be setting a precedent if we approved this. The proposed use is not consistent with the intent of the ordinance. When this ordinance was drafted I don’t believe that there was any thought that at some point that the recreational camp would become a dormitory for people that are going through some kind of an educational process to be able to qualify for jobs. Is that a good thing? Absolutely. But is it a recreational use? It is not. And I think it’s wrong to, it’s just, it’s not consistent with what the original intent of the ordinance.

Supervisor Laufenberg questions the requested rezone with the conditional use.

Staff clarifies the section references made were the Shoreland zoning ordinance and should be the Non-Shoreland Zoning - **74-128 and 74-129 non-Shoreland** { Editor’s correction to Section 74-28 and 74-29} **and not 74-153 and 74-154 shoreland.**

Supervisor Laufenberg is not comfortable with the amount of discussion to make a decision.

Supervisor Laufenberg requests discussion with the applicant regarding the town/county comparison and their willingness to agree with conditions no. 2, 3, 12, 15, 17 and 18.

Atty Richard Donner appears to respond to specific questions of the Committee.

- Annual review yes
- 9p-9a quiet hours – No – prefers other rec camps hours. Prefers 11p to 7a
- No fireworks, music, or discharge of firearms – yes
- 15 – fencing. Not oppose to fencing and willing to maintain existing fencing to the extent it exists. Natural buffer already existing.

New Business – Discussion Items –

1. **Eyecon, LLC C/O Tim Torkelson – Owner**, NE ¼ of Section 22, Delavan Township. Amendment of an existing conditional use for vehicle sales in the B-2 General Business District to allow tear down and reconstruct an existing sales building by less than 25% of the existing structure size. Tax Parcel FIN 300051.

Amended May 19th, 2022 to allow for a less than 25% increase in the size of the vehicle sales stand. (See #1, 11, 12)

NAME: ~~TORKELSON-KUNES~~, **Eyecon, LLC – Tim Torkelson**.

TOWN: DELAVAN

A conditional use permit for vehicle sales for a used car lot as specified in Section 4.0 of the Zoning Ordinances, Walworth County, Wisconsin, on lands zoned B-2 General Business District, and described as follows:

Tax Parcel #FIN3 00051

Lots 37 & 38 of Block 2 of Inlet Oaks Subdivision No. 3, located in part of Sections 15 & 22, Town 2 North, Range 16 East, Walworth County, Wisconsin.

Has been APPROVED subject to the following conditions:

1. Approved as per plan submitted **for vehicle sale and amended May 19th, 2022 to allow for a less than 25% increase in the size of the vehicle sales building** with all additional conditions.
2. There shall be no outside storage of stock or trade other than the cars for sale.
3. 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. There shall be a maximum of 17 cars on the lot for sale. Two parking spaces for employees parking and two customer parking areas shall be available for a total of 21 spaces. The auto sales lot shall be used exclusively for auto sales. No other use of the lot shall be allowed including auto service or repair. All vehicles parking must be at least 15 feet back from the curb along state Hwy 50.
4. All outside lighting shall be shielded and directed on site. The lighting must meet with the Yerkes Observatory standards as set by the Illuminating Society of North America for Town review.
5. The off street parking area shall be graded and paved so as to be dust free and properly drained. All parking areas shall be clearly marked within 30 days of this approval.
6. Hours of operation shall be Monday through Thursday 8:00 a.m. to 8:00 p.m., Friday & Saturday, 8:00 a.m. to 6:00 p.m. and closed on Sunday.
7. The applicant must provide a landscaping plan for approval by staff or the Land Management Committee. The vision triangle, the area proposed by the sign and the back of the building area must be planted in lawn and or plantings. The landscaping plan must be submitted within 30 days and installed on site within 60 days of this approval.
8. The project must meet all applicable Federal, State, County and local regulations.
9. The applicant must obtain a sign permit from the State DOT and Walworth County.
10. 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 Land Management Committee for additional conditional use review.

11. The property owner has 60 days to bring the vision triangle and plantings area into compliance with condition #7 of this approval.

12. The enlarged building must be drawn on the existing 2002 conditional use site plan showing the parking area, the car storage areas, driveway access to the building, 15' curb setback and the vision triangle as required by ordinance.

Dated this 15th day of April, 2002.

LAND MANAGEMENT COMMITTEE
ROBERT W. TILTON, CHAIRMAN

Staff presents request and issue with the vision triangle and planting areas of original conditional use. Staff presents conditions that would rectify this matter, with additional specific conditions.

JoAnne Laubenberg motions approve with specified amended conditions. Seconded by Dennis Karbowski. Motion carried. 7-favor 0-oppose.
Disc Count # 5:55:09 – 6:00:26

6:00 p.m.:

Discussion regarding how the hearings are run with staff presentations and speakers on the applications, support and opposition.

Ordinance Amendments – None

Rezones with Conditional Uses –

TABLED – NO TOWN DECISION

- ~~1. **Justin & Christin Milbradt – Owners**, NW & SW 1/4s of Section 35, Spring Prairie Township. Rezone approximately 25.98 acres of land to match wetland boundary to field delineated conditions for a requested 7.5 megawatt solar panel project with conditional use approval for a utility. The project includes request for modification of setback requirements for crossing over the parcel boundary line between the two parcels on an approximately 50 acre project site. Parts of Tax Parcels O SP3500003 and 3A.~~

Rezones –

- 4D Development, LLP C/O Allen R. Day, Sr. – Owner**, NW ¼ of Section 31, Delavan Township. Rezone approximately 1.11 acres of R-2 Single Family Residential District (sewered) property to the A-1NC Prime Agricultural Land Holding District in order to attached the rezone area to an agricultural parcel to the south and provide access to the south property. Part of Tax Parcel FDUT 00023.

Staff presents request.

Kristin Belongia/RH Batterman speaks regarding the application.

Speaking in FAVOR: Frank Kreml

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

The rezone petition will move forward to the June 14, 2022 Walworth County Board for possible action.

Disc Count # 6:07:40 – 6:14:35

2. **Harold Deback Trust – Owner, Jeff Muenkel – Applicant**, NW ¼ of Section 20, Geneva Township. Rezone approximately 7.5 acres of land. Rezone approximately 6.3 acres A-1 Prime Agricultural District and 1.2 acres of C-4 Shoreland Wetland District to approximately 6.5 acres of C-2 Upland Resource Conservation District, .8 acre of C-4 Shoreland Wetland District and .2 acres of C-1 Lowland Resource Conservation District (non-shoreland wetland). Part of Tax Parcel J G 2000003.

Staff presents request and is consistent with farmland preservation with land having irregular shape, are not shown as agricultural on the land use plan and areas are wooded.

Jeff Muenkel speaks regarding the application.

Richard Kuhnke, Sr. motioned to approve. Seconded by Jim Van Dreser. Motion carried. 7-favor 0-oppose.

The rezone petition will move forward to the June 14, 2022 Walworth County Board for possible action.

Disc Count # 6:14:39 – 6:20:00

Conditional Uses –

1. **Net Worth, LLC C/O Chad J. Karl – Owner, NW ¼ of Section 12, Sugar Creek Township. Conditional Use permit review and approval for the construction of a storage building on land zoned B-2 General Business District. Part of Tax Parcel GBH 00001.**

General:

1. Approved as per plan submitted for an indoor storage facility on the same parcel as a financial planning office as a Planned Unit Development (PUD) as per plan submitted 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 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 from the storage facilities 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 County Land Disturbance Erosion Control and Stormwater Management permit from the 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 equipment may be stored in the outside storage area without additional County approval.
13. 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.
14. 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.

Chad Karl speaks regarding the application. Additional information is provided to the Committee including plans and drawings.

Dennis Karbowski motioned to approve. Seconded by Sue Pruessing. Motion carried. 7-favor 0-oppose.
Disc Count # 6:20:06 – 6:28:16

TABLED – NO TOWN DECISION

2. ~~David A. and Kathleen L. Thate – Owners, Wisconsin Electric Power Company dba We Energies – Applicant, NW ¼ of Section 1, Lyons Township. Conditional use approval to allow WE Energies to construct and operate a gas regulator station site as a utility on an approximately 1.05 acres fenced in area on lands zoned A-1. Part of Tax Parcel N LY 100006D.~~
3. **1341 Beach Road LLC - Owner, D1341 Associates, LLC – c/o Tom P. Demuth Member, / Managing Director Summit Smith Development - Applicant, Section 9, East Troy Township. Conditional use approval for a hotel with 68 guest rooms containing no kitchens, a coffee shop, a central commercial kitchen and retaining walls all served by a holding tank and on-site well and use of boat slips by guests of the hotel on an approximately 2.94 acre parcel of land zoned B-3 and R-1. Tax Parcel P ET 900001D.**

General Conditions:

1. The conditional use is approved for a hotel with ~~680~~ guest rooms containing no kitchens, a coffee shop, a central commercial kitchen and retaining walls all served by a holding tank and on-site well currently serving the property and use of boat slips by guests of the hotel on an approximately 2.94 acre parcel of land zoned B-3 and R-1 as per the plan submitted 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 permits including sign permits meeting with all ordinance requirements for construction of structures on site.
4. This permit does not include conditional use approval for any amenity that is not specifically identified on the project plans as approved.
5. The applicant must obtain an approved Land Disturbance, Erosion Control and Stormwater permit from the Land Conservation Department if required by Ordinance.
6. The project site must meet with all County sanitary requirements prior to being used as a hotel.
7. The property owner shall be responsible for removal of all garbage and refuse from the site on the regular scheduled garbage pick-up days.
8. All lighting must be shielded and directed on to the property.
9. All parking shall be 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 parking standards. 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.
10. Access to the site must be as identified on the site plan.
11. The property owner shall be responsible for monitoring parking for the hotel. It shall be the responsibility of the hotel management to assure that all guest vehicles including boat trailers and recreational vehicles and recreational equipment all park in the approved hotel parking areas (Add to the on-site rules of operation).
12. There shall be no parking on the public roadways by users of the hotel (Add to the on-site rules of operation).
13. Use of the grounds shall be limited to normal use as a hotel as stated in the plan of operations. The hotel shall be for transient use only. No stays of 30 days or longer shall be allowed. The units shall be rented out as hotel rooms by a hotel management agency (Agency). The Agency shall keep records of all occupancies and lengths of occupancies for each unit that may be reviewed at any time by the County or Town to assure the transient use of units.
14. The applicant must obtain adequate liability insurance and keep the insurance current during the life of this conditional use.
15. The total capacity of the hotel shall be limited to that specified in the approved plan of operations as ____ guests per hotel room and be consistent with capacity stated for sizing of the sanitation holding tank.
16. The property owner shall be held solely responsible for addressing all restrictive covenants beyond those enforceable by County regulations.
17. All perimeter fencing shall be maintained as identified on the project plan.
18. The property owner shall submit a list of all contact information for parties responsible for management of the use of the hotel to the County and Town and keep the list current after any transfer of property ownership or management change.
19. 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.
20. 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.
21. 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 Conditions:

22. This approval is for use of the structure as a hotel. There shall be no conversion of the hotel or hotel unit into a multi-family residential structure or use of the commercial kitchen as restaurant without proper zoning approval.
23. All outside burning shall be required to obtain local burn permit approval if required prior to being conducted on site.
24. This conditional use is subject to approval of the on-site rule of operation by the Zoning Office consistent with the zoning code and this conditional use approval.
25. A copy of the on-site rules of operation shall be provided for the conditional use file.
26. A copy of the on-site rules of operation shall be provided to each registered occupant of the hotel. (Add to the on-site rules of operation)
27. No camping shall be allowed outside of the hotel identified on the approved plan. (Add to the on-site rules of operation)
28. Check-in for the hotel shall be from 7:00 a.m. to 9:00 p.m. Checkout from the Hotel ~~Lodge~~ shall be from 7:00 a.m. to 11:00 a.m. (Add to the on-site rules of operation)
29. Sufficient adult supervision must be present at all times on the hotel property. (Add to the on-site rules of operation)
30. There shall be no special events held on the property involving visitation by day guests outside of the registered occupants of the hotel. (Add to the on-site rules of operation)
31. Use of the lake pier(s) shall be limited to the registered occupants of the hotel. (Add to the on-site rules of operation)
32. There shall be no off shore mooring of boats without proper State and local approvals. (Add to the on-site rules of operation)
33. There shall be no more than four household pets, which shall be required to be owned by the registered occupants of the hotel, allowed on the property without zoning approval for a kennel. (Add to the on-site rules of operation)
34. Property owner shall be responsible for the enforcement of quiet hours between the hours of 11:00 p.m. and 7:00 a.m. (Add to the on-site rules of operation)
35. There shall be no burning of any type allowed outside including the use of fireworks (Add to the on-site rules of operation).
36. There shall be no burning of garbage or refuse allowed on site. (Add to the on-site rules of operation)

Staff presents request.

**Tom DeMuth speaks regarding the application. Clarifies that Summit Smith is not a part of this proposal. Applicant gives presentation regarding the application
Dr. Pradap N Singh speaks regarding his background and engineering in soil and water.**

Speaking in FAVOR: Rick Hedberg via phone; Jackie Crivello via phone; Judy Neudorff via phone; John Tamuzian, Rick Neudorff, Sherry Leka.

Speaking in OPPOSITION: Organized opposition: Robert Nauta/RJN Environmental Services, LLC and Atty Mike Bauer for Lake Beulah Lake District with handouts; John Finney via phone, Joe Klarkowski/Town of East Troy with handouts, Michelle Reyes/TET Supervisor, Scott Nielsen, Patricia Cook, Brian Bellew/Lake Beulah Protective and Improvement Association (LBPIA), Tim VandenBogart/LBPIA, Barbara Church/TET Supervisor, Justin Lee.

Speaking in REBUTTAL: Tom DeMuth speaks in rebuttal.

7:45 p.m. Committee members take a break.

7:57 p.m. meeting is called back to order.

Dennis Karbowski motioned to TABLE this matter to June, 2022 to obtain information concerning:

1. drone video of high and low/street view, like you were driving it down the road, bridges, or a person walking the site, coming in and out, where are the other residents in relationship to where this is
2. issue with the environmental study - environmental impact statement - are willing to have an environmental impact statement
3. the wells/well study - what average water consumption is for a hotel, doing a pumping test? - So two things there, what the requirements are and # 2 is if the applicant would be will have to have a test, well study.
4. the runoff, would that not be handled by our normal procedures of getting a permit
5. ~~a DNR permit requirement~~ (built in the CU as a standard condition)
6. very official looking FFC and Decision – can you explain what this is? - that’s a request again that we can have for additional information should this be tabled to get counsel’s input on the draft that’s there.
7. ~~parking in the right of way. Could we get a clarification on that one as well.~~
(MATT: I don’t know of any parking in the road right of way now under the modified plan.)
8. ~~whether or not the neighbors have a deed restriction on the property that allows them to access through the parking lot, that would require a title search to see if there is anything on the deed that involves neighbors.~~ (MICHAEL: that’s a civil matter between the neighbors and the property owner.)
9. clarify - is there a hard pan layer between 190 and 230 feet, just like the engineer from the applicant said - asking the applicant in part of their well study to you know, to have it determined
10. impervious surface, if there is any mitigation that needs to be done to be in compliance there.

Seconded by Jim Van Dreser. Motion carried. 7-favor 0-oppose.
Disc Count # 6:28:24 – 8:16:23

Adjournment

Dennis Karbowski motioned to adjourn. Seconded by Joanne Laufenberg. Motion carried. 7-favor 0-oppose

The meeting was adjourned at 8:16 p.m.

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