

County Zoning Agency
MINUTES
October 17, 2019 – 5:00 p.m.
100 West Walworth Street
Elkhorn, Wisconsin

Committee Chair Tim Brellenthin called the meeting to order at 5:00 p.m.

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

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

Present for a portion of the meeting / hearing: David Bretl/County Administrator.

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

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

Dave Weber motioned to approve the agenda as amended to table item 8.e.1.) Dickinson Properties, LLP – Owner, W. Boyd Whiting – Applicant; 8.e.2.) Norman L. Brummel and Jean A. Brummel Trust; 8.e.3.) Robert and Lisa Bern – Owners; and 8.e.6.) 4th Rock Inc. C/O Arney Silvestri – Owner. Seconded by Sue Pruessing. Motion carried. 5-favor 0-oppose.

Rick Stacey motioned to approve the September 19, 2019 CZA Meeting minutes. Seconded by Jerry Grant. Motion carried. 5-favor 0-oppose

Zoning / Sanitation / Land Conservation Enforcement – Shannon Haydin
Disc Count #5:03:30 – 5:04:30

Subdivision Items – Old Business – None

Subdivision Items – New Business – None

Old Business - Ordinance Amendments – None

Old Business – Discussion Items – None

New Business - Ordinance Amendments –

1. Walworth County - Amendment to Section(s) 74-44, 74-51, 74-59,74-60, 74-61, and 74-131 of the Walworth County Code of Ordinances - Zoning and Section(s) 74-172, 74-178, 74-186, 74-186.1, 74-188, and 74-263 of the Walworth County Code of Ordinances - Shoreland Zoning to make livestock facilities, commercial feed lots, and commercial egg production facilities a principal use rather than a conditional use.

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

This item will move forward to the November 12, 2019 Walworth County Board for possible action.

Disc Count #5:04:35 – 5:05:12

New Business – Discussion Items – None

5:05 p.m. Jim Van Dreser arrives at meeting.

Public Hearing: 5:30 p.m.

Ordinance Amendments – None

Rezones with Conditional Uses –

- 1. Steven C. Captain – Owner**, Section 15, Lafayette Township. Rezone approximately 25.97 acres of A-1 Prime Agricultural Land District, P-1 Recreation Park District and C-4 Lowland (Shoreland) Resource Conservation District property to the C-2 Upland Resource Conservation District and C-4 Lowland (Shoreland) Resource Conservation District in order to obtain conditional use approval for a four lot Planned Residential Development (PRD) and correct the wetland boundary to existing delineated field conditions. Tax Parcel K LF1500001A.

General:

1. Approved as per plan submitted for a four lot PRD with four single family homes on four lot meeting the density and setback requirements of the County Zoning Ordinance with all additional conditions.
2. The owner must meet all Town access requirements.
3. The project must meet all Federal, State, County and local Ordinances.
4. The proper preservation, care and maintenance by the original and all subsequent owners of the design of the PRD and all common structures, facilities, essential services, access and open spaces shall be assured by **deed restriction referencing the parcel and shall be recorded meeting standard document format as per 59.43(2m)**. The deed restriction shall state all property within the PRD must remain as part of the PRD and may not be removed from the PRD without County approval. No lot area within the PRD can be reduce as the lot area of all four lots in the C-2 district PRD have been averaged between the four lots.
5. The County reserves the right to rescind this conditional use upon any violation of County regulations.
6. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.

Specific:

7. The Driveway Easement needs to be deed documented on Lot 2 for both Lot 1 and Lot 2 as per the Town.
8. Documentation of the access easement to Lot 1 and 2 and maintenance agreement shall be created and reviewed by the Town of LaFayette Plan Commission at the time of approval consideration of the Certified Survey Map (CSM).

Staff presents request and indicates this is consistent with Farmland Preservation. Steven Captain speaks regarding the application.

Jerry Grant motioned to approve. Seconded by Dave Weber. Motion carried. 6-favor 0-oppose.

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

Disc Count #5:36:50 – 5:41:24

2. Todd J. Brown – Owner, Section 21, Darien Township. Rezone approximately 15 acres of A-4 Agricultural Related Manufacturing, Warehousing and Marketing District property to the M-2 Heavy Industry District in order to obtain conditional use approval for an existing truck depot with customer parking and loading and unloading areas, a truck repair shop and indoor off season storage and outdoor industrial storage. Tax Parcel BA107700001 and 2.

General:

1. Approved per plans submitted for a truck depot with customer parking and loading and unloading areas, a truck repair shop and indoor off season storage and outdoor industrial storage of equipment and materials with all additional conditions.
2. All storage areas, materials and equipment shall be located as defined on the plan of operations.
3. 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.
4. The site shall meet all applicable Federal, State, County and local regulations.
5. The applicant must obtain all required zoning permits including sanitation and sign permits.
6. No filling shall be allowed in any wetland areas.
7. No filling shall occur on site without a site grading plan and proper permit approval.
8. All areas shall be kept neat, clean and mowed.
9. All outside lighting shall be shielded and directed on site.
10. All fuel storage shall be located within a State approved containment facility.
11. Access approval must be obtained from the State Department of Transportation and be submitted for the conditional use file prior to operation on site.
12. All cars and trucks 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.
13. 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.
14. 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.

15. All equipment stored outside shall be owned or operated by the business or a separate party with permission of the property owner.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
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:

22. All fluids and drain oils shall be disposed of or recycled in accordance with State regulations and shall not be disposed of on site.

**Staff presents request and additional specific condition #22.
Todd Brown speaks regarding the application.**

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

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

Disc Count #5:41:26 – 5:44:54

Rezones –

THIS ITEM NOT HEARD – Tabled by Applicant.

1. ~~Dickinson Properties, LLP – Owner, W. Boyd Whiting – Applicant, Section 14, Linn Township. Rezone approximately 2.09 acres of A-2 Agricultural Land and P-2 Institutional Park District property to the B-4 Highway Business district in order to allow an existing church structure and parking lot to be used for retail or professional office space. Tax Parcel IA-89000001.~~

THIS ITEM NOT HEARD – No Town Decision received.

2. ~~Norman L. Brummel and Jean A. Brummel Trust, Section 12, Sugar Creek Township. Rezone approximately 2.1 acres of A-2 Agricultural Land District property to the B-2 General~~

~~Business District to allow for the construction of a retail store. Part of Tax Parcel G SC1200006.~~

THIS ITEM NOT HEARD – No Town Decision received.

3. ~~Robert and Lisa Bern – Owners, Section 9, East Troy Township. Rezone approximately .9 acres of C-4 Lowland (Shoreland) Resource Conservation District to the R-1 Single Family Residential District in order to correct the wetland boundary to field delineation and get existing structures out of the wetland zone district. Portion of Tax Parcels P-ET 900008 and PMGH 00001.~~
4. **James and Eileen Dempsey Life Estate – Owners, Section 10, Sugar Creek Township. Rezone approximately two acres of A-1 Prime Agricultural Land District property to the P-2 Institutional Park District for the location of a Town Fire Station Building. Part of Tax Parcel G SC1000006.**

Staff presents request and indicates this is consistent with Farmland Preservation. Dale Wuttke/Tn Sugar Creek Chair speaks regarding the application.

Dave Weber motioned to approve. Seconded by Jerry Grant. Motion carried. 6-favor 0-oppose.

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

Disc Count #5:45:03 – 5:47:40

5. **Thomas Weber – Owner, Section 16 & 21, LaFayette Township. Rezone approximately 6.02 acres of M-3 Mineral Extraction District and A-1 Prime Agricultural Land District property to C-2 Upland Resource Conservation District in order to create a buildable rural residential lot. Tax Parcel KA273000001 and parts of Tax Parcels K LF 1600005A and K LF2100005B.**

Staff presents request and indicates this is consistent with Farmland Preservation. Tom Weber speaks regarding the application.

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

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

Disc Count #5:47:41 – 5:51:16

THIS ITEM NOT HEARD – No Preliminary Stormwater Review Letter.

6. ~~4th Rock Inc. C/O Arney Silvestri – Owner, Section 33, Geneva Township. Rezone approximately 1.33 acres of A-2 Agricultural Land District to the B-3 Waterfront Business District for the creation of a parking lot for an existing bar/restaurant. Tax Parcel J-G 3300019A and part of Tax Parcel J-G 3300019.~~

Conditional Uses – None

1. **4th Rock Inc. (Mars Bar) C/O Arney Silvestri - Owner**, Section 32, Geneva Township. Conditional use for Outdoor Food and Beverage area expansion greater than 25 percent requiring conditional use approval as if establishing the use anew. Part of Tax Parcel JCON 00043.

General:

1. The Conditional Use for use of a deck for outdoor food and beverage consumption for a bar/restaurant 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 by on site workers 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. 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.

**Staff presents request.
Arney Silvestri speaks regarding the application.**

Dave Weber motioned to approve. Seconded by Jerry Grant. Motion carried. 6-favor 0-oppose.

Disc Count #5:51:21 – 5:54:45

2. **John S. and Julie A. Runzel Living Trust – Owners**, Section 8, Walworth Township. Conditional use approval to construct a dwelling and barn on a farm separation remnant for farm use purposes. Part of Tax Parcel E W 800004.

General:

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

Specific:

Staff presents request.

Atty Tony Coletti and John Runzel speak regarding the application. Atty Coletti requests changes to condition #1 removing “for farm use” and condition #5 removing “agricultural”.

Jim Van Dreser motioned to approve with requested changes. Seconded by Rick Stacey. Motion carried. 6-favor 0-oppose.

Disc Count #5:54:51 – 6:00:34

Adjournment

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