

Lincoln County Planning and Zoning Committee
Thursday, March 9, 2005 at 8:30 a.m.
Land Resource Center Meeting Room

1. Call Meeting to Order - Meeting was called to order by Chairman Saal at 8:30 a.m. in the Land Resource Center Meeting Room. Members present: Cohrs, Kleinschmidt, Meyer, Saal, and Powell along with Dan Miller; Zoning Administrator and Dan Bowers; Zoning Specialist.
2. Tour sites that will be the subject of public hearings that were held later that morning – The Committee members, Dan Miller, and Dan Bowers left to tour the sites.
3. 10:30 a.m. Public Hearing – Hearings were held on the items as listed in the notice. Saal, Kleinschmidt, Meyer, Cohrs, and Powell along with Dan Miller; Zoning Administrator, Dan Bowers; Zoning Specialist, Kris Reichelt; Program Assistant, Mary Heederik - Court Reporter and approximately 10 others were present. The meeting was called to order at approximately 10:20 a.m.

Saal indicated that not all the items would be discussed in the order as listed on the agenda.

4. Discussion by the Planning and Zoning Committee and Decisions on any Conditional Use requests and Rezone requests, and old business items, which were the subjects of Public Hearings.

CONDITIONAL USE REQUESTS

1. The request of Aaron and Rebecca Fawley to operate a small auto repair shop as an expanded home occupation in a Rural Lands 2 District. The property is described as part of Section 32, T35N, R07E, in the Town of King; having a tax parcel number 12.323507.010.001.02.01 and an address of W4450 County Road D. The request is being heard under section 17.3.09 (8) of the zoning ordinance.

Aaron Fawley was present to support their request. He said that he was looking for approval to have a small business in his garage part time with hopes to expand into full time in the future. He owns 7 acres and the current trees would screen the garage from the road. He explained that he lives at this property so he wouldn't have junk laying all over the property. He had no problem with the recommendations as outlined by the Staff in their staff report. He would probably have approximately 2 or 3 cars on the property at a time excluding his own that would be associated with the business. He would agree to no more than 4 customer vehicles on the property at a time. He doesn't have room in his driveway for more than 4 or 5 vehicles at one time unless he constructs a parking lot. The vehicles that would be in for repair would be licensed.

The Committee and staff discussed whether or not to restrict the number of vehicles on the property that would be associated with business.

The Town of King recommendation of approval was read and entered into the record.

Chairman Saal closed the public hearing for Aaron and Rebecca Fawley.

Motion by Powell, seconded by Kleinschmidt to APPROVE ON CONDITIONS the request of Aaron and Rebecca Fawley.

1. Maintain screening as defined by the zoning ordinance around the garage site and vehicle parking area, with the exception of a 100 foot opening in and around the driveway opening along County Rd D (The current size opening along the roadway).
 2. Install a catch basin and holding tank under approval of the DNR for any fluid wastes that will be captured during the course of vehicle repair in the new garage.
 3. There would be no more than 10 licensed vehicles that would be on the property at one time that would be customer's vehicles. Motion Carried 5 – 0.
2. The request of Martha Kirker and co-applicant Kevin Kirker to allow a mobile home in a Rural Lands 2 District. The property is described as part of Section 33, T31N, R06E, in the Town of Scott; having a tax parcel number 24.333106.003.000.00.00 and an address of W6254 Church Ave. The request is being heard under section 17.2.100 of the zoning ordinance.

No one was present to support the request.

Miller indicated that the applicant didn't make the Town of Scott agenda in time and that's probably why the applicant didn't show for today's meeting.

Chairman Saal closed the public hearing for Martha Kirker and co-applicant Kevin Kirker.

Motion by Cohrs, seconded by Saal to LAYOVER the request of Martha Kirker and co-applicant Kevin Kirker to allow the Town of Scott to act upon the request. Motion Carried 5 – 0.

PETITION FOR REZONING

3. A request by MPDH, LLC and Duwaine Krautkramer to rezone 2 parcels from Rural Residential 2 to Planned Industrial for the purposes of wood manufacturing. The property is described as part of Section 2, T31N, R06E, in the Town of Merrill; having tax parcel numbers 14.023106.016.010.00.00 and 14.023106.016.009.00.00 and addresses of W2183 Pier Street and W2177 Pier Street.

Duwaine Krautkramer was present to support the request. He said that they would like to change the request to General Industrial instead of the Planned Industrial. Planned Industrial would be too restrictive for their business because it would limit their expansion abilities. They did discuss this change at the Town of Merrill meeting and they agreed to rezone the property to either zoning district. He mentioned that under both zoning districts it establishes a minimum percentage of green space that you must maintain but it's more restrictive in the Planned Industrial zoning district and that's why they would rather have the property rezoned to General Industrial. They weren't sure where the septic is located for the residential house that is located on the property but they were willing to put in a holding tank if required to clear up any problems. They are proposing to build a 30' x 76' building for now but they will probably be expanding in the future even further. He felt that Merrill could use as many businesses and manufacturing businesses as they can get so why would this Committee limit their business from expanding in the future by rezoning it to Planned Industrial? This business has been located at this property since 1986 and they have 20 employees.

The Committee and Staff discussed the differences between Planned Industrial and General Industrial zoning districts. Miller was concerned with future owners of the property and what type of businesses that could be located there after this business is gone if the property is rezoned to General Industrial.

Bill Burgener, Town of Merrill Chairman, was present to support the request. He said that they didn't have any problem with changing this to General Industrial.

A letter from Greg & Lin Kautza opposing the request was read and entered into the record.

Scott VanDerGeest was present. He wasn't really opposed to the request but had a few questions such as what will be done in the new building as far as painting, manufacturing, etc., what size building would be built, and could his property be rezoned. He said that because he's a neighbor he just wants to know what's going on. Is it possible that they expand their business to 300 employees in the future? He said as long as this doesn't turn into an Industrial Park then he didn't have a problem. He said he didn't have a problem with what's going on with the business now.

The Town of Merrill recommendation for approval was read and entered into the record for either Planned Industrial or General Industrial.

Chairman Saal closed the public hearing for MPDH, LLC and Duwaine Krautkramer.

Motion by Kleinschmidt, seconded by Cohrs to APPROVE the rezone request for MPDH, LLC and Duwaine Krautkramer and send an ordinance amendment to the County Board with rezoning the property to the General Industrial zoning district since this was approved by the Town of Merrill. Motion Carried 4-1 with voice vote.

5. Old Business – A request by Don Matulka and co-applicant McKeough Land Company Inc. to rezone the following lands for the purpose of residential development (propose to change the Zoning District from Forestry to Rural Residential -3): Parcels #04.323506.009.002.00.00, #04323506.014.002.00.00, #04.323506.015.001.00.00 located in the Town of Bradley

Mark Kordus, McKeough Land Company, was present to support the request. The OHWM was located through out the property and it did impact the building layout. There was a question on the road becoming a public road which he said wouldn't happen because per state statute you have to have 6 property owners along the easement road that would want the road to become public and they don't have that. They have approximately 53 acres and only 23 acres would be developed. The remaining land would

remain zoned forestry and would be undeveloped by DNR pier rules. They would be allowed to have 71 slips but they would only need 9. The condo units would share septic systems. He indicated that they would widen Branch Road to a minimum of 18 feet with an 80' diameter cul-de-sac at the end of the road. This isn't a private road but considered an easement for egress and ingress. The easement is 66 feet wide that has been there since the 1940's. The land owners that have bought their properties were fully aware of the easement. He said that they pulled all the deeds along that easement road to make sure no one owns the easement road. The easement road isn't a separate parcel and isn't being taxed and he thinks is still owned by the family that initially created the easement road. They can safely improve the easement road because of prescriptive rights. He had no problem with rezoning the property to RR-4 as recommended by the staff. They did have soil tests done on the property and Miller has a copy of the results. The remaining undeveloped land would be owned by the condo owners by having a 1/9th interest. He indicated for the record that the applicant does own another 34 acres to the south of this property and they support this rezone request.

The Committee acknowledged that they received a letter from Tammi Daeda.

Saal closed the public hearing for Don Matulka and co-applicant McKeough Land Company Inc.

Motion by Meyer, seconded by Powell to APPROVE ON CONDITIONS the request of Don Matulka and co-applicant McKeough Land Company Inc. and send an ordinance amendment to the County Board Supervisors with the following CONDITIONS: 1. The developer creates the condo plat in such a way that no more than 9 living units will be allowed on the property. 2. The plat is to be recorded as a non-expandable condo plat and the remaining wetlands and lands owned above the 22 acres will be covered by a conservation easement or deed restricted so that they cannot be used as developable area. 3. The mound systems, living units, pier access areas and any accessory structure locations are to be shown on a plat approved by the Planning and Zoning Committee. 4. The new zoning district will be RR-4 with a minimum lot size of 100,000 square feet. A Certified Survey Map (CSM) will be created to identify the 22± acres and would be approved by the Zoning Department. 5. Since Condominium Plats are not covered under County Subdivision regulations, review of the development of this site is limited, therefore if the above conditions are not satisfied, the rezoning may be rescinded by action of the County Board of Supervisors and revert the zoning of the parcels back to Forestry. As such, this recommendation is a conditional rezoning approval based upon the above conditions. Motion Carried 3- 2 with voice vote.

6. Public Comment Opportunity – No one was present for public comment.
7. Subdivision: Major Plat for Ralph Peterson (Prairie River Savannah) – 33 Lots with 3 outlots County Plat (Preliminary Plat) – MSA Eugene Uttech – Eugene Uttech was present to discuss the plat. The Committee, Staff, and Uttech reviewed the plat. Miller indicated that there are endangered species present on the property and wetlands were delineated but haven't been confirmed by the DNR and/or the Army Corp of Engineers. A fax from Gary Bartz, DNR, was recognized and read by the Committee. The wetlands will have to be fully delineated by the DNR and the Army Corp of Engineers before this plat can be approved and a Stormwater plan will have to be designed. The layout does meet the zoning requirements. A road construction agreement will have to be signed by the town. Miller said that there are a fair number of things that have to be done with this plat before it can be approved. The Forestry Department reluctantly said that they would accept the public access if no one else accepts it. Miller recommended that this plat be laid over in order to address some of these issues. Motion by Cohrs, seconded by Kleinschmidt to LAYOVER the Prairie River Savannah Plat in order for them to provide additional information. Motion Carried 5 – 0.
8. Approve the February 9, 2006 meeting minutes – Motion by Meyer, seconded by Powell to AMEND the February 9, 2006 meeting minutes with the following amendment: Under item #10 - Administrator's Report it was written that a letter was sent to Don Friske regarding Assembly Bill 985, the minutes should have read that the letter was sent after receiving permission from the Zoning Committee. Motion Carried 5 – 0. Motion by Cohrs, seconded by Powell to approve the February 9, 2006 meeting minutes as amended. Motion Carried 5 – 0.

Saal called for a break at this point.

9. Discuss Meeting with Town Representatives for Possible Ordinance Amendments – Miller indicated that 8 of the 11 zoned townships were represented at the meeting. They made it through about half the issues and will have to meet again. March 30th was a date that was chosen but Miller has a conflict with that date and he will have to reschedule that meeting. Miller said that there was good discussion that took place at that meeting.
10. Convene in closed session pursuant to Sec. 19.85(1)(C), Wis. Stats. For purposes of considering employment evaluation data of any public employee over which the body had jurisdiction [Zoning Administrator & Zoning Technician (Dan Miller and Jim

Wegter annual evaluations] – Miller explained that Jim Wegter’s anniversary date is April and his is in June. It was recommended that evaluations be completed prior to new County Board Members taking over in April. Miller recommended that these 2 evaluations be placed on next month’s meeting since this would still be prior to the new County Board Members taking over. The Committee agreed.

11. Reconvene into open session and take any necessary action on item above – The Committee never went into closed session.
12. Administrator’s Report – Miller reviewed the correspondence with the committee that were included in their packets and gave a verbal administrator’s report. Miller reported to the Committee that Warren Hohn was out on Family Medical Leave and he was finding him light duty work to do while he is laid up. Miller explained a few meetings he has had with the City of Merrill regarding property near Rio Grande Drive in the Town of Scott. The meeting was to discuss if this property would be annexed to the city or plan for future infrastructures so that it would be seamless when the City does annex that to the City. He also had a meeting with Carmody Data Systems, septic designers, and the representatives from the Dept. of Commerce to discuss electronic permitting and how we can become paperless. The Dept. of Commerce is willing to set up a pilot program but a lot of the details still have to be worked out. Miller indicated that there still are a few problems that the Department is having with Carmody as far as the AS 400 system (Marathon Land Records Program) and data dumps. They’re currently working on the demo side to see if they can get some of the problems work out before going live. Miller explained that he attended an Administrative & Legislative Meeting on March 6th regarding the Zoning Department sending a letter to Don Friske regarding a bill that Friske was supporting on billboards. The reason for the letter was because the bill was in conflict with our zoning ordinance and the opinions of his constituents. Miller explained that since the Department Staff did have their Committee’s support prior to sending the letter that it was a moot issue. No action was taken at that meeting. Motion by Cohrs, seconded by Powell to reconfirm that they supported the action of employees Dan Miller and Dan Bowers in looking out for the good of the department, public, county, etc. in regard to the letter sent to Don Friske. Motion Carried 5 – 0. The Committee agreed that the letter was done in a right and proper manner. Bowers indicated that he would give a full compliance report at next month’s meeting. The Committee reviewed the financial report that was handed out. Reichelt updated the Committee on data conversion and Bowers updated them on density allotment. Bowers said that the Town of Russell now has zoning districts on the AS 400 system (Marathon Land Records Program).
13. Adjourn – Motion by Cohrs, seconded by Kleinschmidt to adjourn at 12:20 p.m. Motion Carried 5 – 0.