

Lincoln County Planning and Zoning Committee
Thursday, October 13, 2011 at 8:30 a.m.
Lincoln County Service Center, Meeting Room 156

1. Call Meeting to Order - Meeting was called to order by Chairman Saal at 8:30 a.m. in meeting room 156 in the Lincoln County Service Center. Members present: Saal, Mittelsteadt, Rusch & Nelson along with Diane Hanson, Land Services Administrator; & June Winters, Program Assistant. Meyer was excused.
2. Tour sites that will be the subject of the public hearings that will be held at 10:30 a.m. – Committee Members & Hanson left to tour the sites listed on the public hearing notice.
3. 10:30 a.m. Public Hearing – At 10:30 a.m. the Public Hearing was called to order. Hearings were held on the items listed in the notice. Saal, Mittelsteadt, Rusch & Nelson along with Diane Hanson, Land Services Administrator; June Winters, Program Assistant and 12 other persons were present. Meyer was excused.
4. Hearings were held in order, discussion occurred and decisions were made by the Planning and Zoning Committee – Chairman Saal explained the rules of conduct for public hearings and introduced the Committee members. He called the first hearing.

CONDITIONAL USE REQUEST

1. A request by L&L Propane to allow for outdoor storage and wholesaling of propane. The property is located in Section 30, T32N–R7E, in the Town of Merrill off of Kraft Road and has a tax parcel number of 14.303207.013.002.01.02. The request is being heard under section 17.3.08(3) of Lincoln County Ordinances.

Mike Lauritzen was present to explain & support his request. He wants to locate a 30,000 gallon propane distribution tank on the property. They sell home propane and their current service area covers up to County Rd J in Irma and they want to have a closer distribution center than their current location in Brokaw. Saal asked Lauritzen if he had any problems with the recommendations in the staff report. Lauritzen said he did not and explained how the trucks would enter & exit the property. Lauritzen gave his estimate of amount of truck traffic both summer & winter. He explained which trees would be removed to accommodate the large tank, the trucks maneuvering on the property and to locate tanks for sale and where the trees would be left as buffer between his site and the adjoining home. Up to 90 smaller tanks would also sit on the property. Hanson asked about lighting on the property. Lauritzen said they are required by state code to have a dusk to dawn yard light on the premises. Saal questioned the large number of small tanks on the property and Lauritzen said that they are hoping to grow their business and want to have tanks available for new customers.

Stacy Pettit, representing the Town of Merrill was present and gave the 10/10/11 Town Board approval of L&L Propane's project. They agreed with the staff recommendations. Zoning had received a hard copy of the Town of Merrill approval on 10/12/11.

Jeff Kraft was present & spoke not really in opposition, just having some questions. He is an adjoining landowner and just wanted to make sure the business would be sufficiently buffered from his home. He also had questions about leakage/safety of the tanks and truck traffic affecting the quality of the road. Saal said that the condition would be that there be a minimum of 50' deep strip of trees as a buffer. Mittelsteadt said that the regulatory agency that the propane company is licensed through would do inspections. Hanson said that when the property was rezoned the 50' deep buffer was a condition.

Mr. Lauritzen asked to add be heard again and came back to the podium to answer Mr. Kraft's questions. He said that there will actually be about a 200' buffer of trees. They also are required to draft plans for the state for a fire & leak prevention plan that is shared with local fire departments. They also have to do a risk assessment plan. The third is a safety plan for the operation of the plant that will be approved by the state.

Saal closed the public hearing for the L& L Propane request.

Motion made by Mittelsteadt, seconded by Rusch to APPROVE ON CONDITION the Conditional Use request.
Conditions:

- 1) A landscaped buffer yard be maintained along the north and east property lines, per the standards in Section 17.5.05(2), to a depth of 50 feet.
- 2) Outdoor sales, display or repair areas shall be set back from all streets and residentially zoned properties a distance equal to the required principal building setbacks and shall not be located within landscaped bufferyards.
- 3) Any lighting to be installed must meet the requirements of the Lincoln County Lighting Standards (Section 17.5.04 of the Lincoln County Ordinance)

Motion carried 5 - 0.

2. A request by Meyers Marine LLC to allow for a storage building in excess of 1500 square feet in area in a Rural Residential 1 zoning district. The property is located in Section 5, T34N-R6E, in the Town of Bradley, west of the intersection of Oakland Ave and Pfeifer Rd and has a tax parcel number of 04.053406.017.002.01.00. The request is being heard under section 17.3.09(1)(f) of Lincoln County Ordinances.

Leonard Meyer was present to explain & support his request. He would like to put up a 40'x80' storage building for his own personal use. He has a large boat, motorhome, 5th wheel trailer & other boats and items that they own. He stated that the property is in the name of their business for tax purposes but that all items stored in the building will belong to either he or his family. His father used to live in the area and they have a lot of items stored there now but wish to get it out of there. Nelson asked where that property was in relationship to this property and Meyer explained. He said that he needs to get his personal items out of the other storage buildings that he owns to free up space for storage for their business. He is not planning on running electricity to the building right now unless the Committee requires him to have lighting.

Harry Gladwin, Town of Bradley Plan Commission, was present and shared with the Committee that Mr. Meyers was not in attendance at the Plan Commission meeting in September therefore no recommendation was made at the township level. The request will be on Bradley's 10/24/11 Plan Commission agenda & 11/14/11 Town Board agenda.

Pam Gola was present in opposition to the request. She is an adjoining land owner in Mohawksin Point subdivision on Pfeifer Rd adjacent to where the boats are currently being stored. They question that this new building is going to be used for Meyers' personal storage. They are worried about landscaping/buffering so that they do not have to look at the building. There are concerns that it will grow into a business in the future and precipitate a rezone. Saal questioned if she was talking about the property under the request or where they currently have items stored stating that one really doesn't affect the other. Mittelsteadt told Gola that if there are problems in the future a complaint may be filed either with the Township or County if there are activities outside of what was granted under the Conditional Use. Gola just again mentioned that they were afraid that a storage building that large would affect the character of the neighborhood.

A letter of opposition was discussed that was received from Attorney Mark Murphy, representing the Lake Mohawksin Point homeowner's association.

Saal closed the public hearing for the Meyers Marine LLC request.

Motion made by Saal, seconded by Mittelsteadt to LAY OVER the Conditional Use request until the November ZC meeting after Township recommendation is obtained. Motion carried 4 – 1 with Nelson voting nay.

PETITION FOR REZONING

3. A request by Corbin Timberlands LLC to rezone approximately 42 acres, off of Corbin Rd, having a tax parcel 04.103506.010.001.00.00, from a Forestry zoning district to a Rural Lands 4 zoning district to allow for the creation of a single buildable lot. The property is located in Section 10, T35N, R06E, in the Town of Bradley

Kent Corbin was present to explain & support their request. He said that he originally was going to try to rezone 4 acres that they may want to sell but the County recommended that the entire parcel be rezoned. He currently has no plans to sell any of the other 38 acres. Saal questioned the outlot within the 42 acres and Corbin said that is owned by others. Corbin stated that it is property that his grandfather owned and planted trees on in 1955 so he really doesn't wish to make any changes to it except to sell the 4 acres.

Harry Gladwin, Town of Bradley Plan Commission, was present and shared that the Corbins received Plan Commission approval on 9/24/11 with a 6-0 vote and Town Board approval on 10/10/11. The approval form had also been received in the Zoning office on 10/12/11. He just wanted to make sure that the owner of the outlot within was notified.

Hanson stated that the owner of the outlot has been notified and we have had no response from them. There was lengthy discussion on the outlot and whether to include it in the rezone and the ramifications.

Pat Corbin was present and showed the Committee a recent survey of the 4 acre parcel that they are proposing splitting off of the 42 acres.

Clare Ann Stocker was present as an adjoining landowner. She has the only cabin that actually adjoins Corbin land. She is asking that the decision be postponed to research an easement that they share. She stated that there may also be Indian burial ground on the property. She is hoping that until these issues are resolved that a decision will not be made to change the zoning. Saal explained that the issues are not related to a change in the zoning. After some discussion Nelson concurred that neither of her issues are related to the zoning.

Saal closed the public hearing for the Corbin Timberlands rezone request.

Motion made by Nelson, seconded by Rusch to approve the rezone request and forward an ordinance to County Board. Mittelsteadt had objection that the inclusion of the outlot without acknowledgement of that property owner. Nelson argued that the outlot is unbuildable no matter whether it is zoned Forestry or RL4.

Motion was amended by Mittelsteadt and seconded by Saal that the outlot be included but if the individuals that own that property do not agree with the decision they have the opportunity to request a different zoning district at no fee for the rezone if they wish.

Motion to amend the motion passed 3 – 1 with Nelson voting nay.

Amended motion carried 4 - 0. The request will be on the October 18, 2011 County Board meeting. Harry Gladwin said he could not speak for the Town as far as the town's process if the owners of the outlot disputed the zoning change and sought a resolution.

At 11:40 a.m. Saal called for a 10 minute break. The meeting reconvened at 11:51 a.m.

5. "Old Business" – Sylvester & Wendy Pieczonka, CUP-09-009 – for a camper to remain on property more than 60 days per year in an RR2 zoning district. (granted on condition 9/10/09 with a condition of being valid for 2 years from the date of issuance with an opportunity for an extension by the P&Z Committee at the 2 year anniversary meeting under "Old Business"). Property is located at W6978 Von Besser Dr., Town of Harding.

Sylvester Pieczonka was present and explained the request for the extension. He stated that they still wish to leave the camper on the property year round as for now. They moved the camper so that it is out of site of the neighbors. With the state of the economy they have not been able to build as yet and may not be able to in the next couple of years either. He said they had complied with the rest of the conditions.

Saal referenced a letter received from Wayne Zimmerman & Christian Lee, M.D. The letter said as adjacent property owners they take no exception to the request but suggested that a time limit of 2 years be placed on the extension, with the option of reviewing it again at that time. Pieczonka said that they would come back and request an extension if need be. Nelson wanted to clarify if the extension that Pieczonka is asking for is just the 2 years or a longer extension. Pieczonka said that they would appreciate a longer request but would agree to whatever the Committee recommends. Hanson noted to the Committee that there were photos in their packets of the property that Dan Bowers had taken.

Saal closed the meeting for the extension request.

Motion by Saal, seconded by Nelson to APPROVE the extension of CUP-09-009 for 2 more years with original conditions 3 & 4 continuing with this extension. Motion carried 4-0.

6. Public Comment Opportunity – Harry Gladwin commented that the zoning staff is doing well with the current staffing situation.
7. Approve the September 8, 2011 meeting minutes – Motion by Rusch, seconded by Saal to approve the September 8, 2011 minutes. Motion carried all ayes.
8. Administrator's Report - Hanson gave the Committee an update on the Comprehensive Plan update project. The Committee reviewed & discussed the Financial Report and placed it on file. The Committee discussed correspondence received. John Kablitz had submitted a letter in opposition to the requirement that the septic systems be pumped or inspected every three year. Hanson also discussed the delay of NR115 and the grant extension request. She would like to move the December Committee meeting to the 3rd Thursday because she has another meeting on the 8th. The Committee agreed to change the meeting date to December 15th. They discussed the status of the Shoreland Specialist position.
9. Adjourn - Motion by Mittelsteadt, seconded by Saal to adjourn at 12:10 p.m. Motion carried all ayes.

Minutes prepared by June Winters