

**Lincoln County Planning and Zoning Committee
Thursday, October 8, 2009 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, Meyer and Eisenman along with Dan Miller, Zoning Administrator, Dan Bowers; Zoning Specialist and June Winters; Program Assistant. Rusch was excused.
2. Tour sites that will be the subject of the public hearings that will be held at 9:30 a.m. – Committee Members, Miller & Bowers left to tour the sites listed on the public hearing notice.
3. 9:30 p.m. Public Hearing – Hearing was held on the item listed in the notice. Hearing called to order at 9:30 a.m. by Chairman Saal. Saal, Meyer, Mittelsteadt and Eisenman along with Dan Miller; Zoning Administrator, Dan Bowers; Zoning Specialist, June Winters; Program Assistant, Ray Kraemer; Court Reporter and 12 other persons were present. Rusch was excused.
4. Discussion by the Planning and Zoning Committee and Decision on the Comprehensive Plan Amendment and Petition for Rezoning request which were the subject of the Public Hearing -

COMPREHENSIVE PLAN AMENDMENT

1. A request by Emil Johnson to amend the Lincoln County Comprehensive Plan by changing the planned land use classifications for tax parcels 24.303107.012.001.02.00 and 24.303107.012.001.01.00 from “Crossroads Mixed Use” to “Planned Industrial”. For tax parcels 24.303107.009.001.01.02 and 24.303107.009.001.01.01 the planned land use classification is requested to change from “Rural Single Family Residential” to “Planned Industrial”. The request includes approximately 70 acres north of County Road Q located in Section 30, T31N-R7E in the Town of Scott.

Dan Miller gave a brief recap of the tour at the site this morning. Present at the tour site were Mr. Johnson, Zoning staff & approximately 5 residents. Because both items 1 & 2 are inter-related the Committee decided to take testimony on both items concurrently.

PETITION FOR REZONING

2. A request by Emil Johnson to rezone tax parcels 24.303107.012.001.02.00 and 24.303107.012.001.01.00 from “Crossroads Mixed Use” to “Planned Industrial”. For tax parcels 24.303107.009.001.01.02 and 24.303107.009.001.01.01 the zoning classification is requested to change from “Rural Residential 3” to “Planned Industrial”. The request includes approximately 70 acres north of County Road Q located in Section 30, T31N-R7E in the Town of Scott.

Testimony for both items 1 & 2 is as follows:

John Pophal was present in support of the request. He sold this land to Mr. Johnson approximately 10 years ago. He believes that the rezones would be beneficial as it would bring business to the area and feels in these economic times this is necessary. He doesn't believe that there will be any environmental impact because the waste is regulated by the DNR. He doesn't feel that the agriculture industry would be hurt by this small amount of land being rezoned.

Eugene Mootz, Town of Scott Chairman, was present in support of the change of Land Use Plan request and Rezone request. He stated that their town meeting wasn't held in time to get final approval for today's Zoning Committee meeting. It was discussed at their September meeting but they did not act officially. Mr. Johnson's concept was discussed and the Town Board was in favor of it. There was some discussion of some type of "business park" for the area and looking into this took time to find out details. Unfortunately in investigating the possibilities they have found out that there is no state money available to help. They have several issues to agree on at their next meeting before approval is given. It has been discussed with the group that is looking at the changes that will be made with the county's comprehensive plan update later this year. He added that during the development of their plan they recognized County Road Q corridor as a definite area for probable business development. It was designated as Crossroads Mixed Use to accommodate businesses. Mootz listed several businesses already in existence in that area. They feel that continued growth in that corridor is possible and Johnson's request is consistent with that. Bowers asked if the staff recommendations are consistent with what the town is looking at. Mootz said that it was in line with what the town was already thinking.

Dave Grunenwald was present and is an adjoining landowner. He wasn't sure if he was going to be for or against the request. After the tour to the site he is more in support of the request. He doesn't believe that the business will negatively affect his property and is in favor of development in today's economic situation. Gruenwald had questions about the nature of the business and wanted some issues clarified; size of components, storage of material and components, amount of truck traffic in and out, equipment noise and location of the proposed buildings? He also wanted to know if the rezone is granted would it open it up to "any" type of industrial business to be located along County Rd Q? Saal read the recommended conditions from the Zoning staff report to see if those conditions may answer some of the questions that the adjoining neighbors may have. Grunenwald was just concerned that a business that was very noisy, smoky, etc. may be a problem. Bowers asked for clarification of which property Grunenwald owned and what future use they may be proposing. He said that when they bought it they had entertained the idea of a storage building but they did not follow through with that and they have no immediate plans for development of the property.

Emil Johnson was present to support his request. He gave the history of his intentions for the property when purchased and his current proposal. Currently the parcels are undeveloped. He has a specialized company at a different location called Universal Industries that he wants to relocate. He tried to address some of Gruenwald's questions. They fabricate and machine the replacement components for large equipment. He figures that there may be only 2 trucks a day. Saal asked what hours the trucks would be running. Johnson said that it would basically be between 7 a.m. – 3 p.m. The size of the components would be 3 foot square to 12 foot square. They work on the "just in time" delivery basis. They do not accumulate components that have to be stored because they just fabricate for specialized orders. They do not store outside because of the chance of rust of the components. Saal asked Johnson if he had a problem with a condition of no outside storage. Johnson stated that if something is sitting outside it would just be waiting for pickup. Mittelsteadt asked what the components were. Johnson said that they are parts for cranes. They also make "cone crushers" used in mining to extract and crush minerals; these are about the largest they may make. They are a very specialized fabrication business. His business is low quantity but very specialized. Mittelsteadt was concerned with noise that would be created. Johnson said that the machining may be the noisiest part of the process. His current plant is not air-conditioned and he is looking at the new building being temperature controlled and enclosed and that would cut down on the noise also. Johnson compared his business to another machine shop in Marathon County and Johnson clarified for Mittelsteadt that the operations, at least the outward appearance, would be similar. Johnson wants to have the ability to have delivery trucks pull into the building to off-load material instead of unloading outside and bringing it in on forklifts. He said that he is very environmentally sensitive and doesn't wish to cut a lot of trees. He said that if the rezone is requested there would be very specific stipulations in the "business park" for any type of industrial facilities. He knows that Zoning is recommending that only the front 30 acres gets rezoned and he doesn't have a problem with that. He is not looking for maximum land yield. He said no matter how the businesses are situated, he wants it to look nice. He stated that he currently employs approximately 25 persons. He said average wage is \$20-21/hr and they could

employ as many as 50 people in the new facility. He currently has some Merrill residents that drive to Tomahawk where his plant is currently located. Mittelsteadt asked for clarification on the proposed location of the plant in regards to “run-off” and erosion control. Johnson said that he didn’t know if that was going to be a problem but he will do what is required to prevent that. There was discussion on the location of the building. Miller commented that Mr. Johnson has met with staff and the covenants were something that was discussed. He wanted to clarify that Johnson was the one who recommended the covenants and Johnson said that he had. Saal just wanted to make it clear that Johnson was not being coerced and this was not “contract” zoning. Johnson said that his ideas for covenants he feels are important to himself as well as the adjoining land owners.

Miller asked Johnson to briefly explain why he is leaving his current location. He said previous ventures have not always turned out exactly as planned and his existing business at its current location is in a leased facility in Tomahawk. He said that the building is not exactly compatible with their business. He said that he would rather build a new facility to fit what he wants instead of buying and adding on to an existing building. He said that the building he is currently in is overpriced and he would rather use the same amount of money, relocate and get exactly what he needs. The majority of his current employees would have a shorter commute if the plant was relocated to the County Rd Q location. Johnson said that he would like to see his business grow to be a \$10 million a year business and he feels that he can do that in a 30,000 sq. ft. facility if laid out correctly.

Mittelsteadt said he is skeptical and, from experience, if enough conditions or restrictions aren’t imposed on a request it will run into problems in the future and he wants to avoid that. They stressed that the public and the environment need to be protected. Saal called for any other proponents of the request. At 10:45 Saal called for a brief recess. Meeting reconvened at 10:55 a.m. There were none so he called for opponents of the request.

Gary Porath was present and first of all wanted clarification on the size of the rezone. He also wanted clarification on who has final say in the rezone. Miller clarified that the applicant’s original request was for all 70 acres but as a result of meetings and information that has come to light the request has been scaled back to the front 30 acres. Miller explained the different scenarios of the process depending on the vote at Committee level and what the Town’s options are. Porath asked at which level the covenants would apply. Miller stated that with a “conditional rezone” all the conditions must be met otherwise the property is not rezoned. Porath read a letter into record from him and his wife. When they bought and built their home, they did it with the understanding that that it would remain a rural area. Since that time there has been a lot more development, both homes and businesses in this area. He has concerns also about the environment and the ground water. He just wished to have his concerns on record for this request.

Donna Zamzow was present in opposition to the request. She feels that an industrial park would be a detriment to the area and the residents. If zoned Industrial, she has concerns about noise, air and water pollution and that it could rob the surrounding properties of their water supply. She feels that the residential property would be devalued and is unfair to the residents. She thinks it is counterproductive to build another industrial park when Merrill already has one. She feels there are enough empty factories in the area already.

Tim Schoeppler was present in opposition to the request. He lives on Owl Ln. He is opposed to the changes because it is contrary to the Town of Scott’s Land Use plan that was adopted in 2001 leaving the nature of the area rural. He feels that this area was supposed to be agricultural & residential and he believes that this request is partially motivated because the parcel was obtained at a lower price because of the current zoning instead of making the investment in a property that is already zoned consistent with the nature of his business. This would be at a detriment to the surrounding property owners. He feels that if this area is started with one small business it will grow into a larger industrial area and he doesn’t believe that should be placed near existing homes.

Richard LeDuc was present in opposition to the request. He is an adjoining land owner. He realizes that the current request does not insure a “business park” but he feels that once industrial type businesses are allowed it will no longer keep the residential/rural atmosphere. He doesn’t understand why we are trying to incorporate

industry and residences in the same area. He is concerned about what it will do to the property values. He is concerned that if Johnson decides to sell his property, how can they be assured that other businesses won't be worse. He believes that he will be living in his current location for the rest of his life and he doesn't want it invaded by industry. LeDuc clarified that he is comfortable with the CMU designation with the understanding that any businesses that would be allowed in the area would just be "commercial" and not "industrial".

Richard Tanck was present in opposition to the request. He is an adjoining landowner. He referenced the Comprehensive Plan and is questioning why this parcel is being considered for change to industrial. He compared it to putting a farm in the middle of the city. He has no problem with Johnson's business but believes that it belongs in an already existing industrial park.

Dan Miller spoke on staff recommendation that heavy industrial use would be prohibited within restrictive covenants. Johnson's use would be classified as "light" industrial. He reviewed some of the restrictions already in the code for "light" industrial. He then gave examples of the "heavy" industrial type of businesses. The "heavy" industrial types would also require a Conditional Use hearing. He believes that that a condition should also be added that if granted today it is contingent upon Town of Scott approval.

Saal closed the hearing for items 1 and 2 as advertised at this point. He entertained a motion on the plan amendment and rezone.

Motion by Saal, seconded by Meyer to recommend to County Board amending the Planned Land Use Map from Crossroads Mixed Use to Planned Industrial (southern half of the request, approximately 30 acres), North portion (40 acres) to remain Rural Single Family Residential

AND,

to recommend APPROVAL ON CONDITION the rezone from Crossroads Mixed Use to Planned Industrial (southern half of the request, approximately 30 acres). North portion (40 acres) to remain Rural Residential 3. CONDITIONS:

- 1) A 100 foot landscaped, vegetative buffer be maintained along the western property line. The current trees and shrubs are adequate to serve as the buffer.
- 2) Any proposal to cross or modify the drainage way running east and west through the property shall be approved by Lincoln County in order to preserve the functionality of the drainage way.
- 3) Heavy Industrial land uses, as described by Lincoln County Ordinances, be prohibited within restrictive covenants.
- 4) The applicant's building layout and design be approved by the Town of Scott and Lincoln County to reduce the impacts of a large building on nearby properties and the landscape.
- 5) The approval is contingent upon Town of Scott Board approving the rezone from Crossroad Mixed Use to Planned Industrial.
- 6) The request is modified to be only the South approximate 30 acres of the original request.

Lengthy Committee discussion and opinion, both for and against, followed. Miller explained, for the audience, the processes for a tie vote because the process is confusing. The vote on the motion was tied and therefore defeated with Meyer & Saal voting aye and Eisenman & Mittelsteadt voting nay. The Resolution to support denial of the rezone will go before the October 20, 2009 County Board. Miller said the County Board has the option to refuse to deny and send it back to the Committee forcing them to send an ordinance to rezone for their approval at the following County Board OR they could affirm to deny.

Saal called for a break at 11:33 a.m. Meeting was re-convened at 11:45 a.m.

5. Public Comment Opportunity – There was no public comment
6. Discussion on procedure for Land Use Plan amendments - Miller explained the process as outlined in the existing code for amending the Land Use Plan. It probably should be a two step process instead of the one step process and there are different recommended timetables for the Plan changes. He is afraid that the way that we are doing them may not lend much credence to a “plan”. Saal said that he is afraid that frequent changing of the plan may indicate that it wasn’t a “plan” to begin with. Miller asked for direction from the Committee for the process. Saal agreed that one time a year may work. Meyer sees a problem with informing the public. Mittelsteadt doesn’t think that people get involved until something affects them directly. There was lengthy discussion by the Committee and Miller regarding the process. Consensus was that it probably should be a two step process with the Plan Amendments occurring only once a year (no longer apart than that) at a set hearing date. Mittelsteadt said that the process should be initiated at the township level. Saal suggested that they stagger the townships and Miller suggested that they cluster the towns and hold the hearings quarterly at the regularly scheduled monthly hearings. Miller will work on the wording that will need to be amended by County Board for the process. He will have that ready at the November Zoning Committee meeting.

Regarding the upcoming plan update, he suggested that we pick a date and hold an open house in the north end of the county in a morning, an open house in the south end of the County in the afternoon and the public hearing later that same day. The Committee agreed on December 3rd for the open houses and the public hearing for the pending changes.

7. Approve the September 10, 2009 meeting minutes – Motion by Mittelsteadt, seconded by Saal to approve the September 10, 2009 meeting minutes. Motion carried all ayes.
8. Administrator’s Report - Miller reviewed with the Committee the activities since their last meeting. The Committee briefly reviewed the compliance and financial reports. Miller updated the Committee on the Comprehensive Plan revision. Correspondence was discussed. Miller updated the Committee on the budget and the Land Services group re-organization and there was discussion.
9. Adjourn - Motion by Meyer, seconded by Eisenman to adjourn at 12:45 p.m. Motion carried all ayes.