

**Lincoln County Planning and Zoning Committee
Thursday, December 10, 2009 at 9:00 a.m.
Lincoln County Service Center, Meeting Room 107**

1. Call Meeting to Order - Meeting was called to order by Chairman Saal at 9:00 a.m. in meeting room 107 in the Lincoln County Service Center. Members present: Saal, Mittelsteadt, Meyer, Rusch and along with Dan Miller, Zoning Administrator, Dan Bowers; Zoning Specialist, June Winters; Program Assistant and 6 other persons were present. Supervisor Eisenman was excused.
2. “Old Business”- Land Use Plan & Zoning change for Emil Johnson property (County Rd Q – Town of Scott) – Discuss ordinance to present to Lincoln County Board at their January 19, 2010 meeting - Dan Miller told the Committee that he has met with Corporation Counsel for advice on how to prepare the ordinance. He shared information with the Committee regarding the difference between “contract” and “conditional” zoning. He reviewed information that the Committee asked him to gather at the November 12, 2009 Zoning Committee meeting. He discussed the well logs and the DNR data base regarding wells, his meeting with Randy Scholz & Brian Sladek out at the site regarding the highway safety. Average daily vehicles count is approximately 2000 daily on County Rd Q and 6000 daily on County Rd K. Scholz was satisfied with the “site window” for people pulling on/off of County Rd Q. Miller explained the conditions that he was recommending for the ordinance if the Rezone is approved. He would like it limited to the 21 acres and ask for a development plan addressing a lot of the issues that people have concerns about. He talked about deed covenants that would need to be recorded. The approval would also have a deadline of July 1, 2010 for the conditions to be met or the rezone would be repealed.

Saal clarified that the buffer he had proposed at the October meeting would be covered by the proposed landscape plan and that the concerns of erosion would be addressed by an erosion control and stormwater detention plans. Miller shared that by ordinance there are certain “built in” regulations for a Crossroads Mixed Use district & Planned Industrial, including limits on building coverage unless a Conditional Use Permit is obtained.

Saal asked the Committee if they wished to hear the written testimony that had been received regarding the request and they did. Included in the slips was opposition to the requests from; Jennifer Pantely, Barbara Plautz, Douglas Plautz, Thomas Schaars and Brad Pepke. Saal reminded the Committee that they were directed by the County Board at the October meeting to forward an ordinance to them.

Motion by Saal, seconded by Rusch to forward the Ordinance as discussed so that the Planned Land Use Map, shall be amended to change the planned land use category for 21 acres owned by Emil Johnson, further described as tax parcel number 24.303107.012.001.02.00 from Crossroads Mixed Use to Planned Industrial;

AND

Chapter 17.2.03, Lincoln County Code, is amended such that the 21 acres described above will be rezoned from a Crossroads Mixed Use district to a Planned Industrial district based upon the applicant completing the following by July 1, 2010: will be rezoned from a Crossroads Mixed Use district to a Planned Industrial district based upon the applicant completing the following by July 1, 2010:

- 1) A development plan shall be submitted for the entire 21 acres showing lot layouts, stormwater retention and erosion control, access and traffic flow, lighting plan, landscape plan and desired uses for the lots. The plan will be reviewed and approved by the Planning & Zoning Committee.
- 2) Heavy Industrial Uses as defined by 17.3.08(8) will be prohibited by a recorded deed covenant and enforceable by the Lincoln County Planning & Zoning Department.

Should the applicant fail to complete these conditions by July 1, 2010 the rezoning will be repealed.

There was discussion by the Committee on the motion. Saal wondered how they could word a condition to limit this rezone specifically to the area that Mr. Johnson is proposing for his own business. Mittelsteadt brought up a concern that if this area is developed for several businesses, there may be a well water shortage citing that Abbotsford is already proposing getting water from Wausau because of that problem. He feels that this may be a concern in the future in this area. He would like to see just Johnson's business approved with the rezone and any and all future businesses treated as separate requests. Mittelsteadt asked Miller if he knew the requirements by the DNR on water typically required for an industrial park. Miller said Johnson's business is about the equivalent of a 7 bedroom house. Mittelsteadt said that Johnson's business may not be a problem but if he sells to someone else that new business may require more water depending on the business type. Miller said in discussing this issue with Corporation Counsel she was more comfortable with putting a deadline up front than doing the rezone in "phases". Meyer commented that there are businesses existing in an area near there (Brandenburg Ave) that are very water intensive in character. Mittelsteadt disagreed. Saal said that he thought the concern of the surrounding neighbors is the fear of the unknown as far as what possibilities the future could hold for that area (businesswise) and he wants to limit it to just Mr. Johnson's business with this rezone. Mittelsteadt agreed that there should be control over the phases because as the number of businesses increase so do the different issues that need to be dealt with on a case by case basis. He also wanted to include standards for building any roads created with the lots to be created. Again Miller said that in speaking with Corporation Counsel the phase option leaves it too open ended and felt that a complete development plan by a deadline was better. Miller again discussed the difference between "Contract" and "Conditional" zoning and that was part of what Corporation Counsel based her advice on. He said that this would not be considered a spot zone.

Original motion was not voted on.

Motion by Mittelsteadt, seconded by Saal to amend the motion by adding "road construction details" to the development plan. The motion is to forward the Ordinance so that the Planned Land Use Map, shall be amended to change the planned land use category for 21 acres owned by Emil Johnson, further described as tax parcel number 24.303107.012.001.02.00 from Crossroads Mixed Use to Planned Industrial;

AND

Chapter 17.2.03, Lincoln County Code, is amended such that the 21 acres described above will be rezoned from a Crossroads Mixed Use district to a Planned Industrial district based upon the applicant completing the following by July 1, 2010: will be rezoned from a Crossroads Mixed Use district to a Planned Industrial district based upon the applicant completing the following by July 1, 2010:

- 1) A development plan shall be submitted for the entire 21 acres showing lot layouts, stormwater retention and erosion control, road construction details, access and traffic flow, lighting plan, landscape plan and desired uses for the lots. The plan will be reviewed and approved by the Planning & Zoning Committee.
- 2) Heavy Industrial Uses as defined by 17.3.08(8) will be prohibited by a recorded deed covenant and enforceable by the Lincoln County Planning & Zoning Department.

Should the applicant fail to complete these conditions by July 1, 2010 the rezoning will be repealed.

Motion to amend original motion passed all ayes.

Amended motion carried 3-1 with Mittelsteadt voting nay. Ordinance will be forwarded to the Lincoln County Board for their January 19, 2010 meeting.

3. Review and discuss December 3, 2009 public hearing input and approve Land Use Plan & Zoning Map amendments to be forwarded to January 19, 2010 Lincoln County Board meeting –

Mittelstadt said that the Town of Scott will be holding a meeting at the Town of Scott on December 16, 2009 regarding the map amendments. Miller said that some of the opposition to the Crossroads Mixed Use along the County Rd K & Q corridors was not even on this blanket Zoning map amendment and he thought that was going to be addressed separately. The Town of Scott would actually need to submit a petition for rezone after this was settled at the town level. Miller reviewed the Town of Scott map for the Committee to clarify exactly what was being addressed under this blanket rezone.

Donna Zamzow asked why the Crossroads Mixed Use area along the County Rd Q corridor is not being considered at this time and Miller explained that the Town of Scott could not come to a consensus regarding that area and they didn't want to hold up the process for the rest of the county because of this specific issue. LeDuc had questions about that meeting at the Town of Scott and Miller said that he got the impression that it would be series of meetings to garner a consensus on the issue. LeDuc asked Miller if he would be at that December 16th meeting, and Miller said if the town invited him he could go. Miller said that the only written comment other than this issue was the e-mail from Mark Moravec suggesting that more area near his property be changed to RL4 to limit the density in the area. Miller said that this was talked over with the Town and they wanted to leave it as proposed.

Saal read e-mails from Fred Bruckert and Richard Moyer in the Town of Merrill opposing the proposed rezones. Miller said in speaking with the Township representatives they wish to keep the changes as proposed and supported by their Township resolution and do not agree with the suggestions of the two land owners.

Saal read into record slips opposing the County Q corridor remaining as Crossroads Mixed Use and wishing it go to be changed to Rural Lands 4 from; Julie Zamzow, Sandra LeDuc, Richard LeDuc, Jeff Zamzow, Judy Woller, Donna Zamzow, Lloyd Schneider, Ron Schneider and Tim Schoeppler. Miller explained again, this area is not even being considered for rezone at this time and will be addressed later. Miller also added that a slip indicating opposition from Judith Holtschalg in the Town of Schley citing the change would cause more congestion, actually is being rezoned to a lesser density than it is currently at.

Mittelstadt & Meyer praised staff and town officials at the scope of this project and all the work involved. Saal agreed that he thought that most of the public that came to the hearings, open houses or contacted the Zoning office just wanted to be informed.

Harry Gladwin felt that the informational meetings to get the public educated on the proposed changes before the public hearing was a good idea. He said that the Open Houses in Bradley and Merrill went well as a whole. Saal stated that zoning has always had to deal with difficult issues and thanked Gladwin for his comments.

Chairman Saal closed the discussion & testimony on the proposed Land Use Plan & Zoning Map amendments.

Motion by Mittelstadt, seconded by Meyer to APPROVE the changes as proposed for the Land Use Plan & Zoning Map amendments and forward them to the Lincoln County Board for their January 19, 2010 meeting. Motion carried all ayes.

4. Public Comment Opportunity – Richard LeDuc commented that it may not always be what he wants to hear but he has been satisfied that he is getting answers and explanations when dealing with Zoning. Donna Zamzow commented that the Johnson request may be a round peg square hole situation and just hopes that this situation, if approved, is monitored and regulated by someone. Approval of this request still makes very little sense to her.

5. Approve the November 12, 2009 & December 3, 2009 meeting minutes – Motion by Mittelsteadt, seconded by Meyer to approve the November 12 , 2009 & December 3, 2009 meeting minutes. Motion carried all eyes.
6. Approve 2010 Zoning Committee meeting schedule - Committee had consensus to approve the schedule as proposed and put on file.
7. Administrator's Report - Miller reviewed with the Committee the activities since their last meeting. The Committee reviewed and discussed the Compliance report and briefly reviewed the Financial report. Miller shared that the meeting on December 15, 2009 is the last Housing group discussion for the Comp Plan Update.
8. Adjourn - Motion by Mittelsteadt, seconded by Meyer to adjourn at 10:25 a.m. Motion carried all eyes.