

**Lincoln County Planning and Zoning Committee**  
**Thursday, February 10, 2011 at 8:30 a.m.**  
**Lincoln County Service Center, Meeting Room 107**

1. Call Meeting to Order - Meeting was called to order by Chairman Saal at 8:30 a.m. in meeting room 107 in the Lincoln County Service Center. Members present: Saal, Mittelsteadt, Meyer, Rusch & Eisenman along with Dan Miller, Planning & Zoning Director.
2. Tour site that will be the subject of the public hearing that will be held at 10:00 a.m. – Committee Members & Miller left to tour the site. Committee returned by 9:30 and proceeded with item # 6 on the agenda as it was too early to start the public hearing.
3. 10:00 a.m. Public Hearing – At 10:04 a.m. Saal called the Public Hearing to order. Hearing was held on the item listed in the notice. Saal, Mittelsteadt, Meyer, Rusch & Eisenman along with Dan Miller; Zoning Administrator, June Winters; Program Assistant and 4 others were present.
4. Hearing was held, discussion occurred and a decision was made by the Planning and Zoning Committee – Chairman Saal explained the rules of conduct for the public hearing and introduced the Committee members. He called the hearing to order.

**CONDITIONAL USE REQUESTS**

1. A request by Lincoln Community Bank and co-applicant Robert Moore to allow for the possibility of a woodworking shop in conjunction with a retail showroom or vehicle repair or a contractor shop in a Crossroads Mixed Use zoning district. The property is located in Section 28, T33N–R8E, in the Town of Russell having an address of N5260 Bayer Street and a tax parcel number of 20.283308.017.006.01.02. The request is being heard under section 17.3.04(7), 17.3.09(14), and 17.3.08(6) of Lincoln County Ordinances.

Robert Moore was present and explained the request. He would like to open a woodworking shop making and selling household accessories and paddle sport accessories. He feels that there is more floor space than he requires so he is hoping to lease out some space to another business. Saal asked if the building is handicap accessible as a retail store and Moore thought that it was. Employee parking would be on the South and East side of the building and the North side for customers. Miller confirmed if vehicle repair was to be the leased business, that vehicles to be repaired would be on the back of the building (South side) to be out of view. Moore agreed and added that he understood if the land behind the building is developed it would require screening between this parcel and the next. Miller asked about the well and Moore stated that the bank has agreed to drill a new well if he purchases the property. Miller asked about the hookup to the sanitary lateral. Moore said that the easement has already been discussed with an adjoining landowner to accommodate that. Saal asked for clarification that hours of operation did not prohibit weekend hours. Miller said that he wasn't addressing weekend hours in his staff report so they could occur without limit. There was discussion on the hours of operation vs. hours of retail sales.

Moore has a question on the restriction on the use of the floor space as listed in the ordinance. He would like to see more of a percentage dedicated for the industrial use. There was discussion on the issue and Miller said that issue would have to be addressed in the approval process with a specific condition. Dan Miller said that the discussion pretty much covered everything in the staff report.

Norm Hodgson, Town of Russell Chairman, was present in favor of the request and stated that the Town of Russell Board gave unanimous approval from their 1/11/11 Board meeting. They listed no conditions. He said that some access issues have come up but the township is willing to work with the county and the applicant to make this possible to bring a new business to the Gleason area.

Chairman Saal closed the public hearing for the Conditional Use request. The Committee reviewed the request against the criteria for a Conditional Use.

Motion made by Saal, seconded by Rusch to APPROVE ON CONDITIONS as suggested in the staff report.  
Conditions:

Should a vehicle repair business become a companion use, then:

- 1) No more than 4 customer vehicles, waiting to be repaired, may be parked outside of the service building at any given time.
- 2) There shall be a fence erected to screen the staging area for customer vehicles and dumpsters from Highway 17 and the buildings to the north. If such vehicles or dumpsters are located south of the buildings on the subject parcel, a fence would not be necessary. **Amend to strike:** ~~Should the farm field to the south be developed into a residential development, a fence or vegetative screening shall be installed along the south property line.~~ **Amend to add:** Shall provide 40 feet of screening (fence or suitable vegetation) for the vehicle staging area if located South of the buildings.

The following conditions shall apply to all anticipated uses:

- 3) All outdoor lighting shall comply with the performance standards of §17.5.04 of the Zoning Ordinance.
- 4) No outdoor storage of raw materials, uncontained waste or finished product will be allowed.
- 5) Hours of manufacturing and repair operations shall not begin before 6 a.m. nor extend beyond 7 p.m. on weekdays. This condition does not apply to retail sales hours.
- 6) Public restroom facilities shall be provided.
- 7) All state and federal laws that apply are incorporated within the conditions of approval.
- 8) Exempt from 17.3.09(14)(b) which restricts that no more than 25% of floor area be dedicated to industrial floor space modified to be “no more than 50% of the floor area will be dedicated to industrial floor space” for this request.

There was discussion on the original motion (shown above with final amendments). Meyer suggested that Condition #2 be changed to remove the screening required if the parcel to the south is developed. If that is developed it should be the joint responsibility of the land developer and this CUP applicant to put up the screening if they wanted it. There was lengthy discussion. Rusch asked if this would ever come back before the Committee and Miller said only if there was a need for a revocation hearing. Mittelsteadt suggested that the screening be required on condition #2 for the 4 staged vehicles. There was more discussion.

Motion by Saal, seconded by Rusch to amend the motion by modifying condition #2 by removing the original last sentence regarding screening along the south property line, AND to add the sentence “shall provide 40 feet of screening (fence or suitable vegetation) for vehicle staging area. Motion to amend carried 4-1 with Meyer voting nay.

Amended motion carried all ayes.

The Committee went back to item # 5 to see if there was any additional public comment.

5. Public Comment Opportunity – None. Moved to item #11 on agenda. When Chairman came back to item #5 after the public hearing was concluded, there were 3 audience members that commented and agreed that they appreciated that the Committee thoroughly discusses the requests before making a decision.

At 11:03 a.m. Saal called for a brief break. Committee reconvened at 11:11 a.m. and moved to item # 7 on the agenda.

6. Discussion on Chapter 18 (Sub-division Ordinance) text amendments - Dan Miller explained the need for text amendments to Chapter 18. He discussed the statutory changes regarding the timeline for the process of approving plats & specific wording enforcing the timeline. In addition to changes due to the statutory obligations Miller also discussed other changes he is recommending. He suggested a “public street” requirement in a “land only” as opposed to a “conversion” condominium request based on the conditions of an individual request. Shoreland buffer restoration requirement changes are also proposed in a “conversion” condominium request. Meyer suggested a wording change as far as who is responsible for approval by adding “or his designee” wherever Zoning Administrator is listed. Miller discussed “public land/ open space” dedication in subdivisions and gave wording to clarify.

Motion by Mittelsteadt, seconded by Rusch to APPROVE the text amendments as discussed and to schedule a public hearing. Chapter 18 text amendments will be on the notice for the March 10, 2011 Zoning Committee Public hearing. Motion carried all ayes.

Committee moved to item #9 on the agenda.

7. Discussion on Chapter 21 (Shoreland Ordinance) text amendments – Dan Miller commented that even with the possibility of NR115 changing under new state administration he believes that we still need to proceed with looking at the amendments precipitated by NR115. There was Committee discussion and they agreed to go through the issues one at a time so they have a complete understanding of the changes. This may be done over a few of their regular monthly meetings.

Miller discussed the proposed changes regarding impervious surface limitation. The alternative maximum (sq.ft.) will be more restrictive than it is currently. Miller explained that one of the problems is the difference between rural & more urban parcels. There was lengthy discussion by Miller and the Committee. Miller discussed mitigation’s role in the new impervious surface restrictions. He discussed the effect on non-conforming structures regarding replacement and/or repair. He reviewed the changes in the “definitions” section regarding impervious surfaces.

The Committee agreed that they would like to look closer at the changes regarding impervious surfaces before making a decision to proceed with them. They will discuss it further next month.

Miller briefly discussed the proposed change regarding building height. Meyer questioned why with new boathouses, the roof cannot be used as a deck. Miller explained the reasoning in the state law and our ordinance regulation for that.

Committee moved to item #12 on the agenda.

8. Discussion & approval of 2010 Budget Modifications and 2011 Carryover requests – Dan Miller reviewed the Budget Modification requests for the Committee.

Motion by Eisenman, seconded by Mittelsteadt to approve the 2010 & 2011 Budget Modifications and forward to Finance. Motion carried all ayes.

Miller reviewed the Carryover regarding expense for the Sheriff’s vehicle that we thought would be obtained in 2010 and did not happen until after the first of the year. Motion by Meyer, seconded by Rusch to approve and forward to Finance. Motion carried all ayes.

Miller reviewed the Carryover request regarding funds for the Comprehensive Plan update. Motion by Mittelsteadt, seconded by Meyer to approve and forward to Finance. Motion carried all ayes.

The Committee signed the Budget Modifications and moved to item #10 on the agenda.

9. Discussion & decision on the Zoning Program Assistant's vacation carryover request – June Winters explained the reason for her request and assured the Committee that the vacation would all be used within just over 3 weeks after her employment anniversary date. Saal asked if it would cause a staffing shortage and Miller said that it would not.

Motion by Meyer, seconded by Eisenman to APPROVE the request. Motion carried all ayes.

Committee moved to item #8 on agenda.

10. Approve the January 13, 2011 meeting minutes – Motion by Eisenman, seconded by Saal to approve the January 13, 2011 meeting minutes. Motion carried all ayes.

Committee moved to item #5 on the agenda.

11. Administrator's Report - Miller reviewed his activities since their last meeting. Meyer asked about the meeting with Langlade County and Miller discussed the topic of the meeting. The Committee reviewed the financial report. Miller gave an update on the Lincoln County Comprehensive Plan update process. Saal asked if there would be any problems implementing the update and Miller explained the process and issues that may come about including the need to pare down the current plan format to its basic requirements. The County Staff working on this plan are splitting it up into various chapter components & will join it back together in a simplified document. There will not be individual town plans in the final document. Staff will try to capture by elements identified by towns as locally important to them and incorporate them into their applicable chapters though. Unfortunately there is neither a budget nor available staff to create new town plans. The Committee discussed the plan process. Miller reviewed the one piece of correspondence which showed a comparison of number of sanitary permits issued in the last 3 years for counties in Wisconsin.

Committee moved to item #3 on the agenda.

12. Adjourn - Motion by Mittelsteadt, seconded by Rusch to adjourn at 11:45 a.m. Motion carried all ayes.

Minutes prepared by June Winters