

**Lincoln County Planning and Zoning Committee
Thursday, September 9, 2010 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, Rusch, Meyer & Eisenman along with Dan Bowers, Zoning Specialist.
2. Tour sites that will be the subject of the public hearings that will be held at 10:30 a.m. – Committee Members & Bowers left to tour the sites listed on the public hearing notice.
3. 10:40 a.m. Public Hearing – Hearings were held on the items listed in the notice. Saal, Mittelsteadt, Rusch, Eisenman and Meyer along with Dan Miller; Zoning Administrator, Dan Bowers, Zoning Specialist and 16 other persons were present.
4. Hearings were held in order, discussion occurred and decisions were made by the Planning and Zoning Committee

CONDITIONAL USE REQUEST

1. A request by Willard & Mary Jean Smith to allow for a storage building that exceeds 1,500 square feet in a Rural Residential 3 zoning district. The property is located in Section 30, T35N–R7E, in the Town of King, and has an address of N10384 Pine Shore Lane. The request is being heard under section 17.3.09(1)(f) of Lincoln County Ordinances.

No one from the public appeared to speak. Bowers explained his staff report and recommendation for approval without conditions. Saal read the Town of King recommendation for approval into the record and closed the public hearing.

Motion by Eisenman, seconded by Rusch to approve the request. Saal lead the Committee through the permit review criteria and established favorable findings for the permit.

Motion carried all ayes.

2. A request by Bryan Albrecht to allow for a storage building that exceeds 1,500 square feet in a Rural Residential 3 zoning district. The property is described as Lot 1 of CSM 2176 in Section 27, T35N–R7E, in the Town of King, and is adjacent to W3626 Villa Road. The request is being heard under section 17.3.09(1)(f) of Lincoln County Ordinances.

Bryan Albrecht was present to explain his request. They own a cottage across the road from this parcel and have a need for storage of their boats.

Bowers explained his staff report and the recommendation for two conditions: 1 - the building be relocated to comply with a 25 foot rear yard setback as required for principal structures (accessory structures if built first upon a vacant parcel must comply with principal structure setbacks) and 2 – a site plan be submitted that depicts a future home building site along with evidence for a future septic location that isn't interfered with by the proposed storage building location.

Saal read the Town of King recommendation for approval into the record and closed the public hearing.

Motion by Saal, seconded by Meyer to approve with two conditions: 1- The building be relocated to comply with

all principal building setbacks, 2 – A site plan be submitted and a soils report that shows the storage building will not interfere with potential building and septic system locations.

Saal lead the Committee through the permit review criteria and made favorable findings for the permit.

Motion carried all ayes.

5. “Old Business” – Donald Nitschke – Petition for Modification (Town of King on Red Arrow Ln) - Miller explained that this was laid over last month to obtain the Town of King reaction to a revision in the CSM (4 lots to 3 lots), to afford opportunity to change the road location and to extend it to the east property boundary, to allow for soil testing of the proposed lots and to get a draft road maintenance agreement. Todd Loftus was present with some alterations to the CSM that reflect a wider road and extension to the east boundary but he hadn't been able to connect with Mr. Nitschke after several attempts to determine the status of the other items. He also is on the Town Board agenda for September 14th.

Motion by Mittelsteadt, seconded by Saal to lay this item over for another month.

Motion carried all ayes.

6. “Old Business” Preliminary plat review for Fish-a-While Resort Condo (Town of King on Horseshoe Rd) – Miller went through his revised preliminary plat checklist and explained that all of the previously listed concerns have been addressed. The declaration and plat have been amended to reflect them. The vegetative buffer restoration plan will be developed by the Shoreland Buffer Specialist and he recommended conditional approval of the plat dependent upon the Lueth's following through with the restoration in compliance with the approved plan.

Motion by Meyer, seconded by Rusch to approve the preliminary plat conditioned upon the applicants restoring the vegetative buffer in compliance with an approved restoration plan.

Motion carried all ayes.

7. “Old Business” – Darlene Beyer/Duffek Sand & Gravel - Revisit CUP-04-018. Granted for a nonmetallic mine (Town of Schley off the end of Trout Rd) - Miller explained that the permit was up for review by the Committee as required by their motion at the last 36 month review. He had only one complaint from two property owners during this 36 month period relative to working beyond the hours of operation. He discussed it with Rod Palmer from Duffeks. They were brazing the rollers on their crusher after the daily crushing and it went on until 11:00 p.m. one night. He reminded them that the permit set a limit for maintenance to two hours after the normal daily hours of operation. He didn't remember that but assured Miller that it wouldn't happen again.

The Beyers also submitted a written request that the Committee consider modifying the terms of their permit by allowing the pit to continue operating for 10 additional years instead of closing next year. Miller recommended officially notifying surrounding landowners of the request to modify the conditions before the committee act upon the request.

The Committee discussed that rationale and determined that no discussion should occur today because other people may wish to attend next month that did not know the permit conditions may be modified.

Motion by Saal, seconded by Meyer to lay over the review and consideration of modifying the permit conditions until next month and to provide proper notice to surrounding land owners of the Beyers' request to extend the pit life for 10 more years.

Motion carried all ayes.

8. Public Comment Opportunity – Earl Welker asked the Committee if that was how all conditional use requests would be handled if someone wanted terms of a permit modified? He also stated for the benefit of those who attended that any complaints should be forwarded to Zoning for documentation as well as to the town chairman.

Ann Herda Rapp expressed her dissatisfaction with allowing a permit to be modified under “old business” as she felt if any modifications to terms of a permit are to be considered, it should only be after a new permit is applied for.

9. Approve the August 12, 2010 meeting minutes – Motion by Eisenman, seconded by Rusch to approve the August 12, 2010 meeting minutes. Motion carried all ayes.

10. Administrator’s Report - Miller provided a written report of his activities since their last meeting. Committee placed it on file.

The Committee reviewed the Compliance Report and placed it on file. Mittelsteadt asked if the Committee could get a monthly permit log as it is helpful to know what development is occurring within their respective districts. Miller indicated that he would make sure to give the Committee an updated permit log each month.

The Committee reviewed the Financial Report and placed it on file.

11. Adjourn - Motion by Eisenman, seconded by Meyer to adjourn at 11:28 a.m. Motion carried all ayes.

Minutes prepared by Dan Miller