

NOTICE OF PUBLIC HEARING
JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE

Steve Nass, Chair; Greg David, Vice-Chair; Don Reese, Secretary; Amy Rinard; George Jaeckel

SUBJECT: Map Amendments to the Jefferson County Zoning Ordinance and Requests for Conditional Use Permits

DATE: Thursday, August 18, 2016

TIME: 7:00 p.m. (*Courthouse doors will open at 6:30*)

PLACE: Room 205, Jefferson County Courthouse, 311 S. Center Ave., Jefferson, WI

1. Call to Order

The meeting was called to order by Chairman Nass at 7:00 p.m.

2. Roll Call

Committee members Jaeckel, David, Nass, Rinard and Reese were present. Planning and Zoning staff members Rob Klotz, Deb Magritz and Matt Zangl were present.

3. Certification of Compliance with Open Meetings Law Requirements

Reese verified that the meeting was being held in compliance with the open meetings law requirements.

4. Approval of Agenda

Motion by David, second by Jaeckel to approve the agenda. Motion carried on a voice vote with no objection.

5. Explanation of Public Hearing Process by Committee Chair

Chairman Nass explained the public hearing process and noted the committee decision meeting will be held on 8/29/2016 and the County Board meeting will be 9/13/2016.

6. Public Hearing

Klotz read the following:

NOTICE IS HEREBY GIVEN that the Jefferson County Planning and Zoning Committee will conduct a public hearing at 7 p.m. on Thursday, August 18, 2016, in Room 205 of the Jefferson County Courthouse, Jefferson, Wisconsin. A hearing will be given to anyone interested in the proposals. **PETITIONERS, OR THEIR REPRESENTATIVES, SHALL BE PRESENT.** Matters to be heard are petitions to amend the official zoning map of Jefferson County and applications for conditional use permits. A map of the properties affected may be obtained from the Zoning Department. Individual files are available for viewing between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, excepting holidays. If you have questions regarding these matters, please contact Zoning at 920-674-7131.

FROM A-T, AGRICULTURAL TRANSITION TO A-2, AG & RURAL BUSINESS

R3911A-16 & CU1883-16 – Marcia Mary Bates Trust: Rezone to create a 2-acre agribusiness zone around the barn at **N1507 Groeler Rd** with conditional use for storage of non-farm equipment. The site is on PIN 016-0514-1732-002 (17.348 Acres) in the Town of Koshkonong.

Petitioner: Donald Bates – Explained that the barn sits across the road from the original farm house and has been sold to a buyer. The buyer is restoring the farm house and the barn to original condition, or at least the barn. The lot is requested to be two acres for future animals.

In regards to Mr. Munro's concerns: Mr. Bates also agrees that traffic on the road is a concern, especially with bikes. He believes this will not add to the traffic on Groeler Road.

In regards to Klotz: Mr. Bates believes this will be personal storage and not business storage. The new owner currently owns a business at a different, unknown location.

Comments in Favor: Marcia Mary Bates feels that this will lessen traffic and late night racing down the road. Since the new owner has begun restoring the home, she has seen a drop in late night traffic and racing down the road.

Comments Opposed: Victor Munro – Groeler Road: Mr. Munro had a question regarding an increase of traffic on Groeler Road. Groeler Road has car, bike and trucks with boat trailers traffic. The bike trail is poorly marked and dangerous. Mr. Munro feels that there is a safety issue with the bike traffic, as it is poorly marked and accidents are going to occur. He asks if traffic will increase.

Questions from the Committee: Nass asks if traffic safety concern has been discussed with the town?

Town Response: Klotz read Town response into the record and it is in the file. Town approved on 7/14/2016.

Staff Report: Given by Klotz. Klotz asked what is going to be stored in the building and if it will be personal or business storage? Klotz asks Bates to have owner submit what will be stored in building prior to decision meeting.

FROM A-1, EXCLUSIVE AGRICULTURAL TO A-2, AG & RURAL BUSINESS

R3912A-16 & CU1884-16 – Benjamin Schweighardt: Create a 4.15-acre agribusiness zone with conditional use for storage of contractor's equipment at **N7415 County Highway N** in the Town of Milford. The site is on PIN 020-0814-3632-002 (20 Acres).

Petitioner: Benjamin Schweighardt – N7415 County Highway N: Mr. Schweighardt built a building last year and would like to store his business equipment in the building and in a gravel area by the building.

Rebutal to Dettmann: Manufacturing of products does not occur on site; employees arrive to the site and then leave to a job site. Customers do not visit the shop. Mr. Schweighardt assumed a county road would be adequate for the traffic.

In response to Reese: Storage on the property is mainly inside and includes utility trailers, skid steers and trucks. It is used for concrete construction.

In response to Klotz: Mr. Schweighardt has purchased and planted 250 pine trees along the road.

Comments in Favor: None

Comments Opposed: Tim Dettmann – W5331 Vesper Lane: Mr. Dettmann brought a petition signed by neighbors and read it aloud. Mr. Dettmann and neighbors are opposed to the increase in traffic and believe traffic has tripled since Ben moved his business to the location. Mr. Dettmann stated that Mr. Schweighardt has been operating his business illegally at the location for 8 months (starting in January 2015) without the proper approvals. Tim believes this business is not a good fit for an agricultural community and it should be located in an industrial area.

David **Erbman** – Neighbor: David was opposed and agrees with Mr. Dettmann. He also stated the business has grown from 6 employees to 20-30 within eight months. What will the business be like in five years?

Questions from the Committee: Reese: What kind of equipment will be stored at the location and will it be inside or outside? What is the equipment used for?

Town Response: Klotz read the Town response and it is in the file. Town approved on 6/9/2016.

Staff Report: Given by Klotz and in file. Klotz pointed out the permit for shed was issued for an agricultural shed and did not allow for business use. Klotz asked if there is any water service to the building and that a permit has not been issued for a septic. Klotz asked about a screening plan and asked Mr. Schweighardt to submit a screening plan by the decision meeting. Klotz also questioned the access point for the house behind the A-2 lot.

FROM A-1, EXCLUSIVE AGRICULTURAL TO A-3, AG/RURAL RESIDENTIAL

R3913A-16 – George Ducklow: Create a 3-acre lot around the home at **W4339 Ambrose Drive** in the Town of Farmington from part of PIN 008-0715-2024-000 (38 Acres).

Petitioner: George Ducklow - W4339 Ambrose Drive: Mr. Ducklow is asking for 3 acres instead of 1.8 acres partly due to the Village R.O.W. His son lives at the property and bought the land through a land contract. They would like to make the lot larger now.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response:

Staff Report: Read by Klotz and in the file. This was originally approved for a 2 acre lot but owner lost land due to the Village R.O.W. in 2002. This rezone was a farm consolidation and the owner can ask for more acreage. Owner does have a contiguous 35 acres.

R3914A-16 – Wilbur Miller: Rezone 1.5 acre of PIN 008-0715-0222-002 (38.901 Acres) for a new residential building site on **Koschnick Road** in the Town of Farmington.

Petitioner: Wilbur Miller – City of Watertown: Wilbur would like to create a building site to build a 3 bedroom house with an exposed basement.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: Town voted 2-1 in favor on 6/13/2016 and noted the petition does not follow their land use plan.

Staff Report: Given by Klotz and in the file. There has been 1 previous A-3 lot and they have 2 non-prime lots or 1 prime lot remaining.

R3915A-16 – Allan Kutz: Rezone 2.2 acres in the Town of Hebron from part of PIN 010-0615-1922-001 (5.45 Acres) owned by Ronald & Pamela Kutz, and 3.8 acres in the Town of Jefferson from part of PIN 014-0615-1833-000 (32.815 Acres) owned by St Coletta School to create a 6-acre building site on **Will Road**.

Petitioner: Allan Kutz: Mr. Kutz would like to create a lot next to their business and near his parents.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: Town of Hebron approved petition on 7/11/2016. Town of Jefferson approved petition on 7/6/2016.

Staff Report: Given by Klotz and in the file. Klotz explained driveway plan and issues with steep slopes near the driveway.

R3916A-16 – Raatz Trust: Create a 2-acre residential building site near **W9258 County Road B** from PIN 018-0713-0832-001 (17.512 Acres), Town of Lake Mills.

Petitioner: Vicki Raatz – W9258 County Road B: Mrs. Raatz would like to create a future building site for her son and his wife.

In response to Klotz: Mrs. Raatz plans to increase access size and check with the Highway Department about culvert and size of access.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: Approved by Town of Lake Mills on 7/12/2016.

Staff Report: Given by Klotz and in file. The preliminary survey shows an existing culvert and Klotz questioned if the culvert is going to be adequate for a residential lot versus an agricultural lot.

FROM A-1 EXCLUSIVE AG TO A-3, AG/RURAL RESIDENTIAL AND N, NATURAL RESOURCES

R3917A-16 – Jack D Wendorf Trust: Create an A-3 lot around the existing home at **N5594 Switzke Rd** and a vacant 2-acre residential building site nearby. The properties are part of PIN 008-0715-2823-000 (40 Acres) in the Town of Farmington.

Petitioner: Tom Stade – W5289 Bockman Lane: N5594 Switzke Road is a pre-1975 home and they want to create a 3 acre lot around the original building and a 2 acre lot next to it by using a prime lot combination.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: Approved by the Town on 7/11/2016.

Staff Report: Given by Klotz and in the file. This is a pre-1975 farm consolidation. The two acre lot is 100% prime soil.

R3918A-16 – Jack D Wendorf Trust: Rezone to create a 21.2-acre Natural Resource zone from part of PINs 008-0715-2823-000 (40 Acres) and 008-0715-2824-000 (40 Acres) near **N5594 Switzke Rd** in the Town of Farmington.

Petitioner: Tom Stade - W5289 Bockman Lane: They would like to split the 21.2 acre woods from the agricultural field to allow for different potential sales. The split is .25 mile off the road.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: The Town was in favor on 7/11/2016.

Staff Report: Given by Klotz and in the file.

R3919A-16 – Gary Kincaid/Dean Kincaid Inc/Dean Kincaid Enterprises: Create a 1.765-acre A-3 zone around the home at **N1554 State Rd 106** from PINs 024-0516-1711-000 (40 Acres), 024-0516-1622-000 (40 Acres), 024-0516-1623-000 (39.381 Acres) and 024-0516-1714-000 (37.515 Acres). The site is in the Town of Palmyra.

Petitioner: Cory Kincaid: Mr. Kincaid would like to split off the house from the agricultural land. The agricultural land is being sold to Standard Process and Kincaid's have an employee who currently resides in the farm house. The residence is pre-1975. There is a shared well and driveway agreement with the adjoining home.

In response to Klotz: Standard Process owns surrounding land and has an access point to the remaining agricultural land. Mr. Kincaid showed Klotz the existing access for the remaining agricultural land. Mr. Kincaid agrees the septic is very old.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: Approved by the Town.

Staff Report: Given by Klotz and in the file. Klotz explained that the agricultural land will need to have its own access. Klotz noted that there is no record of a septic system on the lot and the area has hydric soils with high ground water. The lot may need a holding tank.

R3920A-16 – Gary Kincaid/Dean Kincaid Inc/Dean Kincaid Enterprises: Rezone for the creation of an 11.567-acre Natural Resource zone from part of PIN 024-0516-1623-000 (39.381 Acres) and 024-0516-1622-000 (40 Acres) near **State Rd 106** in the Town of Palmyra.

Petitioner: Cory Kincaid: The plan is to keep part of the lot surrounding the river with Mr. Kincaid's residence on the north side of the river.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: The Town was in favor.

Staff Report: Given by Klotz and in the file. A variance has been received for the Natural Resource Zone without access with the condition to keep this parcel with the parcel on the north side of the property.

CONDITIONAL USE PERMIT APPLICATIONS

CU1885-16 – Gregg & Darren Godfrey/Godfrey Enterprises LLC: Conditional use to sanction an eating/drinking place & shed remodel for extra seating at **W6630 County Road B** in a Business zone, and to allow a 25-foot by 40-foot pavilion to serve the eating/drinking place. The site is in the Town of Aztalan on PIN 002-0714-1713-009 (0.6 Acre).

Petitioner: Melinda Godfrey – N5845 Harvey Road: They would like to do an addition but an addition to the bar is not possible. This would be for extra seating to better serve the customers.

In response to Klotz: They have been working with the Town Building Inspector (Greg Noll) and Fire Department in order to receive necessary permits. They have install GFI protected outlets, platforms and lighting. Everything has been completed except for a wireless fire alarm system. The fire alarm system is in the process of being completed. The outbuilding will be for special events and not daily use. For large events port-a-potys will be used.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: The Town approved with conditions.

Staff Report: Given by Klotz and in the file. Klotz asked about conditions from Town approval and an update regarding them. Klotz asked for verification from Greg Noll and the Fire Department. Klotz asked about the septic system plan. Current system is oversized and the new pavilion will increase wasteflow. Is the system large enough? Klotz suggests having a plumber size the system to see if it will be large enough for pavilion use and if port-a-pottys will be needed. Klotz asked for setback from County Road B.

CU1886-16 – Selim Ramadani: Conditional use to reinstate use of the property at **W4890 Tri-County Rd** in the Town of Cold Spring as a motel. The site is on PIN 004-0515-3133-001 (4.170 Acres) in a Business zone.

Petitioner: Selim Ramadani: Mr. Ramadani has submitted the information requested by Zoning Department and received a license from the Department of Public Health. There is a total of 35 units. The church is owned by a separate owner and not owned by Mr. Ramadani.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response:

Staff Report: Given by Klotz and in file. This area has been zoned Business since the 60/70's. The restaurant was converted to a church. A conditional use was acquired for a motel but owners quit licensing the building as a motel. Owner would like to start motel again and needs a new conditional use. Klotz requests more information regarding septic system.

CU1887-16 – Patrick Peterson: Conditional use for a kennel housing up to 15 dogs on PIN 028-0513-1712-001 (29.49 Acres) at **W9020 State Rd 106**. The property is in the Town of Sumner and is zoned A-1, Exclusive Agricultural.

Petitioner: Pat Peterson – W9020 State Road 106: Mr. Peterson would like to have a 15 dog kennel to be used for personal use (himself, son and daughter) and not commercial use. Mr. Peterson and family have AKC beagles and run AKC beagle trials.

In response to Klotz: The dogs have bark collars and the only time they bark is when Mr. Peterson goes out to feed the dogs. Mr. Peterson has other methods of entering the property to stay off the easement. Mr. Peterson will submit an updated site plan with a new access route. The Town recommends the dog waste is double bagged and into the garbage every Sunday.

Comments in Favor: Glendon Rewoldt – W7946 Pautsch Road: Mrs. Rewoldt stated that she has never heard a dog bark from the area.

Comments Opposed: Dave Schenker – 1522 Nicolet Street, Janesville: Mr. Schenker is opposed to the petition. He knows Mr. Peterson is selling dogs and knows there have been complaints about dogs barking on the property. Mr. Schenker was stopped on the easement by a man from Illinois asking if he was Mr. Peterson about buying a dog.

Carol Schenker – 1522 Nicolet Street, Janesville: Mrs. Schenker objects to the kennel. The noise from the dogs is incessant and constant. The building has one door and it faces the easement on the property. She also questions the kennel as only personal use and not commercial. She also believes there have been complaints about the barking.

Questions from the Committee: None.

Town Response:

Staff Report: Given by Klotz and in the file. Klotz asked Mr. Peterson about the dogs barking. Klotz asks to see a copy of the easement and if the easement can be used for a kennel. Klotz requests an updated site plan with a new access point away from the easement. Klotz asks about dog waste removal.

Motioned by Reese, seconded by Jaeckel at 8:15 p.m. to adjourn the public hearing. Motion carried on a voice vote with no objection.

A quorum of any Jefferson County Committee, Board, Commission or other body, including the Jefferson County Board of Supervisors, may be present at this meeting.

Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator at 920-674-7101 24 hours prior to the meeting so that appropriate arrangements can be made.

A recording of the meeting will be available from the Zoning Department upon request.

Further information about Zoning can be found at www.jeffersoncountywi.gov