PLANNING & ZONING COMMITTEE MINUTES
MAY 1, 2012

PRESENT: Fred, Teitgen, Harlan Baumgartner, Mike Weyh, Mary Cupery

ABSENT AND EXCUSED: Tim Zander

STAFF: John Bluemke - Director, Susan Runnion - Office Administrator, Randy Thompson – Zoning Administrator

ALSO PRESENT: Vern Gove – Vice Chair – Columbia County Board of Supervisors, James Foley – Columbia County Board of Supervisors, Jim Grothman – Grothman & Associates SC, Michael Babcock – Chief Deputy – Columbia County Sheriff's Department

BUSINESS MEETING

3:30 PM

1. Chair Teitgen called the meeting to order at 3:30 PM

2. Certification of Open Meeting Law

3. Roll Call was taken and a quorum declared present.

4. Approval of Agenda

   Motion by Ms. Cupery to approve Agenda of May 1, 2012 for Planning & Zoning Committee Regular Meeting & Public Hearing.
   Seconded by Vice Chair Weyh
   Motion carried unanimously.

5. Approval of Minutes

   Motion by Vice Chair Weyh to approve Minutes of April 3, 2012 Planning & Zoning Committee Regular Meeting & Public Hearing.
   Seconded by Chair Teitgen.
   Motion carried unanimously.

   Motion by Ms. Cupery to approve Minutes of Special Meeting April 17, 2012 Planning & Zoning Committee Special Meeting.
   Seconded by Vice Chair Weyh.
   Motion carried unanimously.
6. Waiver of Subdivision/Lot Size – Kemp – Town of Lodi

Motion by Vice Chair Weyh to recommend approval of lot size variance for Lot 2 (Tax Parcels 1334, 1335, 1336) subject to the following conditions:

1. A note being placed on the CSM that states “A lot size variance for Lot 2 was approved by the Planning & Zoning Committee on May 1, 2012.”

The variance will become effective when the Town of Lodi adopts Title 16 Chapter 100 of the County Code of Ordinances.

Seconded by Ms. Cupery
Motion carried unanimously.

7. Department Report

a. Planning Update – Mr. Bluemke explains Wisconsin ACT 170, a new law which addresses nonconforming structure standards in our general and shoreland zoning ordinances. Among other protections, the law prohibits rules that use cost in regulating non-conforming structures.

b. Enforcement – Mr. Bluemke distributes Enforcement Report.

c. Financial
   • Out of County travel -- None at this time
   • Expenditure Report

Motion by Mr. Baumgartner to approve Expenditure Report.
Seconded by Vice Chair Weyh.
Motion carried unanimously.

8. Department Head Planning Guide

Mr. Bluemke suggests meeting with the Chair and staff to compose goals for the June meeting.

4:00 PM

9. Public Hearing

Item 1- Conditional Use Permit – Display and Sale of Motorized RV’s and Trucks - David C. Spencer, Jr., Petitioner & Owner – Town of Leeds

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents the staff report.
The Petitioner was present and states they have no additional comments.

Chair Teitgen asks if anyone has any questions.

Ms. Cupery asks if trucks will be sold on the site?

Petitioner- David Spencer explains that he sells Class A, B and C trucks. The Class C variety could require a truck. He may sell entire unit or sometimes they are sold separately.

Vice Chair Weyh asks how the sale of motorized vehicles comes into play on Sunday?

Petitioner explains he can show the vehicles, but can’t sign a contract on Sunday.

Chair Teitgen asks if anyone is in favor of petition. (no comments)

Chair Teitgen asks if anyone is against the petition. (no comments)

Town Board -Chair Foley stated the Town Board recommended approval of the Conditional Use Permit, also Minutes on file.

Chair Teitgen closes Public Hearing.

Motion by Vice Chair Weyh to amend Condition #2 to read “This Conditional Use Permit shall be only for the sale of motorized recreational vehicles and not the sale of automobiles or trucks unless integrated with or integral to a recreational vehicle”

Seconded by Mr. Baumgartner.

Motion carried unanimously.

Motion by Ms. Cupery to approve Conditional Use Permit for display and sale of motorized RV’s and trucks per the stated findings, conclusions and conditions.

Seconded by Mr. Baumgartner.

Motion carried unanimously.

Findings:

1. David C. Spencer Jr. and Marlene M. Spencer are the owners of the subject property described in the application.
2. The Spencer’s operate a business on the property known as Mad City Marine/RV Sales, Inc.
3. The application complies with the standards of Sec. 16-1-5(b)(2)(j) and the general review criteria of Sec. 16-1-18 (c) of the Ordinance.
4. The Town of Leeds has approved RV sales on the property.
Conclusions:
1. The application qualifies for a Conditional Use Permit.
2. This proposed use is consistent with the purpose and intent of the Commercial District.
3. The proposed use does not conflict with current use of any adjacent property over the long term nor does it limit the usefulness of adjacent properties for uses permitted under their current zoning classifications.
4. The proposal does not present a likelihood of any unacceptable impacts when considered in light of the general criteria of Sec. 16-1-18 (e).
5. The development is compatible with the character of the general vicinity and will not change the character of the area as to substantially impact current or future permitted uses in the vicinity.

Conditions:
1. Any agreement between the Town of Leeds and the Spencer’s is hereby incorporated by reference as part of this Conditional Use Permit; however, the County is not responsible for enforcing said agreement, unless an individual point of agreement is specifically included below as a condition of approval. In the event that the Town submits a finding of noncompliance with any item of the above referenced agreement for which the County has not assumed direct enforcement authority, upon written request by the Town the County reserves the right to the review the Conditional Use Permit.
2. This Conditional Use Permit shall be only for the sale of motorized recreational vehicles and not the sale of automobiles or trucks unless integrated with or integral to a recreational vehicle.
3. Display shall be allowed on the lawn so long as it is maintained in good condition which means the ground is covered by vegetation and ruts or bare spots repaired as soon as practical.
4. The owner shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.
5. If the Planning and Zoning Committee finds that the review criteria of Section 16-1-18(e) of the Columbia County Zoning Ordinance or the conditions stipulated in the Committee Decision are not being complied with, the Planning and Zoning Committee, after a public hearing, may revoke the conditional use permit.

**Item II- Conditional Use Permit – Wholesale Auto Dealership – Steve Myers, Petitioner and Wayne Sadek & Will Sadek, Owners – Town of Lodi**

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents the staff report.

The Petitioner was present and states they have no additional comments.

Chair Teitgen asks if anyone has any questions.
Ms. Cupery asks what occurs if the car needs repairs.

Petitioner, Steve Myer, replies that he has a contract with Nelson Repair.

Chair Teitgen asks if anyone is in favor of petition. (no comments)
Chair Teitgen asks if anyone is against the petition. (no comments)

Town Board not present, but Minutes on file.

Chair Teitgen closes Public Hearing.

Motion by Mr. Baumgartner to approve Conditional Use Permit for Wholesale Auto Dealership per the stated findings, conclusions and conditions.
Seconded by Ms. Cupery.
Motion carried unanimously.

Findings:
1. Wayne Sadek Jr. and Will Sadek are the owners of the subject property.
2. The Conditional Use Permit approved by the Planning and Zoning Committee on September 4, 2007 is still a valid permit and the conditions of approval are still applicable.
3. Steve Myers proposes to use the existing building as a business location for an internet retail automobile dealership. The actual use of the building relating to the proposed dealership will be minor and incidental.
4. The application qualifies for a Conditional Use Permit under the general review criteria of Sec. 16-1-18 (e) and the criteria for Conditional uses under Sec. 16-1-9 (a) (2)(g).
5. The Town of Lodi has recommended approval of the Conditional Use Permit for the retail automobile dealership.

Conclusions:
1. The application qualifies for a Conditional Use Permit.
2. The proposed use as a retail automobile dealership is consistent with the purpose and intent of the District and the Ordinance.
3. The proposed use does not conflict with current use of any adjacent property over the long term as it fits the existing and planned character of the area, nor does it limit the usefulness of adjacent properties for uses permitted under their current zoning classifications.
4. The proposal does not present a likelihood of any unacceptable impacts when considering the general criteria of Sec. 16-1-18 (e).
5. The development is compatible with the character of the general vicinity and will not change the character of the area as to substantially impact current or future permitted uses in the vicinity.
Conditions:
1. Any additional lighting placed on the property shall be oriented so that the lighting element (or transparent shield) is not visible from the street or any adjacent residential property. The use of shielded luminaries and careful placement of fixtures is encouraged to facilitate compliance with this requirement.
2. All signage must be reviewed by the Town and approved by the Planning & Zoning Department.
3. There shall be no outside storage of cars, trucks, vehicles, parts or equipment.
4. Any significant changes to the submitted plan of operation shall be reviewed and approved by the Town and County.
5. The Owner shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.
6. If the Planning and Zoning Committee finds that the review criteria of Section 16-1-18(e) of the Columbia County Zoning Ordinance or the conditions stipulated in the Committee Decision are not being complied with, the Planning and Zoning Committee, after a public hearing, may revoke the conditional use permit.

Item III- Zoning Change – Agricultural to Agricultural No. 2—Charles and Nora Holder, Petitioners & Owners – Town of Springvale

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents the staff report.

The Petitioner was present and states they have no additional comments.

Chair Teitgen asks if anyone has any questions.

Ms. Cupery asks if this will be the only house allowed on the eight acres.

Mr. Bluemke confirms that there will be the only home allowed.

Chair Teitgen asks if anyone is in favor of petition. (no comments)

Chair Teitgen asks if anyone is against the petition. (no comments)

Town Board not present, but Minutes on file.

Chair Teitgen closes Public Hearing.

Motion by Vice Chair Weyh to approve rezoning from Agriculture to Agriculture No. 2.
Seconded by Mr. Baumgartner.
Motion carried unanimously.
Item IV - Conditional Use Permit – Radio and Telecommunication Tower – Columbia County Sheriff’s Department, Petitioner and Dennis & Diann Jones, Owners – Town of Courtland

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents the staff report.

The Petitioner was present and states they have no additional comments.

Chair Teitgen asks if anyone has any questions.

Vice Chair Weyh asks if there is any other structure on site.

Mr. Bluemke responds that there is an existing 300 foot tower and related equipment.

Petitioner represented by Michael Babcock explains that the County owns the tower and leases land from the property owner. The lease extends until 2025 with the Jones family. Various revenue agreements occur depending on the tower and property owner.

Chair Teitgen asks if anyone is in favor of petition. (no comments)

Chair Teitgen asks if anyone is against the petition. (no comments)

Town Board not present, but Minutes on file.

Chair Teitgen closes Public Hearing.

Motion by Mr. Baumgartner to approve Conditional Use Permit for Radio and Telecommunication Tower per the stated findings, conclusions and conditions.
Seconded by Ms. Cupery.
Motion carried unanimously.

Findings:
1. Dennis and Diann Jones are the owners of the subject property described in the application.
2. Columbia County Sheriff’s Department is proposing to construct a 300 foot guyed tower to replace an existing tower.
3. The application complies with the general review criteria of Sec. 16-1-18 (e) of the Ordinance.
Conclusions:

1. The application qualifies for a Conditional Use Permit under the general review criteria of Sec. 16-1-18 (e) and the criteria for Conditional uses under Sec. 16-1-5 (b) (2)(e).
2. This proposed use is consistent with the purpose and intent of the Agriculture district.
3. The proposed use does not conflict with current use of any adjacent property over the long term as it fits the existing and planned character of the area, nor does it limit the usefulness of adjacent properties for uses permitted under their current zoning classifications.
4. The proposal does not present a likelihood of any unacceptable impacts when considering the general criteria of Sec. 16-1-18 (e).
5. The tower is a replacement of tower that has been in place for many years so the development is compatible with the character of the general vicinity and will not change the character of the area as to substantially impact current or future permitted uses in the vicinity.

Conditions:

1. The Conditional Use Permit will become effective when approved by the Town Board of the Town of Courtland.
2. Prior to or at the time of application for a zoning permit for construction of the tower, the applicant shall submit construction plans for the tower bearing the stamp of a Registered Professional Engineer.
3. Upon cessation of its use, the tower shall be removed by the owner.
4. The petitioners and owners agree the project will be conducted professionally and in accordance with the drawing and plans submitted to Columbia County.
5. The Owner shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.

10. Adjourn

Motion by Mr. Baumgartner to adjourn meeting.
Seconded by Ms. Cupery.
Motion carried unanimously.

Meeting adjourned at 5:35 PM.

Respectfully submitted,

Mary Cupery, Secretary
Planning and Zoning Committee
Recording Secretary
Susan Runnion, Office Administrator

cc: Committee Members
Andy Ross, County Board Chair
Vern Gove, County Board Vice Chair