PLANNING & ZONING COMMITTEE MINUTES
NOVEMBER 3, 2009

PRESENT: Douglas Richmond, Phil Baehler, John Healy, Fred Teitgen

ABSENT AND EXCUSED: Vice Chair Harlan Baumgartner

STAFF: John Bluemke, Director, Susan Runnion, Office Administrator, Mike Stapleton, Zoning Administrator, Randy Thompson, Planning Administrator, Brian Zirbes, Principal Planner

ALSO PRESENT: Jim Grothman, Attorney John Miller, Attorney Pete Conrad

BUSINESS MEETING

11:00 AM

1. Mr. Teitgen called the meeting to order at 11:00 AM

2. Certification of Open Meeting Law

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

4. Approval of Agenda

   Motion by Mr. Healy to approve Agenda of November 3, 2009 Planning & Zoning Committee Regular Meeting & Public Hearing with amendments to move “Item #9” following “Item #5”
   Seconded by Mr. Baehler.
   Motion carried unanimously.

5. Approval of Minutes

   Motion by Mr. Baehler to approve Minutes of October 6, 2009 Planning & Zoning Committee Regular Meeting & Public Hearing.
   Seconded by Mr. Healy.
   Motion carried unanimously.
6. Department Report
   a. Planning Update

   Mr. Zirbes explains that the Planning & Zoning Committee will need to recommend the Plan Amendment Resolution to move forward for Public Hearing on December 1st.

   **Motion by Mr. Healy to recommend adoption of Resolution.**
   **Seconded by Mr. Baebler**
   **Roll Call Vote** –
   Mr. Baebler – Yes, Mr. Healy – Yes, Mr. Teitgen – Yes
   Motion carried unanimously.

   b. Enforcement

   Mr. Stapleton reviews Enforcement Report.

   c. Financial
      • Out of County travel

   Mr. Stapleton traveling to LaCrosse for NR115 and Mr. Thompson and Mr. Zirbes to Stevens Point for restudy of Baraboo River.

   **Motion by Mr. Baebler to approve Out of County travel.**
   **Seconded by Mr. Healy.**
   Motion carried unanimously.

      • Expenditure Report

   **Motion by Mr. Healy to approve Expenditure Report.**
   Seconded by Mr. Baebler.
   Motion carried unanimously.

   Chair Doug Richmond arrives at 11:23 AM

   d. Ordinance Update

      • Town Advisory Committee Update

   Mr. Bluemke explains that Residential and Commercial code language will be available for December 16th Town Advisory Committee meeting.

   UW Extension facilitating Intercounty Coordinating Committee meeting which will be held on November 16th at 9:00 AM.
• ACT 23 Farmland Preservation
  Mr. Bluemke states there is no new information from the State.

7. Waiver of Rezoning Fee

Mr. Stapleton explains that a rezoning took place in 1976 for Tax Parcel 11010-1049.5. The Amending Ordinance included an incorrect metes and bounds description. The property which was intended to be rezoned is not.

Frank Balthazor
2317 Stuart Court
Madison, WI 53704

Mr. Balthazor reviews the events which took place during the rezoning process. Doesn’t feel he should pay the $400 Rezoning Petition Fee to correct the metes and bounds.

Mr. Healy asks what his future plans are for the property.

Mr. Balthazor plans to possibly build home and rent.

Mr. Teitgen states the intent was clear where the rezoning should have been.

Mr. Balthazor feels the Planning & Zoning Committee has the authority to correct this situation.

Chair Richmond asks Mr. Bluemke if he has consulted with Joe Ruf - Corporation Counsel. Need to confirm that the Planning and Zoning Committee can approve or whether the correction also needs to be approved by the County Board.

**Motion by Mr. Teitgen to recommend correction of metes and bounds error at no cost to the property owner with confirmation of appropriate process from Corporation Counsel.**
  Seconded by Mr. Healy.
  Motion carried unanimously.

8. Revision to Conditional Use Permit for Madigan Refrigeration and Cold Storage

Attorney Peter Conrad representative for Mark Madigan/Madigan Refrigeration
Axley Bryn Nelson LLP
22 E. Mifflin
Madison, WI

Attorney Conrad explains the reason for not planting trees in front of the wall is due to location of septic system. Also states that number of employees will be a changing figure.
Mr. Bluemke explains he needs to know to determine the number of employee parking spaces which are needed. Asks that Site Plan be changed to reflect “cold storage” not parking.

Motion by Mr. Teitgen to recommend approval of revised Site Plan:
   to include
   Item #3 – include a 8’ wooden fence for screening.
   Item #6 – Addition of 25 foot long masonry wall tall enough to screen the compressors for the refrigeration units, which can taper down to 5 feet high in last 5 feet of the wall.
   Seconded by Mr. Healy.
   Motion carried unanimously.

9. Waiver of Access – Fred Reimer

Mr. Bluemke explains history of private driveways within dedicated driveways and ordinance requires they abut a public road.

He recommends denying the proposal due to setbacks.

Mr. Jim Grothman claims that Kurt Dey received a copy of the map and doesn’t have a problem with private drive.

Attorney Miller explains that private road has the same requirements as a private drive, only difference is prior dedication. Requesting change because of safety concerns. Significant problems of theft and dumping of trash. To create an enforcement solution recommending private ownership to keep people off the property. May install surveillance cameras in the future. Agreements permit Town to convert the private road to a public road whenever it deems appropriate.

Motion by Mr. Baebler to recommend approval of Waiver of Access for Lots 1, 2, & 4 and conditioned upon establishing sinking fund for driveway maintenance and providing for front yard setbacks in the home owners agreement.
   Seconded by Mr. Healy.
   Motion carried unanimously.

4:00 PM
10. Public Hearing

Item I- Zoning Change – Agricultural to Rural Residential and Agricultural to Agricultural with Agricultural Overlay, Lester & Eugene & Joseph Dickman, Petitioners and Owners – Town of Lewiston
Chair Richmond opens Public Hearing.

Mr. Bluemke presents the staff report.

Mr. Healy inquires about flood fringe requirements.

Mr. Bluemke responds that you must go through floodplain on both sides to access.

Chair Richmond asks if anyone has any questions.

Attorney John Miller representing Petitioner is present and felt the conditions were reasonable. Petitioner was not able to receive approval from emergency services and don’t plan to build.

Mr. Grothman asks if the existing buildings can remain within the Agricultural Overlay area.

Mr. Bluemke responds they would remain under non-conforming law.

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

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

Town Board not present, but Minutes on file. Town recommended approving rezoning.

Chair Richmond closes Public Hearing.

**Motion by Mr. Teitgen to approve rezoning from Agricultural to Rural Residential and Agricultural to Agricultural with Agricultural Overlay effective upon being provided written assurances necessary to comply with Sec. 16-4-42(a)(4) of the Columbia County Code of Ordinances and the recording of the Certified Survey Map and Town Board approval.**

Seconded by Mr. Baebler.

Motion carried unanimously.

**Item II - Conditional Use Permit – Communication Tower, Cloud 1, Petitioner, Larry & Cindy Messer, Owners – Town of Caledonia**

Chair Richmond opens Public Hearing.

Mr. Bluemke presents the staff report.

Chair Richmond asks if anyone has any questions.

Petitioner present and did not have anything to add.
Chair Richmond asks if anyone is in favor of petition. (no comments)

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

Town Board not present, but Minutes on file. Town recommended approving rezoning.

Chair Richmond closes Public Hearing.

Motion by Mr. Healy to approve Conditional Use Permit for Communication Tower per the stated findings, conclusions and conditions.
  Seconded by Mr. Teitgen.
  Motion carried unanimously.

Findings:
1. Larry and Cindy Messer are the owners of the subject property.
2. Cloud 1, under a lease with the property owners, proposes to build a 250-foot lattice communications tower capable of supporting microwave dishes and wireless antennas.
3. Sec. 16-1-5 (b)(2)(e) of the Columbia County Zoning Ordinance requires a Conditional Use Permit for construction of new microwave and wireless communications towers.
4. Submittals by the applicant indicate that the site will be developed in accordance with the standards of Chapter 16-6.
5. The application complies with the general criteria of the Agricultural District applicable to conditional uses in that district.
6. The application complies with the general criteria of Sec. 16-1-18 (e) of the Columbia County Zoning Ordinance.

Conclusions:
1. The proposed use is consistent with the purpose and intent of Title 16, Chapter 6.
2. The proposed use is consistent with the purpose and intent of Title 16, Chapter 1.
3. The proposed use complies with the applicable standards and criteria.
4. The application qualifies for a Conditional Use Permit.

Conditions:
1. 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.
2. Development of the site shall comply with all applicable national, state and local building and electrical codes.
3. Evidence of liability insurance and bonding for tower removal as specified under Sec. 16-6-5 (f) shall be submitted prior to or at the time of application for a zoning permit and shall be maintained during the life of the tower.
4. Upon cessation of its use, the tower shall be removed in accordance with the provisions of Sec. 16-6-5 (f).

5. Landscaping shall be installed and maintained in accordance with the provisions of Sec. 16-6-8 (d). Landscaping shall be installed by June 31, 2010 or as approved by the Zoning Administrator.

Item III-  Zoning Change – Agricultural to Rural Residential and Agricultural with Agricultural Overlay. Curtis & Beverly Walters, Petitioners and Owners – Town of Lowville

Chair Richmond opens Public Hearing.

Mr. Bluemke presents the staff report.

Chair Richmond asks if anyone has any questions.

Petitioner present and states his name is Curt (not Curtis).

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

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

Town Board not present, but Minutes on file. Town recommended approving rezoning.

Chair Richmond closes Public Hearing.

Motion by Mr. Teitgen to approve rezoning from Agricultural to Rural Residential and Agricultural to Agricultural with Agricultural Overlay effective upon recording of the Certified Survey Map and a driveway permit approved the County Highway and Transportation Department.

Seconded by Mr. Baebler.

Motion carried unanimously.

Item IV-  Zoning Change – Agricultural to Rural Residential and Agricultural to Agricultural with Agricultural Overlay. Town of Lowville, Byron Walters, Petitioner and Owner – Town of Lowville

Chair Richmond opens Public Hearing.

Mr. Bluemke presents the staff report.

Mr. Baebler inquires if the proposed Agricultural Overlay property is the same as Curt Walters.
Mr. Bluemke confirms that it is a different property and an incorrect map was referenced.

Chair Richmond asks if anyone has any questions.

Petitioner present and did not have anything to add.

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

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

Town Board not present, but Minutes on file. Town recommended approving rezoning.

Chair Richmond closes Public Hearing.

**Motion by Mr. Baebler to approve rezoning from Agricultural to Rural Residential and Agricultural to Agricultural with Agricultural Overlay effective upon the recording of the Certified Survey Map.**

Seconded by Mr. Teitgen.

*Motion carried unanimously.*

11. Adjourn

**Motion by Mr. Teitgen to adjourn meeting.**

Seconded by Mr. Baebler.

*Motion carried unanimously.*

Meeting adjourned at 4:30 PM.

Respectfully submitted,

Fred Teitgen, Secretary
Planning and Zoning Committee

Recording Secretary
Susan Runnion
Office Administrator

cc: Committee Members
Debra Wopat, County Board Chair
Robert Westby, County Board Vice Chair