

**PLANNING & ZONING COMMITTEE MINUTES
JANUARY 4, 2022**

PRESENT: Harlan Baumgartner, John Stevenson, Tom Borgkvist,
Doug Richmond, Mike Weyh

ABSENT: Denise Brusveen

STAFF: Kurt Calkins – Director of Planning & Zoning, Renee
Pulver-Johnson – Principal Land Use Planner, Lauren
Ramirez – Office Administrator

ALSO PRESENT: Susan Fischer – Corporation Counsel, Scott Hewitt –
Grothman & Associates, Vern Gove, Chair – Columbia
County Board of Supervisors

1:00 PM

1. Call to order
2. Certification of Open Meeting Law & confirmed meeting was properly noticed and published
3. Roll Call was taken and a quorum declared present
4. Approval of Agenda

Motion by Mr. Richmond to approve Agenda of January 4, 2022 Planning & Zoning Committee Regular Meeting & Public Hearing.

**Seconded by Mr. Borgkvist.
Motion carried unanimously.**

5. Approval of Previous Meeting Minutes

Motion by Mr. Borgkvist to approve Minutes of December 7, 2021 Planning & Zoning Committee Regular Meeting.

**Seconded by Mr. Weyh.
Motion carried unanimously.**

6. Citizen Input

No citizen input.

7. Operational Overview

- a. Approval of Expenditure Report

Mr. Calkins presented Expenditure Report. Reviewed out of ordinary expenses.

**Motion by Mr. Weyh to approve Expenditure Report.
Seconded by Mr. Richmond.
Motion carried unanimously.**

- b. Department Budgets, Compensatory Time, Out of County Travel
- c. Director's Staff Report/Update
- d. Review of Vehicle Mileage Form

Mr. Calkins presented the 4th Quarter Vehicle Mileage Form

**Motion by Mr. Weyh to approve Vehicle Mileage Form.
Seconded by Mr. Borgkvist.
Motion carried unanimously.**

8. Approval of Access Variance

- Benck – Town of Fountain Prairie

Ms. Pulver-Johnson presented Staff Report

**Motion by Mr. Weyh to recommend approval of an Access Variance for Lots 1 & 2 to have no frontage on a public road subject to the following conditions: A note being placed on the CSM stating: "A variance to Section 12.210.04(5) was approved by the Planning and Zoning Committee on January 4, 2022 to waive road frontage requirements for Lots 1 and 2 with access provided via other instrument." The variance will become effective upon recording of the Certified Survey Map.
Seconded by Mr. Richmond.
Motion carried unanimously.**

- BTT Holdings LLC – Town of Arlington

Ms. Pulver-Johnson presented Staff Report

**Motion by Mr. Weyh to recommend approval of an Access Variance for Lots 1 & 2 to have no frontage on a public road subject to the following conditions: A note being placed on the CSM stating: "A variance to Section 12.210.04(5) was approved by the Planning and Zoning Committee on January 4, 2022 to waive road frontage requirements for Lots 1 and 2 with access provided via other instrument." The variance will become effective upon recording of the Certified Survey Map.
Seconded by Mr. Borgkvist.
Motion carried unanimously.**

- Meyer – Town of Caledonia

Ms. Pulver-Johnson presented Staff Report

Motion by Mr. Borgkvist to recommend approval of an Access Variance for Lot 1 to have no frontage on a public road subject to the following conditions: A note being placed on the CSM stating: “A variance to Section 12.210.04(5) was approved by the Planning and Zoning Committee on January 4, 2022 to waive road frontage requirements for Lots 1 and 2 with access provided via other instrument.” The variance will become effective upon recording of the Certified Survey Map.

Seconded by Mr. Weyh.

Motion carried unanimously.

9. Action on Reconsideration of Zoning Change A-1 Agriculture to C-3 Highway Interchange; Petitioner: BTT Holdings, LLC; and Applicant: Clack Corporation c/o Richard Clack – Town of Arlington

Mr. Calkins gave an overview of the timeline of events regarding the petition, and the December 7, 2021 Committee actions.

- a. Public Hearing (Held December 7, 2021)
- b. Discussion & Deliberation (Held December 7, 2021, continued on January 4, 2022)

Mr. Calkins reviewed Staff Report and highlights.

- c. Committee Decision & Disposition of Request (Reconsideration)

Motion by Mr. Weyh recommend approval of 30.21 acres, more or less, from A-1 Agriculture to C-3 Highway Interchange, all effective upon recording of the Certified Survey Map.

Seconded by Mr. Borgkvist.

Mr. Borgkvist – Yes, Mr. Richmond – Yes, Mr. Stevenson – Abstaining from vote, Mr. Weyh – Yes, Chair Baumgartner – No.

Motion carried, not unanimously.

10. Action on Postponed Conditional Use Permit – For a Tourist Rooming House; Petitioner: Kathleen R Gargano Revocable Trust – Town of Lodi

- a. Public Hearing (Held November 2, 2021)
- b. Discussion & Deliberation (Decision Postponed on November 2, 2021)

Chair Baumgartner opened up a continuation of Discussion & Deliberation from November 2, 2021.

Mr. Calkins provided a brief overview from November 2, 2021 Public Hearing Discussion and Deliberation.

Chair Baumgartner asked if anyone has any questions or comments following the close of the Public Hearing held on November 2, 2021.

Yvonne Orr was present.

N2646 Summerville Park Road
Lodi, WI

Ms. Orr was present and is a direct neighbor to the Gargano property. She restated her concerns regarding the trespassing that has happened on her property, the number of guests and vehicles that have been present at a time, the loud noises. She states that the renting has not stopped, and was most recently rented out last weekend. She also added she has videos of this as well.

Mr. Weyh questioned what the violation process is and how it can be used in future for revocation of a Conditional Use Permit, if it were to be approved.

Mr. Calkins reviewed the violation process for this Tourist Rooming House stating the original Notice of Violation could be used to issue citations. He added, if granted the Conditional Use Permit, and evidence was collected validating violation of the conditions, the CUP could be revoked by the Committee and/or citations issued.

Mr. Calkins also reviewed the history of this request in regards to the Notice of Violation/cease and desist letter back on March 3, 2021, and November 16, 2021.

Mr. Richmond questioned the options they have at this meeting, since the property has since been renting.

Susan Fisher answered with options for approving, or denying with substantial evidence.

Helen Dixon, representative and applicant for property owners, stated that in March when the Notice of Violation letter was received, they took the rental down from the website until May; however, after the town discussion, it was put back up, as she thought that the process was done with. After the November phone call with Planning & Zoning staff that clarified the process was not complete, she took it back down from the website. She stated that the rentals past that date were made when the rental was still online and active, and they did not cancel those reservations. She stated that the rental is online today yet, but she is the one that gives the final approval.

Ms. Dixon added that they now have cameras at the property that are watched to verify no violations are happening. She apologized for continuing to rent. She stated she is not trying to deceive and deny issues with that, but she is here now and trying to get approval to be in compliance. She stated that the times Ms. Orr is referring to, having more than allowed people, the excess number of people were neighbors visiting at the rental. She discussed the benefits to having an AirBnB in the area.

Mr. Richmond pointed out that renting during this time was in violation, after they received the Notice of Violation. He asked Ms. Dixon what they plan to do to make sure compliance will happen.

Ms. Dixon restated her use of cameras on the property, and added that they are in favor of conditions, has an on-site person across lake, and has given her card and phone number to neighbor.

Ms. Orr stated she has never received a card from Ms. Dixon, and has 6 videos of stuff going on. She also stated that the town was very clear that the County has the final say.

Mr. Richmond asked if citations can come from the continued rentals this year, past the Notice of Violation letter.

Ms. Fisher and Mr. Calkins stated yes; however, their main goal is to get compliance.

Ms. Dixon stated that they could have cancelled those reservations made when they took down the listing, but the rating would hurt business, and they have a contract with guests once they reserve. She adds at this point she wants compliance, and will follow rules.

Mr. Weyh asks about denial with substantial evidence option for Committee, and what can happen in the future with rental.

Mr. Calkins stated that if the Committee were to deny with substantial evidence, the property owners could reapply in 12 months from the date of denial. If the property owners were to continue to rent during that time, they can be cited, and that can be used for future determination if they were to reapply.

c. Committee Decision & Disposition of Request

Motion by Mr. Weyh to approve Conditional Use Permit for a Tourist Rooming house at N2640 Summerville Park Road as proposed in the application and accompanying submittals and subject to the Findings, Conclusions, and Conditions of Approval, to get on table.

Seconded by Mr. Stevenson.

Mr. Borgkvist – No, Mr. Richmond – Abstaining from vote, Mr. Stevenson – Yes, Mr. Weyh – No, Mr. Baumgartner – No.

Motion failed.

The Committee reviewed the applicable statutory requirements, in particular Wis. Stat. § 59.69(5e)(b). In its decision, the Committee was informed that two “cease and desist” letters were sent by the Department to the applicant while the application was still under Departmental review. Those letters provided the applicant was not in compliance with the ordinance and that no further rentals should occur during that period. The applicant did not deny

receiving those letters and further provided that rentals had been made during that time. In addition to this, the Committee considered testimony from November provided by a neighbor regarding the existence and conduct of those who had stayed at the property during this period. The applicant failed to demonstrate she could comply with the requirements of the CUP.

Mr. Weyh stated in future, they would like to entertain if no unauthorized uses are documented.

Mr. Richmond stated that if they can go a year without noncompliance, they would reconsider.

Site Visits (were not needed)

11. Public Hearing – 2:21PM

Item I Conditional Use Permit – For Light Manufacturing; Petitioner: BTT Holdings, LLC; and Applicant: Clack Corporation c/o Richard Clack – Town of Arlington

Chair Baumgartner opened Public Hearing.

Mr. Calkins presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present.

Chair Baumgartner asked if anyone is in favor of the request. (no comments)

Chair Baumgartner asked if anyone is against the petition. (no comments)

Town Board not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

Motion by Mr. Weyh to approve Conditional Use Permit for Light Manufacturing at Schulz Road as proposed in the application and accompanying submittals and subject to the following Findings, Conclusions, and Conditions of Approval.

Seconded by Mr. Borgkvist.

Motion carried unanimously.

Findings of Fact:

1. Upon review of the guidelines in Section 12.150.07(4) of the Columbia County Zoning Code, and with the explanation of the criteria in Attachment A of the Staff Report, the Committee finds the following:
 - a. BTT, LLC is the owner of the subject property.
 - b. The property is currently vacant.

- c. The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare of the occupants of surrounding lands.
- d. The use will be designed, constructed, operated, and maintained so as to be compatible, and be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area such that the use will substantially impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area.
- e. The erosion potential of the site, based on topography, drainage, slope, soil type, and vegetative cover is minimal.
- f. There is no existing or anticipated water pollution including sedimentation, and no impacts on floodplain and wetlands.
- g. The site has adequate utilities, including acceptable disposal systems.
- h. Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.
- i. The Conditional Use shall conform to the standards of the applicable district(s) in which it is located.

Conclusions of Law:

1. The subject property is located in the Town of Arlington and is zoned A-1 Agriculture and C-3 Highway Interchange. The District uses are listed in Tables 12.105.02(1) and 12.115.02(1).
2. Light Manufacturing is a conditional use within the C-3 Highway Interchange zoning district.
3. BTT, LLC and Clack Corporation are the petitioners for a Conditional Use Permit. The petition followed the procedures of Section 12.150.07(3) of the Columbia County Zoning Code.
4. The petitioners are also requesting a rezoning of 30.21 acres from A-1 Agriculture to C-3 Highway Interchange to accommodate the proposed expansion.
5. The proposed use is consistent with the purpose and intent of the Columbia County Zoning Code.
6. The petitioner is proposing to operate a light manufacturing facility, which is allowed as a Conditional Use under Table 12.115.02(1).
7. The Arlington Town Board has reviewed and recommended approval of the Conditional Use Permit, in accordance with Section 12.150.07 of the Columbia County Zoning Code.
8. The Columbia County Planning and Zoning Committee has the authority under Sections 12.150.03(2)b. and 12.150.07 of the Columbia County Zoning Code to conduct public hearings, review, and decide on requests for Conditional Use Permits.

Conditions for the Decision:

1. The Conditional Use Permit shall be effective upon recording of the Certified Survey Map.
2. There shall be no more than 29 employees on the largest working shift. An amendment to the site plan to allow for additional parking in compliance with the Columbia County Zoning Code
3. A landscaped transitional yard, in accordance with the standards in Section 12.140.06(2)d and the approved site plan, shall be installed and maintained.
4. Any amendments to the site plan shall be reviewed and approved by the Planning and Zoning Department, with significant changes (as defined by a building modification equal to or greater than 25 percent of the existing square footage) shall be reviewed and approved by the Town and Planning and Zoning Committee.
5. All light manufacturing activities to be conducted entirely indoors.

6. Outside storage shall be prohibited.
7. Signage shall comply with Section 12.145 of the Columbia County Zoning Ordinance.
8. Garbage and recycled materials shall be properly stored and disposed of regularly.
9. An Endangered Resource Review shall be provided to the Planning and Zoning Department prior to the issuance of a zoning permit associated with the development of this property. Any recommended actions noted in the report shall be completed as part of the development process.
10. Lighting for the facility shall be oriented so that the lighting element (or transparent shield) is not visible from the adjacent residential properties or State Highway 33. The use of shielded luminaries and careful placement of fixtures is encouraged to facilitate compliance with this requirement.
11. Lighting shall comply with Subsection 12.140.07 of the Columbia County Zoning Ordinance. Lighting plans shall be approved by the Planning and Zoning Department prior to installation.
12. Landscaping plans meeting the minimum requirements of Section 12.40.06 of the Columbia County Zoning Code shall be submitted to the Planning and Zoning Department for approval. All landscaping shall be installed within 12 months of issuance of the first zoning permit associated with the development of this property.
13. Access shall remain obstruction-free and maintained through Lot 2, Certified Survey Map 836, currently owned by Big Gain Wisconsin LLC. The driveway shall be at least 30 feet wide with edges marked, a line down the middle, and “no parking” markings added.
14. Parking of transient vehicles used in day-to-day operations is allowed in areas designated on the approved site plan. Parking and/or storage of vehicles shall not exceed 30 days.
15. The owner shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.
16. The Planning and Zoning Department shall have the right of inspection for the purpose of determining compliance with this permit during normal working hours or upon reasonable notice outside of normal hours.
17. If the Planning and Zoning Committee finds that the review criteria of Subsection 12.150.07(4) of the Columbia County Zoning Code, 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.
18. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of Arlington and BTT LLC and Clack Corporation are hereby incorporated as part of this Conditional Use Permit; however, the County is not responsible for enforcing said agreement(s) or condition(s), unless an individual point of the agreement(s) or condition(s) is specifically included above as a condition of approval. Any additional Town agreements or conditions are listed below. In the event that the Town submits a finding of noncompliance with any of the item(s) listed below, for which the County has not assumed direct enforcement authority, upon written request by the Town, the County reserves the right to review the Conditional Use Permit.
 - a. Adherence to the Restrictive Covenants as presented by the Town Attorney.
 - b. Adherence to the Storm Water Maintenance Agreement as presented by the Town Attorney.
 - c. Exterior lighting to be submitted to the Town upon confirmation of meeting Columbia County Ordinance Section 12.140.07.

Item II Zoning Change – A-1 Agriculture to RR-1 Rural Residence, and from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioner: Richard Ableman & Michelle Ableman – Town of Marcellon

Chair Baumgartner opened Public Hearing.

Mr. Calkins presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present.

Chair Baumgartner asked if anyone is in favor of the request. (no comments)

Chair Baumgartner asked if anyone is against the petition. (no comments)

Town Board not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

Motion by Mr. Richmond to recommend approval of 1.2 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 33.8 acres, more or less, from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, all effective upon recording of the Certified Survey Map.

Seconded by Mr. Weyh.

Motion carried unanimously.

Item III Zoning Change – A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioners: Paul E Belton & Joann Belton – Town of Marcellon

Chair Baumgartner opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner's daughter in law Melissa Belton was present.

Chair Baumgartner asked if anyone is in favor of the request. (no comments)

Chair Baumgartner asked if anyone is against the petition. (no comments)

Town Board not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

Motion by Mr. Borgkvist recommend approval of 26.1 acres, more or less, from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, all effective upon recording of the Certified Survey Map.

**Seconded by Mr. Richmond.
Motion carried unanimously.**

Item IV Zoning Change – A-1 Agriculture to RR-1 Rural Residence, and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioner: Carl & Susan Benck Family Trust u/a dated 5-8-2017 – Town of Fountain Prairie

Chair Baumgartner opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present.

Chair Baumgartner asked if anyone is in favor of the request. (no comments)

Chair Baumgartner asked if anyone is against the petition. (no comments)

Town Board not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

Motion by Mr. Weyh to recommend approval of 2.5 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 104 acres, more or less, from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, all effective upon recording of the Certified Survey Map.

**Seconded by Mr. Stevenson.
Motion carried unanimously.**

Item V Zoning Change – A-1 Agriculture to A-2 General Agriculture; Petitioner: Daniel Dishno – Town of Lowville

Chair Baumgartner opened Public Hearing.

Mr. Calkins presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present.

Chair Baumgartner asked if anyone is in favor of the request. (no comments)

Chair Baumgartner asked if anyone is against the petition. (no comments)

Town Board not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

Motion by Mr. Richmond to recommend approval of 27.3 acres, more or less, from A-1 Agriculture to A-2 General Agriculture, all effective upon recording of the Certified Survey Map.

Seconded by Mr. Stevenson.

Motion carried unanimously.

Item VI Zoning Change- A-1 Agriculture to RR-1 Rural Residence, and from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioner: Robert W Townsend – Town of Lowville

Chair Baumgartner opened Public Hearing.

Mr. Calkins presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Agent Scott Hewitt from Grothman & Associates was present.

Chair Baumgartner asked if anyone is in favor of the petition. (no comments)

Chair Baumgartner asked if anyone is against the petition. (no comments)

Town Board not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

Motion by Mr. Borgkvist recommend approval of 2.44 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 33.18 acres, more or less, from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, all effective upon recording of the Certified Survey Map.

Seconded by Mr. Weyh.

Motion carried unanimously.

Item VII Zoning Change – A-1 Agriculture to RR-1 Rural Residence, and from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioners: Charles D Selle & Phyllis A Selle – Town of Otsego

Chair Baumgartner opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present.

Chair Baumgartner asked if anyone is in favor of the request. (no comments)

Chair Baumgartner asked if anyone is against the petition. (no comments)

Town Board not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

Motion by Mr. Stevenson to recommend approval of 4.52 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 30.48 acres, more or less, from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, all effective upon recording of the Certified Survey Map.

Seconded by Mr. Richmond.

Motion carried unanimously.

Item VIII Zoning Change – A-1 Agriculture to RR-1 Rural Residence, and from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioner: Richard D Meyer – Town of Caledonia

Chair Baumgartner opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present.

Chair Baumgartner asked if anyone is in favor of the request. (no comments)

Chair Baumgartner asked if anyone is against the petition. (no comments)

Town Board not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

Motion by Mr. Borgkvist to recommend approval of 2 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 36.67 acres, more or less, from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, all effective upon recording of the Certified Survey Map.

Seconded by Mr. Richmond.

Motion carried unanimously.

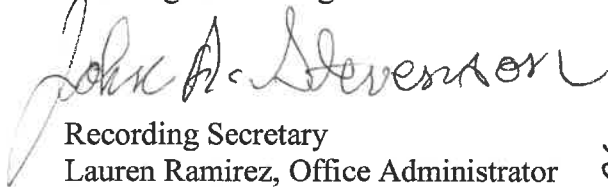
12. Adjourn

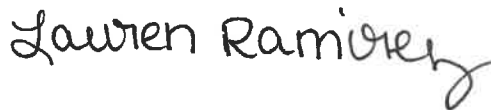
**Motion by Mr. Weyh to adjourn meeting.
Seconded by Mr. Richmond.
Motion carried unanimously.**

Meeting adjourned at 2:52 PM

Respectfully Submitted,

John Stevenson, Secretary
Planning and Zoning Committee


Recording Secretary
Lauren Ramirez, Office Administrator



cc: Committee Members
Vern Gove, County Board Chair
James Foley, County Board Vice Chair

