

**PLANNING & ZONING COMMITTEE MINUTES  
DECEMBER 4, 2018**

PRESENT: Kevin Kessler, Harlan Baumgartner, Mike Weyh, Kirk Konkel, John Stevenson

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

ALSO PRESENT: Susan Fisher – Corporation Counsel, Jeff Clark, William & Sandra Beimborn, Renae McMahon, Gary Schultz, Arthur Anderson

**3:00 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. Weyh to approve Revised Agenda of December 4, 2018  
Planning & Zoning Committee Regular Meeting & Public Hearing.  
Seconded by Mr. Stevenson.  
Motion carried unanimously.**

5. Approval of Previous Meeting Minutes

**Motion by Vice Chair Baumgartner to approve Minutes of November 6, 2018  
Planning & Zoning Committee Regular Meeting with correction.  
Seconded by Mr. Konkel.  
Motion carried unanimously.**

6. Citizen Input

No citizen input at this time.

7. Operational Overview

- a. Approve Expenditure Report

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

**Motion by Mr. Konkel to approve Expenditure Report.  
Seconded by Mr. Stevenson.  
Motion carried unanimously.**

b. Compliance Update

Mr. Calkins reviewed the Compliance Update Report.

c. Department Budgets, Compensatory Time, Out of County Travel

Mr. Calkins reviewed compensatory time in office.  
Staff May attend WCCA district meetings December 13, 2018/POWTS.

d. Director's Staff Report/Update

Notice from state we have to complete Floor Damage Assessment work related to substantial damage assessments.

8. Chairman's Update

It was discussed and decided upon there will be 1 town's meeting at the County regarding Ordinance changes next year that towns will be invited to attend.

9. Line Item Transfer – Certified Survey Expense Account

Mr. Calkins reviewed need for line item transfer due to increase in revenue/services and expenses following those.

**Motion by Vice Chair Baumgartner to approve Line Item Transfer of \$2400.00  
from Vehicle account to Certified Survey Expense Account.  
Seconded by Mr. Konkel.  
Motion carried unanimously.**

10. Correction to CUP Decision

- Manke Seed & Livestock Inc./Tri-County Paving – September 4, 2018/October 3, 2018 (Site Address)

Mr. Calkins reviewed Staff Report.

**Motion by Mr. Weyh to approve correction to the Manke Seed & Livestock  
Inc./Tri-County Paving CUP Decision approved on September 4, 2018 and  
October 3, 2018 including the site address.  
Seconded by Mr. Stevenson.  
Motion carried unanimously.**

11. Approval of Access Variance

- Weigel – Town of Dekorra

Ms. Pulver-Johnson reviewed the Staff Report.

**Motion by Vice Chair Baumgartner to recommend approval of an Access Variance for Lot 2 to have no frontage on a public road subject to the following conditions: A note being placed on the CSM that states, “A variance to Section 16-210-040(E) was approved by the Planning and Zoning Committee on December 4, 2018 to waive road frontage requirements for Lot 2 with access provided via easement.”. The variance will become effective upon recording of the Certified Survey Map.**

**Seconded by Mr. Weyh.**

**Motion carried unanimously.**

Site Visits (were not needed)

12. Public Hearing – 4:00PM

Item I- Plan Map Amendment – Future Land Use Map: Agricultural or Open Space to Industrial and Farmland Preservation Map: Farmland Preservation Area to Developed/Infill Area: Petitioners: Bruce & Wendy Kleespie – Town of Lewiston

Chair Kessler opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Kessler asked if anyone has any questions.

Petitioner was not present.

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

Chair Kessler asked if anyone else is against the petition.

William Beimbom & Sandra Beimbom  
W10567 State Highway 16  
Portage, WI 53901

Mr. Beimbom spoke against plan amendment proposal in regards to the WB Tanks negative odors, potential health hazards, and the poor air quality it produces.

Rena McMahan  
N7628 Industrial Road

Portage, WI 53901

Ms. McMahon spoke against plan amendment proposal in regards to the WB Tanks negative odors, potential health hazards, and the poor air quality it produces.

Gary Schultz  
PO Box 237  
Portage, WI 53901

Mr. Schultz spoke against plan amendment proposal in regards to the WB Tanks negative odors, potential health hazards, and the poor air quality it produces.

Arthur Anderson  
N7543 Pine Ridge Circle  
Portage, WI 53901

Mr. Anderson spoke against plan amendment proposal in regards to the WB Tanks negative odors, potential health hazards, and the poor air quality it produces.

Town Board not present and no report on file, as town recommendation is not required or necessary for Committee recommendation.

Chair Kessler closed the Public Hearing.

**Motion by Mr. Konkel to postpone until we hear recommendation from town.  
Seconded by Mr. Stevenson.  
Motion carried unanimously.**

Item II- Zoning Change – A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioners: Brennen & Kelly Weigel - Town of Dekorra

Chair Kessler opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Petitioner was present.

Chair Kessler asked if anyone has any questions.

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

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

Town Board not present, but Minutes on file.

Chair Kessler closed the Public Hearing.

**Motion by Mr. Weyh to approve rezone of  
3 acres, more or less, from A-1 Agriculture to RR-1 Rural Residential and 32 acres,  
more or less, from A-1 Agriculture to A-1 Agriculture  
with A-4 Agricultural Overlay,  
effective upon recording of the Certified Survey Map.  
Seconded by Vice Chair Baumgartner.  
Motion carried unanimously.**

Item III- Zoning Change – A-1 Agriculture to RC-1 Recreation, A-1 Agriculture to  
RR-1 Rural Residence, and A-1 Agriculture to A-1 Agriculture with A-4  
Agricultural Overlay; Petitioners: Gary & Renee Whirry – Town of  
Lowville

Chair Kessler opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Petitioner and Agent present.

Chair Kessler asked if anyone has any questions.

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

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

Town Board not present, but Minutes on file.

Chair Kessler closed the Public Hearing.

**Motion by Vice Chair Baumgartner to approve rezone of  
18.61 acres, more or less, from A-1 Agriculture to RC-1 Recreation, 1.47 acres,  
more or less, from A-1 Agriculture to RR-1 Rural Residence, and 33.53 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 IV- Conditional Use Permit – For a Commercial Entertainment or Recreation  
(Indoor/Outdoor) Conference/Event Center; Petitioners: Gary & Renee  
Whirry – Town of Lowville

Chair Kessler opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Petitioner was present.

Chair Kessler asked if anyone has any questions.

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

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

Town Board not present, but Minutes on file.

Chair Kessler closed the Public Hearing.

**Motion by Mr. Weyh to approve a Conditional Use Permit for a Commercial Entertainment or Recreation (Indoor/Outdoor) Conference/Event Center located at N3594 State Highway 22 as proposed in the application and accompanying submittals and subject to the following Findings,**

**Conclusions and Conditions of Approval.**

**Seconded by Mr. Stevenson.**

**Motion carried unanimously.**

**Findings of Fact:**

1. **Upon review of the guidelines in Section 16-150-070(D) 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. **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.**
  - b. **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.**
  - c. **The erosion potential of the site, based on topography, drainage, slope, soil type, and vegetative cover is minimal.**
  - d. **There is no existing or anticipated water pollution including sedimentation, and no impacts on floodplain and wetlands.**
  - e. **The site has adequate utilities, including acceptable disposal systems.**
  - f. **Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.**
  - g. **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 Lowville and will be rezoned RC-1 Recreation. The District uses are listed in Table 16-105-020(1).**
2. **Gary W. and Renee K. Whirry are the petitioners for a Conditional Use Permit. The petition followed the procedures of Section 16-150-070(C) of the Columbia County Zoning Code.**
3. **The petitioners are proposing to continue the use of an existing Conference/Event Center within the RC-1 Recreation zoning district, and update their approvals accordingly to accommodate the requirements of the RC-1 Recreation zoning district. Commercial Entertainment (Indoor/Outdoor) is allowed via Conditional Use Permit under Table 16-105-020(1) of the Columbia County Zoning Code.**
4. **The use is subject to the requirements of Section 16-125-260.**
5. **The Lowville Town Board has reviewed and approved the Conditional Use Permit with conditions in accordance with Section 16-150-070 of the Columbia County Zoning Code.**
6. **The Columbia County Planning and Zoning Committee has the authority under Sections 16-150-030(B)(2) and 16-150-070 of the Columbia County Zoning Code to conduct public hearings, review, and decide on requests for Conditional Use Permits.**

**Conditions for the Decision:**

1. **Any agreement or conditions pertaining to this Conditional Use Permit between the Town of Lowville and Gary W. and Renee K. Whirry are hereby incorporated by reference as part of this Conditional Use Permit; however, the County is not responsible for enforcing said agreement or conditions, unless an individual point of the agreement or condition 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 review the Conditional Use Permit.**
2. **The Conditional Use Permit shall become effective upon the property being rezoned to RC-1 Recreation.**
3. **The Conference/Event center shall only be used for contracted events, and is not open to the public.**
4. **Primary access to the property shall be off Allan Road. The driveway access on State Highway 22 shall be utilized only by larger vehicles, such as busses, providing transportation or supplies to the property.**
5. **The sale of alcohol is permitted, provided all applicable permits and licenses are obtained.**
6. **All food must be catered or potluck.**
7. **No overnight lodging or camping is permitted.**
8. **Limited overnight parking shall be permitted within the designated parking area, provided that all vehicles are removed by 10:00 am the morning following a contracted event.**
9. **All parking for a contracted event must be located on-site, in the designated parking area.**

10. **Outdoor music/entertainment shall terminate by 7:00 pm, and indoor music/entertainment shall terminate by 11:00 pm.**
11. **Sounds from amplification devices shall not exceed 65 dBA at any property line.**
12. **Fireworks are prohibited.**
13. **The owner's website or other advertising and rental contracts shall state the approved conditions associated with this use.**
14. **Signage must comply with Section 16-145 of the Columbia County Zoning Ordinance.**
15. **Significant modifications to the approved site plan must be reviewed and approved by the Town and County.**
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. **The owner shall comply with and obtain all necessary permits required by applicable federal, state and local regulations.**
18. **If the Planning and Zoning Committee finds that the review criteria of Section 16-150-070(D) 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.**

Item V- Amendments to Title 16 Chapter 100 – Zoning Ordinance

Chair Kessler opens Public Hearing.

Mr. Calkins reviewed proposed changes.

Chair Kessler asks if anyone has any questions.

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

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

Chair Kessler closes Public Hearing.

**Motion Mr. Konkel to recommend County Board approval of Amendments to Title 16 Chapter 100 – Zoning Ordinance.  
Seconded by Mr. Stevenson.  
Motion carried unanimously.**

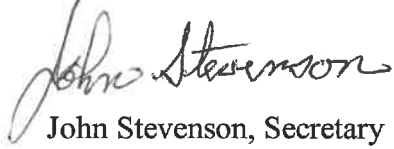
13. Adjourn

**Motion by Mr. Weyh adjourn meeting.  
Seconded by Mr. Konkel.  
Motion carried unanimously.**



Meeting adjourned at 4:46 PM

Respectfully Submitted,



John Stevenson, Secretary  
Planning and Zoning Committee



Recording Secretary  
Lauren Ramirez, Office Administrator

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

