

**MINUTES OF PUBLIC HEARING**  
**JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE**

*Steve Nass, Chair; Greg David, Vice-Chair; Don Reese, Secretary; Amy Rinard; Jan Roou*

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

**DATE:** March 15, 2012

**TIME:** 7:00 p.m.

**PLACE:** Room 205, Jefferson County Courthouse, 320 S. Main St., Jefferson, WI

**1. Call to Order**

Meeting was called to order at 7:00 pm.

**2. Roll Call**

All members were present.

**3. Certification of Compliance With Open Meetings Law Requirements**

Klotz and Reese verified compliance with the open meetings law.

**4. Review of Agenda**

No changes to the agenda

**5. Public Hearing**

**NOTICE IS HEREBY GIVEN** that the Jefferson County Planning and Zoning County Zoning Ordinance. A map of the properties affected may be obtained from the Zoning Department. If you have questions regarding these matters, please contact Zoning at 920-674-7131.

**FROM AGRICULTURAL A-1 TO A-2, AGRIBUSINESS**

**R3571A-12 & CU1696-12 – Lisa Patefield & Humane Society of Jefferson County/High Point Properties LLC, Property Owner:** Rezone PIN 014-0614-2141-001 (6 acres) with conditional use to allow the property, including existing residence, to become the future site of the Humane Society of Jefferson County. The site is at **N3485 STH 89** in the Town of Jefferson.

**Petitioner:** Lisa Patefield, W6510 Kiesling Rd. -- The Humane Society would like to move the current location to this site. The current Humane Society has been operating out of its site for over 35 years and they need some more space. This location would give the animals more space, give them a bigger parking lot and expand some of the operation. They would expect to move to the new site within 18 months to 3 years of their approval. The current warehouse on the site could not be used for the operation so it would need to be torn down and rebuilt. The existing home on the property would be used for offices. Patefield has talked to the DOT regarding the existing access on STH 89 and has agreed to only use this access for employees.

**Comments in Favor:** None

**Comments Opposed:** None

**Questions from the Committee:** Rinard asked the petitioner when they would expect to move into this new site? Do you plan to raze the existing building and residence?

**Town Response:** The Town of Jefferson was in favor of the proposal and a copy of the yellow sheet is in the file.

**Staff Report:** Staff report given by Robert Klotz and now on file in the zoning department.

### **FROM AGRICULTURAL A-1 TO A-3, RURAL RESIDENTIAL**

**R3572A-12 – Jon Gehler:** Rezone to create a 2-acre rural residential zone around the existing home at **W4316 Spruce Drive**, Town of Watertown, on PIN 032-0815-3234-000 (24.75 Acres).

**Petitioner:** Jon Gehler, W4316 Spruce Drive -- He would like to split off the existing house for estate planning. The DOT relocated the Gehlers due to the construction of the bypass. The house to be split off was built in 2006 but was a replacement of the old farm house.

**Comments in Favor:** None

**Comments Opposed:** None

**Questions from the Committee:** None

**Town Response:** The Town of Watertown was in favor of the proposal and a copy of the yellow sheet is in the file.

**Staff Report:** Staff report given by Robert Klotz and now on file in the zoning department. Klotz noted that the Committee will have the discussion of whether this split counts for the number of lots split for this parent parcel.

### **CONDITIONAL USE PERMIT APPLICATIONS**

**CU1697-12 – Paul & Cynthia Magnussen:** Conditional use to allow up to 23 dogs in an A-1 Agricultural zone at **W5466 Curtis Mill Road**. The site is on PIN 014-0614-2642-000 (41.499 Acres) in the Town of Jefferson.

**Petitioner:** Cynthia Magnussen, W5466 Curtis Mill Road -- Ms. Magnussen is requesting a conditional use permit for 23 dogs. They work with a Bassett hound rescue and foster dogs.

**Comments in Favor:** None

**Comments Opposed:** None

**Questions from the Committee:** None

**Town Response:** The Town of Jefferson was in favor of the proposal and a copy of the yellow sheet is in the file.

**Staff Report:** Staff report given by Robert Klotz and now on file in the Zoning Department. Klotz stated that the Zoning Department has contacted the Sheriff's Office and they had no concerns about the kennel.

**CU1698-12 – Tom Patterson:** Allow six single-family homes as a planned unit development in a Residential R-2 zone on **Koshkonong Lake Road**. The site is on PIN 016-0513-2513-004 (7 Acres) in the Town of Koshkonong.

**Petitioner:** Tom Patterson, N1681 Fairview Lane, Fort Atkinson -- Patterson would like to create a condo plat for 6 single family homes with a private road. Each home would sit on a 1-acre site. He has met with the fire department, waste management, post office, bus company, etc about the private road and they said they are willing to serve the private road. Patterson stated that they plan to save as many trees as possible and use them as additional screening along the property lines. Patterson stated they will submit a storm water management plan for the development.

**Comments in Favor:** None

**Comments Opposed:** Mark Rehberger, W7450 Koshkonong Lake Rd -- Rehberger had questions about the splits and how they could get 6 lots. He did not receive the notice from the Town about this development. He had concerns about the traffic it will produce, head lights, post office and buses that will be serving the structures.

Steve Cline, W7410 Koshkonong Mound Rd.-- There were two Town meetings without any notice to the neighboring properties. He would like a copy of the proposed development.

**Questions from the Committee:** None.

**Town Response:** The Town of Koshkonong was in favor of the proposal and a copy of the yellow sheet in the file.

**Staff Report:** Staff report given by Robert Klotz and now on file in the zoning department. Klotz explained the difference between condo plats and splitting of the property. Klotz read the narrative of the proposed development.

**CU1699-12 – Rick Persson/White Crow Ridge LLC Property:** Modification of a previously approved conditional use to now allow three single-family homes as a planned unit development at **W8724 White Crow Road**. The site is in the Town of Sumner, conditionally approved for a Residential R-2 zone on PIN 028-0513-1634-000 (18.18 Acres).

**Petitioner:** Rick Persson, W8699 White Crow Road -- He would like to modify the original conditional use and reduce the number of residential units from 26 units to 4 units. There is an existing home on the property. All the conditions from the previous approval have been met except for the dry hydrant. The soil tests have been done for the original 26 unit request and the driveway currently exists.

**Comments in Favor:** None

**Comments Opposed:** None

**Questions from the Committee:** None

**Town Response:** The Town of Sumner was in favor of the proposal and a copy of the yellow sheet is in file.

**Staff Report:** Staff report given by Robert Klotz and now on file in the zoning department. Klotz contacted the fire department and they would forgo the dry hydrant if the development is dropped down to 4 units.

**CU1700-12 – Richard Lee Spike/Dorothy M. Spike Property:** Conditional use to allow up to 30 dogs in an A-1 Agricultural zone at **W9167 STH 106** in the Town of Sumner, on PIN 028-0513-1731-000 (39.979 Acres).

**Petitioner:** Richard Spike, W9167 STH 106 -- The Spikes are licensed with the State of Wisconsin. The Town Board approved their request. They currently have an 18-dog kennel currently and have reduced the amount of noise with modifications to the existing kennel. There have been no complaints about the kennel. He agreed with all of the conditions of the original kennel conditional use.

**Comments in Favor:** Brett Trick, W9198 STH 106 -- He lives 100 yards from the facility. He has no problems with noise or odor.

Mike Anderson, W9317 STH 106 -- He lives south of the kennel. He didn't even know the Spikes were running a kennel until a year ago. He has no complaints.

**Comments Opposed:** None

**Questions from the Committee:** None

**Town Response:** The Town of Sumner was in favor of the proposal and a copy of the yellow sheet is in the file.

**Staff Report:** Staff report given by Robert Klotz and now on file in the zoning department. Klotz stated that the Zoning Department has contacted the Sheriff's Office and there were no complaints.

## **ZONING ORDINANCE TEXT AMENDMENTS**

**R3573T-12 – Jefferson County: Add** in 11.02 Definitions under “Residential Accessory Uses and Buildings:” **(1) Includes driveways, walks, gardens ... and (2) Keeping of Chickens. Allows up to five (5) chickens (hens) to be kept on land with an existing single-family residence where the minimum following standards are met and in zoning districts where residential accessory uses are listed. (NOTE: Raising/keeping of farm animals defined separately and not included under this definition):**

**a. Hens only; no roosters**

- b. Does not apply to any other fowl, peafowl, guinea hens or peacocks**
- c. Chickens must be kept in an enclosure at all times, and the enclosure and fencing shall meet all road setback requirements for the zoning district in which it is located, and shall be a minimum of fifteen (15) feet from any side or rear lot line. Setback shall be measured from fencing and structure.**
- d. If over 100 square feet, the enclosure structure shall be required to obtain a Zoning and Land Use permit.**
- e. Maximum 200 square foot enclosure permitted.**
- f. Enclosure includes fencing and covered structure. Covered structure is also required to be within the fenced enclosure.**
- g. No slaughtering permitted.**
- h. The fenced enclosure and covered structure shall be maintained and kept in a sanitary condition, so as not to create a nuisance.**

**Favor:** Janet McConaughey, N8144 LaSalle Circle, Oconomowoc -- She has a three-quarters acre lot and she would like to have chickens in her yard. She stated that Madison allows chickens and they have lots that are 100 x 100.

Patricia Koops, N8167 LaSalle Circle -- She is in favor of the proposal.

Mary Preston, W7906 High Ridge Rd. -- She is in favor of the proposal.

Mary Branson, N7731 Vicksburg Way -- She is in favor of the proposal.

**Opposed:** None

**Town Responses:** No objection from Town of Concord and Town of Palmyra. Town of Jefferson, no action taken..

**R3574T-12 - Jefferson County: Add** in Sec. 11.04(f)6. A-2 AGRICULTURAL BUSINESS, Conditional Uses. **mm. Agricultural tourism.**

Klotz explains that this would require a conditional use, a public hearing would be held and towns would be asked for their opinions.

**Favor:** Peter Frisch, N301 CTH H -- He is the President of Rushing Waters Fisheries and is in favor of this petition. They want to bridge the gap between the farm and peoples' plates by having a restaurant where the fish from the farm will be prepared by world class chefs.

**Opposed:** None

**Town Responses:** No objection from Towns of Concord and Palmyra. Jefferson, no action taken.

**Bill Von Rohr:** Town of Palmyra approved it.

**R3575T-12 – Jefferson County: Add** in Sec. 11.04(f)6. A-2 AGRICULTURAL BUSINESS. Conditional Uses. **nn. Hunt club/Game farm resort.**

Klotz explained the purpose of this request and explained that this use would require a conditional use permit from the Planning and Zoning Committee.

**Favor:** Michael from Milford Hills, W5670 French Road -- They would like to put in cabins at the resort for their clients. They are in favor of this text amendment.

Dan Marks, W5670 French Road -- He is in support of the proposal.

Lloyd Marks, W5670 French Road -- He is in support of the proposal.

Charlie Marks, N6501 Ziebell Road -- He is in support of the proposal.

Peter Frisch, N301 CTH H -- He is in support of the proposal.

**Opposed:**

Julie Logemann, N8456 Hilltop Rd. -- Ms. Logemann addressed her concerns based on Milford Hills operation. Ms. Logemann stated that there is a lot of noise from the shooting and even though she lives 1 mile away, she still hears it. Logemann stated that at one event, The Dirty Girl event, there was mud all over the roads and people parking in neighboring fields. She stated at one such event, individuals were over-served alcohol. Logemann has concerns on maintenance and plowing of French Road with all the traffic the resort produces. She stated that there have been car accidents in the past involving patrons of Milford Hills. She has additional concerns about fire and police protection, especially if there were cabins on the property.

**6. Adjourn**

Reese made motion, seconded by David, motion carried 5-0 to adjourn @ 7:55 p.m.

Don Reese, Secretary