

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

Steve Nass, Chair; Greg David, Vice-Chair; Don Reese, Secretary; Amy Rinard; George Jaeckel

SUBJECT: Map Amendments to the Jefferson County Zoning Ordinance and Requests for Conditional Use Permits
DATE: January 17, 2013
TIME: 7:00 p.m.
PLACE: Room 205, Jefferson County Courthouse, 320 S. Main St., Jefferson, WI

1. Call to Order

The meeting was called to order by Chairman Nass at 7:00 p.m.

2. Roll Call

Committee members present were Nass, Reese, David, Rinard and Jaeckel. Zoning Department staff in attendance included Rob Klotz and Deb Magritz.

3. Certification of Compliance With Open Meetings Law Requirements

Reese verified that the meeting was being held in compliance with open meetings law requirements.

4. Review of Agenda

No changes were proposed to the agenda.

5. Public Hearing

a. Explanation of Process by Committee Chair

Nass reviewed the proceedings about to take place. The Planning and Zoning Committee decision meeting was set for January 28 beginning at 8:30 a.m., with County Board action slated for February 12, 2013.

Klotz read aloud the following:

NOTICE IS HEREBY GIVEN that the Jefferson County Planning and Zoning Committee will conduct a public hearing at 7 p.m. on Thursday, January 17, 2013, in Room 205 of the Jefferson County Courthouse, Jefferson, Wisconsin. A hearing will be given to anyone interested in the proposals. **PETITIONERS, OR THEIR REPRESENTATIVES, SHALL BE PRESENT.** Matters to be heard are petitions to amend the zoning ordinance of Jefferson County and applications for conditional use permits. 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 RESIDENTIAL R-2 TO B, BUSINESS

R3620A-12 & CU1720-12 – Vicki & Bill Millis/Fort Community Credit Union: Rezone to business for food store/business services involving local agricultural products' processing and sales, and conditional use for an eating and drinking place at **N3522 CTH K** in the Town of

Jefferson, from PIN 014-0614-2324-006 (0.53 Acres). (*Originally scheduled December public hearing cancelled due to snow storm.*)

Petitioner: Vicki and Bill Millis of 7240 East Ryan Road, Milton spoke for the petition. They propose to have a farm kitchen and sell farm products at this location. In the future they would like to re-open the supper club.

In Favor: None speaking, but Klotz entered into the record two petition pages in favor.

Opposed: None

Questions from the Committee: None

Town Response: Approved unanimously on 11/5/12

Staff Report: Given by Klotz and now on file. He furthered explained the two phases proposed by the petitioner: initially to make products and sell them on site, and with the second phase, open the restaurant. He noted that a holding tank would be proposed to serve 59 patron and 8 employees.

FROM A-1 AGRICULTURAL TO A-2, AGRICULTURAL AND RURAL BUSINESS

R3622A-13 & CU1722-13 – Aztalan-Milford Cemetery Association and Vincent Stark

Properties: Rezone with conditional use approximately 3.5 acres of PIN 002-0714-0842-000 (1.66 Acres) with existing cemetery and an additional 2 acres from PIN 002-0714-0843-000 (24.22 Acres) owned by Vincent Stark to allow cemetery expansion. The site is at **N6603 CTH Q** in the Town of Aztalan.

Petitioner: Jay Wiedenfeld of W6864 CTH spoke for the petition. He noted that the addition to the cemetery is being donated by Vincent Stark, and they are going through this process to bring the whole cemetery into compliance.

In Favor: None

Opposed: None

Questions from the Committee: None

Town Response: Gene Olson of the Town of Aztalan reported that the item was tabled with the Town until its February meeting.

Staff Report: Given by Klotz and now on file. He noted that when lots are to be created, the platting process will be necessary.

FROM A-1 AGRICULTURAL TO A-3, AGRICULTURAL /RURAL RESIDENTIAL

R3621A-12 – Earl & Linda Jolliffe: Rezone to create a 5-acre A-3 lot around the buildings at **W539 Hooper Road**, Town of Palmyra from part of PIN 024-0516-1111-000 (21.043 Acres). (*Originally scheduled December public hearing cancelled due to snow storm*)

Petitioner: Linda Jolliffe of W539 Hooper Road spoke for the petition. She said they hope to rezone 5 acres with their house, garage, driveway, gravel pit, septic system, cattle yard & barn cement. They want to plant sunflowers and trees.

In Favor: Earl Jolliffe of the same address spoke. He has planted everything around the buildings, would like to plant more and therefore would like to keep as much area around the buildings as possible. Their neighbor wants to buy the farmland.

Robert Halser of W461 Hooper Road also spoke in favor of the petition. He would like to buy the remaining land to add it to his own and continue farming it.

Opposed: None

Questions from the Committee: None

Town Response: Approval dated 11/15/12 in the file

Staff Report: Given by Klotz and now on file.

R3623A-13 – Dennis Kutz/David, Richard & Robert Ebert Property: Rezone approximately 2.6 acres to create a lot around the buildings at **N2472 Kutz Road**; rezone 3 vacant acres adjacent to create a new building site. The property is in the Town of Koshkonong, on PIN 016-0514-0211-000 (42 Acres).

Petitioner: Dennis Kutz of N2792 Curtis Mill Road spoke for the petition. He purchased the property and wants to split off the house and create a building site from an odd sized field.

In Favor: None

Opposed: None

Questions from the Committee: None

Town Response: There is an 11/14/12 approval on file.

Staff Report: Given by Klotz and now on file. House is old, built prior to 1975 according to Kutz and qualifies as a farm consolidation split; the second lot is on non-prime soils that is used as cropland.

FROM A-3, AGRICULTURAL/RURAL RESIDENTIAL TO A-1, AGRICULTURAL

R3624A-13 – James E. Brey/Gary A. Jurkowski Trust Property: Rezone approximately 12 acres from A-3 to A-1 for its inclusion with adjoining A-1 zoned property. The site is near **N5921 Ziebell Road** in the Town of Aztalan, on PIN 002-0714-2141-001 (19.883 Acres).

Petitioner: Jim Brey of N5881 Ziebell Road spoke. He said that he purchased the property and wants to sell 9 acres with the existing home to his granddaughter, while maintaining the rest of the land as wildlife area.

In Favor: None

Opposed: None

Questions from the Committee: None

Town Response: 12/12/12 approval

Staff Report: Given by Klotz and now on file.

CONDITIONAL USE PERMIT APPLICATIONS

CU1721-12 – Diana McClain: Conditional use to be allowed up to five dogs as household pets in a Residential R-2 zone. The property is at **N1601 W. Ra Le Drive** in the Town of Koshkonong, on PIN 016-0514-1511-011 (0.475 Acre). *(Originally scheduled December public hearing cancelled due to snow storm.)*

Petitioner: Diana McClain of N1601 West Ra Le Drive spoke. She owns five dogs, breeder of pedigreed Golden Retrievers for 16 years. She currently has four generations of dogs, and generally has one litter per year. Her dogs are well cared for. She wishes to be able to keep her five dogs.

In Favor: Debra Demodowski from the Town of Eagle spoke. The dogs are primarily in McClain's home, not outdoors. McClain is a very knowledgeable, quality breeder.

Janice Atwood, 319 Adams St, Fort spoke. Ms. McClain's place is quiet, clean, friendly and the animals are cared for well.

Opposed: None

Questions from the Committee: None

Town Response: 11/14/12 approval on file.

Staff Report: Given by Klotz and now on file. He also noted letters of support in the file from **Lauren Cravens**, N1740 Agnes Rd, Fort; **Brad Ostrowsky**; **Margo Connell**; **Jenny Leschier**, 1102 Menomonee Ct, Fort; **Todd & Kris England**, W5825 Hedrick Dr, Fort; **Mark Eames**; **Tom & Mary Underwood**, W5794 N Ra-le Dr, Fort.

CU1723-13 – Richard & Kelli Rowley: Conditional use to allow four dogs in a Community zone at **W3166 Green Isle Drive** in the Town of Hebron. The site is part of PIN 010-0515-0224-009 (0.6 Acres).

Petitioner: Kelli Rowley spoke for the petition. They have licensed three dogs for some time and never realized that they were limited to two. They are fosters for Collie rescue. Their dogs are house pets, well cared for and spayed and neutered.

In Favor: None present. A petition signed by neighbors in favor was read into the record.

Opposed: None present. A letter from Marvin Hack opposed to the dogs was read into the record by Klotz.

Questions from the Committee: None

Town Response: 12/20/12 approval

Staff Report: Given by Klotz and now on file. No complaints have been filed with the Sheriff's Office.

CU1725-13 – Steven Homann/Marvin & Marion Homann Property: Conditional use for mineral extraction at **N7379 STH 89** in the Town of Lake Mills on PINs 018-0713-0112-000 (42.38 Acres), 018-0713-0113-000 (30 Acres) and 018-0713-0124-000 (28.33 Acres). The property is in an A-1 Agricultural zone.

Petitioner: Steve Homann, 410 College St, Lake Mills, wishes to have a conditional use permit for Mine 29. The mine has been open for 30 years and some of the area has already been reclaimed. He is working with the Land and Water Conservation Department.

In Favor: None

Opposed: None

Questions from the Committee: None

Town Response: 1/2/13 response in favor from a November meeting in the file.

Staff Report: Given by Klotz and now on file. Klotz asked Homann for his desired time frame, to which Homann asked for 10 years.

CU1726-13 – John Laabs: Conditional use to allow up to four dogs in a Residential R-1 zone at **N6741 Shorewood Hills Road**. The site is on PINs 018-0713-1014-019 (0.295 Acre) and 018-0713-1014-018 (0.304 Acre) in the Town of Lake Mills.

Petitioner: John Laabs of N6741 Shorewood Hills Rd, has three Irish Setters contained w/electric fencing. He may wish to have four at some point.

In Favor: None

Opposed: None

Questions from the Committee: None

Town Response: Approved

Staff Report: Read by Klotz and now on file.

CU1727-13 – Edward Spiegelhoff: Conditional use home occupation plumbing business at **N7323 Rock Lake Road** on PIN 030-0813-3443-000 (1.237 Acres). The site is in the Town of Waterloo in an A-1 Agricultural zone.

Petitioner: Ed Spiegelhoff of N7323 Rock Lake Rd would like to move some plumbing supplies to this address. No outside storage is proposed, no work vehicles would remain on site.

In Favor: None

Opposed: None

Questions from the Committee: None

Town Response: 11/14/12 approval in file

Staff Report: Given by Klotz and now on file.

CU1728-13 – Steven M Sterwald and Glenn Wolff/SJS Land Holdings LLC Property: Conditional use for mineral extraction on PIN 030-08132234-000 (40.013 Acres) near **W8399 Lenius Lane** in the Town of Waterloo. The property is zoned A-1, Agricultural. See NR135 notice as follows:

A reclamation permit application and plan meeting the criteria of NR135 presented by Steve Sterwald of SJS Land Holdings, received on December 11, 2012 by the Jefferson County Land & Water Conservation Department is now under a 30-day review. The plan calls for reclaiming PIN 030-0813-2234-000, Town of Waterloo to a natural area once extraction has ceased.

Wisconsin Administrative Code Chapter NR135 and Jefferson County Ordinance require the opportunity for public review of the reclamation plan and testimony regarding reclamation-related matters. All reclamation-related public comments shall be considered in this permitting process. The plan is available for public review at the Land and Water Conservation Department, Room 113 of the Jefferson County Courthouse, during normal business hours.

Petitioner: Steven Sterwald purchased what was an active mine in the 1980s, wants to re-open it to extract sand.

In Favor: Glenn Wolff of N7907 STH 89 would like to help Sterwald with the extraction process.

Opposed: None

Questions from the Committee: Rinard asked if Sterwald was planning to continue the paintball operation, to which Sterwald replied that no, the paintball operation was vacated by 12/31/12.

Town Response: Harold Hann spoke for the Town, saying that they were in favor of this request.

Staff Report: Given by Klotz and now on file. Klotz reminded Sterwald of the 10-year time limit for mineral extraction, to which Sterwald replied that he knew of the limitation.

7. Adjourn

Motion by Reese, seconded by David to adjourn the meeting at 8:01 p.m. Motion carried on a voice vote with no objection.

Don Reese, Secretary