NOTICE OF 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: Thursday, January 21, 2016

TIME: 7:00 p.m. (Courthouse doors will open at 6:30)

PLACE: Room 205, Jefferson County Courthouse, 311 S. Center Ave., 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 in attendance were Jaeckel, David, Nass, Rinard and Reese. Zoning staff present included Michelle Staff and Rob Klotz.

3. Certification of Compliance with Open Meetings Law Requirements

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

4. Approval of Agenda

No changes to the agenda. Motion by David, seconded by Rinard, to approve the agenda. Motion carried on a voice vote with no objection.

5. Explanation of Process by Committee Chair

Chairman Nass explained the process of the public hearing.

6. Public Hearing

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 21, 2016, 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 official zoning map of Jefferson County and applications for conditional use permits. A map of the properties affected may be obtained from the Zoning Department. Individual files are available for viewing between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, excepting holidays. If you have questions regarding these matters, please contact Zoning at 920-674-7131.

FROM A-3, AGRICULTURAL AND RURAL RESIDENTIAL TO A-2, AGRICULTURAL/RURAL BUSINESS

R3862A-16 & CU1863-16 – Kevin Emrath/EMCO Investments: Rezone PIN 008-0715-1614-003 (3.931 Acres) with conditional use to allow for adaptive reuse of a pre-1970 barn at W3733 County Road B as a recreational facility. The site is in the Town of Farmington.

Petitioner: Kevin Emrath, N6279 CTH P – Emrath stated that he converted his old barn into a recreation facility for the Johnson Creek softball team. He stated there is a batting cage and pitching area.

In response to Mr. Wirth's concerns, Emrath stated that with his inspection he can only have 14 people in the barn at a time. He stated at this time it is only the Johnson Creek High School softball team using the facility. All activities are indoors. Since they are school kids most of the practices are at night and usually the parents drop off the kids. There are lights at the door and inside the facility and no signs. Emrath stated there are porta potties inside the barn but didn't have a company pumping them.

Comments in Favor: None

Comments Opposed: Fred Wirth, W3763 County Road B, Johnson Creek, WI – Wirth had a number of questions for the petitioner. Chairman Nass asked Wirth to direct all comments to the Committee and the petitioner will answer them. Wirth wanted to know the hours of operation, and he had concerns about noise, parking, lighting, signage and young adults just "hanging out" on the property. Wirth asked about the future plans for this property and the uses allowed in an A-2 zone.

Questions from the Committee: None

Town Response: Klotz read Town response into the record and it is in the file. Reese said that the request for a land line phone was for access to 911 and if there isn't a cell phone on the property.

Staff Report: Staff report given by Robert Klotz and now on file in the Zoning Department. Klotz addressed Wirth by telling him that all uses listed in the A-2 zoning would be allowed or may require a CUP. Klotz asked about restroom facilities. Klotz stated that the residence on the property was built in 1980 and would be required to remain zoned A-3 so the petitioner will be required to obtain a preliminary CSM for the rezoning.

FROM A-1, EXCLUSIVE AGRICULTURAL TO A-3, AGRICULTURAL AND RURAL RESIDENTIAL

R3863A-16 – Paul & Mary Jaeger: Rezone 1.8036 acres around the pre-1975 home at N9585 Sun-Val Road from PIN 012-0816-0614-000 (2 Acres) and create a new 1-acre building site adjacent from PIN 012-0816-0614-001 (37.978 Acres). The properties are in the Town of Ixonia.

Petitioner: Paul Jaeger, N9524 Hustisford Road, Watertown, WI – The Jaegers would like to build a new residence on a 1-acre lot at the end of the road and to rezone around a pre-1975 residence. There is a proposed cul-de-sac that would be dedicated to the public and the pre-1975 house is their daughter's and son-in-law's so all parties have agreed on the cul-de-sac.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: Klotz read Town response into the record and it is in the file.

Staff Report: Staff report given by Robert Klotz and now on file in the Zoning Department.

R3864A-16 – James & Viola Behm: Create a 4-acre lot around the pre-1975 home at N3197 County Road A in the Town of Oakland, on PIN 022-0613-2824-000 (54.671 Acres).

Petitioner: Viola Behm, N3197 CTH A, Cambridge, WI – They would like to split 4 acres around an existing pre-1975 residence and buildings.

Comments in Favor: None

Comments Opposed: None

Ouestions from the Committee: None

Town Response: Klotz read Town response into the record and it is in the file.

Staff Report: Staff report given by Robert Klotz and now on file in the Zoning Department.

CONDITIONAL USE PERMIT APPLICATION

<u>CU1864-16 – Philip & Sandra Bittorf:</u> Conditional use to allow for storage of contractor's equipment and materials in an A-2 zone at **N7103 Stoney Creek Road**, Town of Lake Mills, on PIN 018-0713-0614-000 (40 Acres)

Petitioner: Tyler Wilkinson from Axley Law Firm, 2 East Mifflin Street, Suite 200, Madison, WI 53703 represented the Bittorfs.

Attorney Wilkinson stated that the Bittorfs' request is for the storage of contractor's equipment in an A-2 Zone. The proposal they are asking for is the same as approved by the Town of Lake Mills. Attorney Wilkinson handed out a packet to all Committee members and explained the pages in the packet. He first addressed outside storage to the Committee and referenced the photos in the packet. In the packet was a site plan showing the location of outside storage and he listed items to be stored such as wood, tire rings, solar trailers, etc. Attorney Wilkinson stated that the Bittorfs propose a screening plan and the location of the trees are shown as x's.

Attorney Wilkinson addressed the hours of operation which are Monday – Friday 7:00 am to 8:00 pm and Saturdays 7:00 am to 4:00 pm. He explained that there may be exceptions of these hours such as in an emergency situation.

Attorney Wilkinson stated that Bittorfs are voluntarily telling their drivers/employees to only go 35 mph down Stoney Creek Road and at the curve to only go 30 mph.

Attorney Wilkinson addressed the comments from the neighbors that are opposed by saying that there is more screening proposed. Klotz asked if each X equals a tree location and Attorney Wilkinson stated that it was many trees but no defined number. Attorney Wilkinson explained that extra paving was discussed at the end of the driveway at the Town level but also stated that there would some issues with paving that location.

Attorney Wilkinson addressed the dimensions of the outside storage areas on the property. He described the location and stated that one area would be 175 feet long x 35 feet wide (by the large shed), another area would be 75 feet long x 20 feet wide (small shed), another area would be 135 feet long x 20 feet wide (bottom right hand location on the site plan) and final area would be 120 feet long x 70 feet wide (Area B on the site plan).

Mr. Bittorf explained that most of the equipment would be inside in the winter, and during the summer much of the equipment is out in the field. In response to Klotz's question on loading areas, Mr. Bittorf explained that most of the equipment is loaded inside.

Comments in Favor: Carol Eck, W8418 Hope Lake Road – Eck stated that there are a lot of A-2 zones in the area and is favor of the proposal.

Hope Oostdik, Town of Lake Mills Chairperson – Oostdik believes this is good for the Town of Lake Mills. She stated that the Town had improved the road by installing additional signage and worked with the County Highway Department on any safety issues. The Town believes that the existing buildings are good screens. Oostdik addressed the additional paving concerns by saying she didn't feel it was the Town's decision to require paving on the property.

Joyce Takle, N7214 Stoney Creek Rd, Waterloo, WI – She stated that this is the eighth meeting on this proposal and explained why she is disappointed in government.

Jim Battist, W9334 County Road B, Waterloo, WI – He is favor of the petitioner and commented on the cleanness of the property. He commented on the noise and said it is not that loud.

Karen Battist, W9334 County Road B, Waterloo, WI – She agreed with all of the comments.

Ehren Bittorf, 363 Grove St, Lake Mills, WI – He commented on the cleanness of the property, no noise on the property and the fact that the property is screened.

Roselynn Bittorf, 363 Grove St, Lake Mills, WI – She explained that there are many operations running out of their homes and listed different businesses throughout the County.

Elaine Schollmeyer, N6997 Stoney Creek Road, Waterloo, WI – She agreed with everything that has been said and is in favor. They have no objections.

Willis Erickson, N7001 Stoney Creek Road, Waterloo, WI – He is in favor and the place is clean. He supports the operation.

Comments Opposed: Peter Muchka, N7180 Stoney Creek Road, Waterloo, WI – He addressed the comments that were in favor. He stated that he objects to the outside storage on the property and would like to see all material stored inside.

Dorothy Donnelly, N7154 Stoney Creek Road, Waterloo, WI – She explained that this isn't a personal issue with the Bittorfs and goes on to explain her objections to the proposal. She discussed screening of the buildings. She does not like the outside storage and if there were to be outside storage would like it to be screened.

Sara Muchka, N7189 Stoney Creek Road, Waterloo, WI – She addressed the outside storage. She stated she is concerned because no dimensions are shown on the map for outside storage. She gave photos of the view from her house. She would like a list of items to be stored outside.

Mike Donnelly, N7154 Stoney Creek Road – The operation would be 7 am, he has concerns that they would start the business at 5 am but not hit the road until 7 and doesn't want that. He comments that he is concerned about everything being an emergency and the operation running at all hours. He described the area he would like to see paved on the Bittorfs' property and explained that this is an issue for his property.

Linnea Phillips, N7072 Stoney Creek Road, Waterloo, WI - She explained she is happy with the 35 mph speed reduced proposed.

Questions from the Committee: Rinard asked the petitioner how many solar/message board and trailors would be stored? Bittorf explained possible numbers but stated in the summer most of them are in the field. Rinard asked the petitioner if he understood that the loading of the equipment would not start before that time. The petitioner stated he did.

Town Response: Klotz read Town response into the record and it is in the file.

Staff Report: Staff report given by Robert Klotz and now on file in the Zoning Department. Klotz explained speed on the road and explained the CUP conditions. Klotz explained that we have clarified areas and dimensions of outside storage and to get the septic hook-up. He explained why we are having another public hearing again. Klotz asked about the planting plan and the petitioners' attorney stated more trees will be planted.

Motion by David, seconded by Reese at 8:07 pm to adjourn the public hearing. Motion carried on a voice vote with no objection.

Don Reese, Secretary