

MINUTES 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 18, 2018

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 hearing was called to order by Chairman Nass at 7 p.m.

2. Roll Call

All Committee members were present. Deb Magritz and Matt Zangl of the Zoning Department were also in attendance.

3. Certification of Compliance with Open Meetings Law

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

4. Approval of Agenda

Motion by Jaeckel, seconded by David to approve the agenda as presented. Motion carried on a voice vote with no objection.

5. Explanation of Public Hearing Process by Committee Chair

Nass explained the public hearing process, and noted that the Planning and Zoning Committee will meet on January 29 to make decisions on conditional uses and recommendations on rezonings. The County Board will meet on February 13 to make the final decisions on rezonings.

6. Public Hearing

Zangl 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 18, 2018, 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, which include staff finding of fact, 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 RESIDENTIAL R-2 TO A-2, AGRICULTURAL AND RURAL BUSINESS AND APPLICATION FOR CONDITIONAL USE PERMIT

R4031A-18 & CU1936-18 – Craig Smillie/Clint & Cheryl Cutsforth Property: Rezone PIN 010-0615-3232-002 (6.262 Acres) in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance, with conditional use to allow storage and maintenance of concrete contractor's equipment and materials at **N2681 Wenham Road**, Town of Hebron.

Petitioner: Craig Smillie of N2320 Johnson Road stated that he wants to store concrete equipment in the barn. Pretty much everything will be inside, but he might have a trailer or two outside.

Comments in Favor: There were no comments in favor.

Comments Opposed: Dennis McAllister of W4572 Roach Lane asked if Smillie will be driving big trucks in and out.

Rebuttal: Smillie replied that he will have work trucks and boom trucks, not huge semis-an F550.

Questions from the Committee: There were no questions from the Committee.

Town Response: In favor, dated December 11, 2017 and in the file.

Staff Report: Given by Zangl and in the file. He noted that a new address will be needed and directed the applicant to work with Land Information to get that squared away.

Upon questions from Zangl, the petitioner said that hours of operation will be 6:30 a.m. to 6:30 p.m., mostly Monday through Friday, and not much during the winter. There are four employees, and there will be no lights or loud noises at night.

FROM A-1, EXCLUSIVE AGRICULTURAL TO A-2, AGRICULTURAL AND RURAL BUSINESS AND APPLICATION FOR CONDITIONAL USE PERMIT

R4032A-18 & CU1937-18 – Kurt Pfluger/Loeb & Company LLP Property: Rezone PIN 032-0815-2043-000 (31.63 Acres) in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance, with conditional use for a recreational facility/paintball and outdoor activities park on **High Road** in the Town of Watertown.

Petitioner: Attorney Tim Langer, 111 South Fifth St, Watertown spoke. He introduced Adam Mundt, the on-site manager of the proposal. Mundt noted that he is the owner/operator of Damage Control Air Soft and Paintball in Poynette, and that they would like to open a second location on this High Road property. It would be a recreational zone for paintball, air soft, archery tag and a number of outdoor activities.

Comments in Favor: None

Comments Opposed: Simon Britts, N8024 High Road said that he has a petition signed by 24 residents from within a ¼ mile of the site and handed it in. He is totally opposed.

William Higgins, N8210 High Road stated that this is an agricultural and residential area and he wants to keep it residential. He doesn't want the commotion; he has concerns over noise, traffic. The property is part wetland. He is concerned that if this venture fails, will the site go to the next stage, such as motocross racing, a go-kart track or a gun club.

Francis Orval Jr of 254 Hillcrest Lane, Jefferson is Chairman of the Board of Trustees of the Moravian Church nearby. He feels that the noise would be disruptive to their services, meetings, confirmation classes and Vacation Bible School.

Janet Schultz of W4182 Ebenezer Road agrees with the previous two gentlemen.

Bob Schmidt of N8042 High Road is afraid this won't be maintained properly.

Robert Schultz of W4182 Ebenezer Road has concerns about this becoming an eyesore, the impact this would have on property values nearby and the damage paintballs could do to people off the site.

Dennis Uttech of N8128 High Road rents land adjacent to this property, and wonders how this facility could be run in this low land.

Kathy Uttech of N8128 High Road worries about the bicyclists and the wildlife. She questioned hours of operation and lighting.

Scott Hainstock of N8205 High Road has concerns about the traffic and the effect on property values. He wondered what could go on the property if this proposal fails. He is opposed.

Rebuttal by Petitioner: Mundt addressed the concerns. The recreational use in their proposal is for air soft, archery tag and paintball. The use of motorized vehicles is not part of the proposal.

There would be a pro shop open between the hours of 10 and 6, Monday through Friday, but during that time the field is only open for private groups.

To address noise concerns, Mundt said that the markers are indistinguishable beyond 150 feet, and the range of the paintball guns is 200 feet. They can put up noise-cancelling barriers if necessary. The shooting doesn't sound like gunfire, but rather more like the popping of balloons.

Non-permanent, and in some cases inflatable structures are used, and netting surrounds some of the area. The only permanent improvement to the area would be a mound septic system and a well.

His operation in Poynette has been in business since 1994, and there is no shortage of wildlife on the property. They have strict rules about not shooting at wildlife, and if someone is found to be doing that, they are banned from the property.

Their parking area would be either gravel, or dirt if allowed.

Addressing the questions of what could go there once rezoned, Mundt pointed out that they are asking to rezone to A-2, not Commercial.

He conceded that there will be more traffic. The majority of patrons will be there on Saturday and Sunday afternoons.

Questions from the Committee: Rinard asked for hours of operation, and Mundt replied 9-5 on Saturday and Sunday, and 10-6 Monday through Friday. David asked what material the paintballs are made of to which Mundt answered fish and vegetable oils, 100 percent biodegradable. He continued by saying that the air-soft BBs are made of gypsum, and the archery tag arrows are foam. Nass asked why the entire 31 acres is being requested for rezoning when only approximately 12 acres are proposed to be used? Mundt's answer to that was that 31 acres is the size of the property for sale, so that's what they applied for. Rinard asked about lighting planned for the property. Mundt answered that there would be security lights ten feet off the ground pointed at the building, and the parking lot would have lights which would be turned off at close.

Town Response: In favor, dated November 13, 2017 and in the file.

Staff Report: Given by Zangl and in the file. Zangl confirmed with the petitioner that they do not wish to exercise the previous approval for the 1-acre A-3 lot. He explained that if only 10 to 15 acres are needed for the paintball course, only that acreage should be rezoned. The petitioner asked about the use of the additional acreage labelled wetland. Zangl also noted that in the file is the three-page document submitted by Britts tonight, as is a letter from Higgins and a picture of the existing paintball course north of Watertown. In answer to questions from Zangl, Mundt stated that there would be under a dozen employees, and anticipates between 125 and 175 employees per weekend. They have a parking plan showing about 111 spots off the public road. The pro shop would be a registration site and would sell things like batteries, ammunition and socks. ADA compliant bathrooms would be in the pro shop, and porta-potties would be placed on the course. Mundt described the noise barriers as 6-foot tall earthen berms, and answered that no state permits are needed.

FROM A-3, AGRICULTURAL/RURAL RESIDENTIAL TO A-2, AGRICULTURAL AND RURAL BUSINESS AND APPLICATION FOR CONDITIONAL USE PERMIT

R4036A-18 & CU1938-18 – Nick Draskovich/Larry & Lyn Tarnowski: Rezone 1.573 acre of PIN 024-0516-1432-002 (3.6 Acres) with conditional use to allow storage of contractor's equipment and materials at **N1428 Zion Road** in the Town of Palmyra. This is being done in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

Petitioner: Nicholas Draskovich of 28048 North Lake Drive, Waterford spoke representing the Tarnowskis. He explained that the Tarnowskis have a concrete business, live in Waukesha and bought this property to store equipment here. They do not plan to run the business from this site, just want to use it for storage, mainly during the off season. They do not plan to have stockpiles, and there will not be equipment outside as much as possible. The Tarnowskis will have four to twelve employees. Three eyesore buildings up front will be razed to make the property look better.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: In favor, dated December 11, 2017 and in the file.

Staff Report: Given by Zangl and in the file. He noted that an A-2 zone cannot be sold separately from the adjoining land, and that no development is allowed on slopes exceeding 20%. Zangl asked the petitioner if they would have hours of operation-Draskovich answered no, mainly off-season storage. Zangl asked if there would be bathrooms, Draskovich answered no, and no office. When asked what type of equipment would be stored there, Draskovich replied that there would be trailers and trucks, single-axle dump truck, backhoe, no larger than the neighboring farms' equipment, and with no material storage proposed.

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

R4014A-17 – David Hughes: Rezone in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance to create a 4.25-acre farm consolidation lot around the home at **W9122 London Rd**, Town of Lake Mills, on PIN 018-0713-3221-000 (40 Acres).

Petitioner: David Hughes, W9122 London Road, is asking for a farm consolidation lot around the original farm house at W9122 London Road.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: In favor, dated October 10, 2017 and in the file.

Staff Report: Given by Zangl and in the file. Hughes, answering Zangl's question, said that the house was built in the 1800s. Zangl explained requirements for 20-foot side and rear yard setback, and the need for there to be 35 contiguous acres remaining after the lot creation for it to be considered a farm consolidation. He noted that Hughes could use the potential for a future A-3 zone to keep the requested acreage, or simply reduce the acreage requested.

R4033A-18 – Dempsey Farms Partnership/Treffinger Management LLC Property: Rezone in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance to create a 5-acre farm consolidation lot around the home and buildings at **W708 Hooper Road** from part of PIN 024-0516-0234-000 (37.697 Acres), Town of Palmyra.

Petitioner: Mr. Dempsey, W76 W39418 Hwy 59, Eagle said they just bought the Treffinger farm and would like to sell off the house and buildings and retain the farmland.

Comments in Favor: Larry Kau, Chair for the Town of Palmyra was in attendance and noted the Town's approval.

Comments Opposed: None

Questions from the Committee: None

Town Response: In favor, dated December 11, 2017 and in the file.

Staff Report: Given by Zangl and in the file.

R4034A-18 – Thomas & Rochelle Anfang: Rezone to create a 5-acre lot around the home and buildings at **N4589 Pioneer Drive** from part of PINs 026-0616-0541-001 (12.065 Acres), 026-0616-0541-002 (3 Acres) and 026-0616-0542-000 (35.185 Acres) in the Town of Sullivan. This is being done in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

Petitioner: Tom Anfang of N4589 Pioneer Drive stated that they'd like to go from a 3-acre lot to a 5-acre lot. Their septic field is failing, and part of it is off the house lot, so they wish to enlarge the lot for the house rather than creating an easement for the septic.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: In favor, dated December 5, 2017 and in the file.

Staff Report: Given by Zangl and in the file.

R4035A-18 – Irma Radermacher/Claude & Irma Radermacher Properties: Rezone all of PIN 028-0513-1624-001 (0.23 Acre) owned by Irma Radermacher and part of PIN 028-0513-1624-000 (37.268 Acre) owned by Claude and Irma Radermacher to create a one-acre lot around the home at **W8795 Loga Road** in the Town of Sumner. This is being done in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

Petitioner: Irma Radermacher, 161 Craig Road, spoke. She would like to enlarge this small lot to one acre in order to make it conforming. She hopes not to have to use a split to do so. Both the septic and garage are not completely on the lot. They designed the proposal long and wide to preserve farmland.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: In favor, dated December 11, 2017 and in the file.

Staff Report: Given by Zangl and in the file. Zangl asked the age of the home, and Radermacher said it was pre-1975.

R3997A-17 – Daniel & Nancy Last/Daniel & Nancy Last and Wilbur Miller Property: Rezone 0.8 acre of PIN 032-0815-1544-000 (55.29 Acres) to enlarge the existing A-3 lot, PIN 032-0815-1544-002 on **Witte Lane** and improve its road access. This is in the Town of Watertown, and is being done in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

Petitioner: Wilbur Miller, 406 Pacific Court and Nancy Last, 318 Carriage Hill want to reconfigure the previous approval and have access onto Witte. They asked about an easement, but were told that it's not a zoning issue. They will send a copy of the map.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: In favor, dated December 12, 2017 and in the file.

Staff Report: Given by Zangl and in the file. Zangl noted the presence of floodplain and wetland on the property.

Motion by Reese, seconded by Jaeckel to adjourn the meeting. Motion carried on a voice vote, and the meeting adjourned at 8:04 p.m.



Don Reese, Secretary

A quorum of any Jefferson County Committee, Board, Commission or other body, including the Jefferson County Board of Supervisors, may be present at this meeting.

Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator at 920-674-7101 24 hours prior to the meeting so that appropriate arrangements can be made.

A recording of the meeting will be available from the Zoning Department upon request. Further information about Zoning can be found at www.jeffersoncountywi.gov

