

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
Public Hearing Minutes – February 7, 2007 – 6:00 p.m.**

CALL TO ORDER

Chairman Orville Biesenthal called the meeting of the Land Use Planning and Zoning Committee to order at 6:00 p.m. in the Green Lake County Courthouse, County Board Room, Green Lake, Wis. The requirements of the open meeting law were certified as being met.

Present: **Orville Biesenthal, Susan McConnell, Gus Mueller, Howard Sell,
Wallace Williams**

Absent:

Also Present: **Al Shute**, County Surveyor/Land Development Director
John Selsing, Corporation Counsel
Dan Sondalle, Assistant Corporation Counsel
Carole DeCramer, Committee Secretary
Orrin Helmer, County Board Chair

APPROVAL OF AGENDA

Motion by Sell/Mueller, unanimously carried, to approve the agenda. Motion carried.

APPEARANCES

PUBLIC HEARING MATTERS

Chairman Biesenthal read the Rules of Order.

Before the following public hearing item was announced, Assistant Corporation Counsel Dan Sondalle stated that he would step down and not participate due to the fact that this issue creates a conflict of interest. Corporation Counsel John Selsing replaced Attorney Sondalle for the first two public hearing items.

Item I: Owner: Edward Workowski **Applicant:** Town of Brooklyn, Green Lake County **Tax Parcel # and Description:** 004-00515-0000 – Part of the S½ of the NW¼ of the NE¼, Sec 22 Exc that Portion to GL Co for HWY Purposes V463 P362, Section 22, T16N R13E, (±4.00 Acres) Town of Brooklyn **Location of Premises Affected:** County A south of Hwy 23-49 **Explanation:** Rezone from A-1 Exclusive Agriculture District to C-2 Extensive Commercial District.

a) Public Hearing

Mike Wuest, Town of Brooklyn Chairman – I'm here to speak in favor of this. This is the site that we have picked for the Brooklyn town hall. We would be answering any questions you may have at this time.

Donna Moore, 473 E. Bay Court, Current Alderman and City Council President for the City of Green Lake – I am here on behalf of the city to express our hope that you use common sense, good planning and a do it right the first time attitude when making a decision on the rezoning and conditional use request from the Town of Brooklyn for their proposed municipal building. The County Land Use and Zoning Committee members should have received a letter from Craig Kunkel, our city engineer. I won't go into his concerns, since he did a fine job in laying it out for you already. The Town of

Brooklyn and the City of Green Lake are in the process of working through extraterritorial jurisdiction. Forgetting the politics of that effort, the City of Green Lake has put forth a lot of planning to establish transportation corridors and other utility services from our city limits to Forest Ridge Road. We are investing \$5.5 million in a new waste water treatment plant intended to serve both the city and adjoining sewer services areas. Having a four acre lot with a well and septic on County A is not really good planning. I believe an infiltration is to be used. Has any soil testing happened to determine that this is a viable option? Is having another driveway going out to County A a good idea with the heavier traffic that will occur there? Perhaps a driveway to our proposed extension on Division Street might be a better approach. We are not opposed to the location of this municipal building provided #1 an evaluation is done on the impact of the proposed drainage-way relocation, #2 a 33-foot utility and road right-of-way easement is provided to the city along the southern property line of this site. The portion of the Division Street, east of County A, is constructed by the town and their proposed driveway entrance be extended to the new Division Street corridor. The town would be required to connect to the sanitary sewer and water main when service is available as state policy dictates. I don't believe that the county has a master plan, which would incorporate every municipal plan, and this would really control development. This is something that I might suggest you consider for the future.

Public hearing closed.

b) Committee Discussion and Deliberation

Williams – Is that going to be a driveway off from County A, or will you come in from the back side?

Wuest – That ap that is there now is the existing ap. I have a letter from the highway commissioner that they did their site and distance requirements on that location of the ap. It meets all the county standards on site and distance at that ap. In talking with the county, the town has proposed to move that site about 30 feet to the south after construction is completed and make it a new ap with a three-lane entrance onto County Trunk A, which, again, we have the letter from the county commission approving that proposal

Williams – They do allow the driveway off of there then?

Wuest – Right. There is an existing ap. When I say ap, I mean access point.

McConnell – Ms. Moore referred to a letter from Kunkel Engineering that is dated yesterday. I would ask why, at this point in time, we're given this letter? This project has been several months on going and has passed along this far. I would ask why these questions are raised at this point. In looking at the staff comments, I see that the proposal is compatible with the town comprehensive plan, the zoning change seems compatible with the overall scheme and zoning maps for the town, and this area has been designated as commercial and residential. I don't see why there should be a problem with it all of a sudden yesterday. I have not even had a chance to read this entire document let alone look at the plans. It seems that if there is a problem, it should have forward much sooner.

Mueller – What seems to be their chief concern?

McConnell – On page two of your letter (from Kunkel Engineering), the city is asking for a stormwater management plan. In the package we received last month, there was a stormwater management plan. There is a note here saying that the DNR is currently reviewing that with the city, so I don't see that that's a problem. This map shows Division Street going across the highway, I'm wondering if this has been applied for. Have any plans been made with the county and the DNR to extend this land across

the road into what is currently township land. I'm just wondering if these issues have been taken care of.

Shute – I just received this (Kunkel letter) yesterday. In attending the space needs meeting last night for the county, I heard the terms “master plan” with respect to these road extensions. I contacted the mayor today to find out where that was, where we can view these road extensions in a master plan. Generally, when you talk about a master plan or official mapping, there is a statutory procedure to do that. When the mayor responded, he stated their engineer and the director of public works could meet with me. They did. The city has not done any official mapping. These are just street designations on a map at this point in time. These have not been officially adopted per state statute for official mapping or master planning. This may be a desire, but it has not officially occurred.

McConnell – To refer to back to staff comments, it seems for the most part that there is no reason why we shouldn't approve this so that the project can go ahead. From what I understand, the town is desirous to move ahead because they need to vacate where they're at. The plan was to commence with building in the spring. I would suggest that we approve this zone change at this time.

c) Committee Decision

Motion by McConnell/Mueller, unanimously carried on roll call (5-eyes, 0-nays), to approve the rezone request. Motion carried.

d) Execute Determination Form/Ordinance

Item II: Owner: Edward Workowski **Applicant:** Town of Brooklyn, Green Lake County **Tax Parcel # and Description:** 004-00515-0000 – Part of the S½ of the NW¼ of the NE¼, Sec 22 Exc that Portion to GL Co for HWY Purposes V463 P362, Section 22, T16N R13E, (±4.00 Acres) Town of Brooklyn **Location of Premises Affected:** County A south of Hwy 23-49 **Explanation:** Conditional use request to construct a municipal building and storage shed for the purpose of conducting Brooklyn Township functions.

a) Public Hearing

No one voiced questions or concerns.

Public hearing closed.

b) Committee Discussion and Deliberation

Shute – I would refer you to the staff report. There is a lengthy list of conditions. The town, the town's architect, and the engineer for the stormwater have all had a chance to look at these conditions. I'm not aware of concerns they may have. I would expect that these twelve conditions are acceptable to the town and those doing the work at the site.

McConnell – The landscape plan was included with this packet. Has that been approved?

Shute – I don't believe that it's been reviewed to the extent of approval as far as the type and number of plantings.

McConnell – Everything that needs to be submitted has been submitted?

Shute – To the best of my knowledge, yes.

McConnell – They're pretty standard items.

Selsing – I am filling in for Dan (Sondalle) because of his conflict on the first two public hearing items because of the City of Green Lake. The first one you passed was simply a zoning change which seemed appropriate. If the town is aware of the twelve conditions, they seem appropriate, and, quite frankly, meet many of these concerns raised by the Ms. Moore. These cover many of the things that were raised by her. There is a volume of conditions and if they're met, those would seem to be reasonable and appropriate in this case.

Williams – Is that all in one building?

Shute – I need the committee to take action to limit the project to the town hall. We have no information on any storage building, where it's going, or the size or scope of it. It was listed on the application form, but we didn't receive any information on that. I would ask that your motion focus on the town hall structure.

Wuest – At this point in time, the town is under a timeline to leave the present location. Our focus is to get the town hall built in a timely manner in order to vacate the bank. At this time, we have opted to not build the storage shed. We would come back later to address that issue.

c) Committee Decision

Motion by McConnell/Mueller, unanimously carried on roll call (5-ayes, 0-nays) to approve the conditional use request with the 12 conditions as listed in the staff comments; this would be limited to the construction of a town hall building only. Motion carried.

d) Execute Determination Form/Ordinance

6:23 p.m. Corporation Counsel John Selsing stepped down and Assistant Corporation Counsel Dan Sondalle joined the committee for the remainder of the meeting.

Item III: Owners: William and Karen DePue **Tax Parcel #s and Legal Descriptions:** 002-00673-0000 – Part of the SW¹/₄ of the NW¹/₄, Sec 35; Exc 1¹/₂ Acre Parcel Desc in V113 P493; Exc the S 450' of W 550' Thereof (±10.00 Acres), Town of Berlin **Location of Premises Affected:** N7562 Forest Ridge Rd **Explanation:** Rezone from A-3 Light Agriculture District to A-1 Exclusive Agriculture District

a) Public Hearing

No one voiced questions or concerns.

b) Committee Discussion and Deliberation

Sondalle – I would refer you to the staff report about the zoning change criteria. The staff report indicates that this previously zoned this way not too long ago. They want it to go back to what it was before.

Shute – There was a plan to sell off the house and ten acres. Weeks before the deal was to close, the proposed buyer for those ten acres wanted some more land. In order to create a legal parcel, a rezone is needed. The town has no problem with it and approved it on January 15th. Again, it just takes it back to where it was three months ago with A-1 zoning.

c) Committee Decision

Motion by Williams/Sell, unanimously carried on roll call (5-eyes, 0-nays), to approve the rezone request. Motion carried.

d) Execute Determination Form/Ordinance

6:29 p.m. Committee Chair Orville Biesenthal had to leave the meeting and Vice-Chair Sue McConnell conducted the remainder of the meeting.

Item IV: Owners: Norman E & Kathleen R Holl **Tax Parcel #s and Legal Descriptions:** **012-00660-0000** – The E 3/4 (60R) of the NE¼ of the NW¼, Sec 34 Exc CSM 1658, V7 Exc that part of CSM 2686 V13 Lying Therein (±29.399 Acres), Town of Manchester **012-00660-0100** - Lot 1 Certified Survey Map 1658 V7, Sec 34, (±.601 Acres) **Location of Premises Affected:** W3539 Yunker Rd **Explanation:** Rezone from A-1 Exclusive Agriculture to A-2 General Agriculture District and A-3 Light Agriculture District

a) Public Hearing

Arnie Knight, W4966 State Road 44, Markesan – I am the real estate broker working with Mr. and Mrs. Holl to market a ten-acre parcel on the east side of their land. The prospective buyer wants to create a small farm.

Bart Williams, 2420 Skyline Drive, West Bend, WI 53909 – Adjoining property owner who appeared in opposition to the proposed rezone.

Andrew Williams, 5939 W. Wells Street, Wauwatosa, WI 53213 – Adjoining property owner who appeared in opposition to the proposed rezone.

Bill McFarland, Wauwatosa, WI – Adjoining property owner who appeared in opposition to the proposed rezone.

Matthew Williams, 720 Pine Street, Pulaski, WI – Adjoining property owner who appeared in opposition to the proposed rezone.

Irene Williams, 4812 Wells Street, Milwaukee, WI – Adjoining property owner who appeared in opposition to the proposed rezone.

b) Committee Discussion and Deliberation

Sondalle – I refer you to the staff report.

Shute – The town didn't object; however, the town clerk, Corrine Krueger, wrote a note on the town action form stating that the town board will address the Williams' family concerns at their February town board meeting.

c) Committee Decision

Motion by Sell/Mueller, unanimously carried on roll call (5-eyes, 0-nays), to lay this item over until the business meeting on February 28th. Motion carried.

Item V: Owner: John R. Pierce **Tax Parcel # and Legal Description:** 004-00441-0000 - NW¼ of the SW¼, Sec 19; T16N R13E, Town of Brooklyn; 004-00442-0000 - SW¼ of the SW¼ Sec 19; Exc 4.10 (M/L) Acres For Hwy Purposes Subj to Radio Tower Esmt As Rec'd V467 P621; T16N R13E, Town of Brooklyn, (±79.63 Acres) **Location of Premises Affected:** W2418 State Road 23 **Explanation:** Conditional use request to add eighty-five additional seasonal campsites, to allow for an existing single-family dwelling to remain as part of the expanded campground operation and to allow for the creation of campground complex establishments

a) Public Hearing

John Rick Pierce, Green Lake Campground, W2360 Highway 23 – Owner and applicant appearing in favor of the proposed conditional use.

Arnold Zuehls, W2284 Highway 23 – Adjoining property owner appearing in opposition to the proposed project.

b) Committee Discussion and Deliberation

Public hearing closed.

Sondalle – I would refer you to the staff report that includes the standards. There are eighteen conditions listed I think would be appropriate to adopt if you think the conditional use should be granted.

Motion by McConnell/Williams, unanimously carried, to suspend the rules to allow Pierce to speak. Motion carried.

c) Committee Decision

Motion by Mueller/Sell, unanimously carried on roll call (5-eyes, 0-nays), to approve the conditional use request with the following conditions:

- 1) No more than 80 camping sites shall be allowed as part of this conditional use request.**
- 2) Each camping unit shall not exceed 400 ft², or the maximum square footage as allowed by the State agency regulating campgrounds, whichever is smaller.**
- 3) Proof shall be submitted to demonstrate that all road width requirements for ingress and egress meet emergency access needs. In addition, turnarounds shall be constructed at the west ends of roads “A”, “B” and “C” with a minimum 40’ surface radius.**
- 4) If so required by the County Construction Site Erosion Control and Stormwater Management Ordinance, review and approval of an erosion control and stormwater management plan by the County Land Conservation Department and/or obtain approval by the appropriate State agency if a National Pollutant Discharge Elimination System (NPDES) permit (or other similar permit) will be required.**
- 5) Proof of state and/or local approval of the campground expansion from the appropriate regulatory agency.**

- 6) No further expansion or addition of structures and/or uses shall occur without review and approval through future Conditional Use permit(s).
- 7) Proof that all necessary Commercial Building Code requirements have been satisfied in relation to all proposed new and remodeled public structures.
- 8) POWTS requirements must be satisfied at any and all applicable level(s) of governmental regulation. All existing and proposed structures as part of this application shall be included in this requirement, as well as the proper abandonment of all unused existing POWTS.
- 9) A minimum 50' forested buffer shall be maintained to the north, west and south to separate and limit campsite visibility from public roads and adjacent lands (suggested as per owner/applicant). This required buffer shall be replaced and/or expanded if the existing buffer proves to be inadequate for its intended purpose.
- 10) Effective dust control measures shall be provided for all entrances and internal roads associated with campground expansion.
- 11) An independent structure, such as a desk, screened porch and stairway and landing used in conjunction with the camping unit shall be allowed. Such structure shall not exceed 400 square feet or the square footage of the associated camping unit, whichever is less. Also, one independent accessory storage structure, not to exceed 50 square feet, shall be allowed per campsite. Within 30 days of the removal of the camping unit, the associated independent structures shall either be removed from the campsite or utilized by another camping unit.
- 12) Existing three bedroom dwelling shall be limited to single-family use, and shall only be used in conjunction with campground activities (e.g. host, caretaker, etc.).
- 13) Outdoor lighting requirements, at a minimum, shall meet the setback and illumination standards as required by Chapter 350-23. Only the subject site shall be illuminated, and the lighting shall occur with no direct glare affecting adjoining properties (low-wattage and low-to-the-ground path style).
- 14) The existing radio tower and all related structures (including the three individual guy wire attachment points) shall be enclosed in a minimum six-foot tall fenced enclosure to prevent unauthorized access. The fence shall not be located within ten feet of any structure.
- 15) Land use permits shall be obtained for all new structures and any extensive remodeling of existing structures. This requirement is also applicable to the construction of the proposed campsites, "managed trails" within the "nature preserve," signage, etc.
- 16) No negative impact on the wetlands at the northwest portion of the property shall be allowed. Any proposed development within the wetland shall require approval from the appropriate regulatory agency or agencies.
- 17) Proof that all vehicular accesses to the expanded campground from abutting public roads will meet all applicable WDOT and/or local regulations.

Motion carried.

d) Execute Determination Form/Ordinance

PUBLIC COMMENT - None

CORRESPONDENCE - None

FUTURE DEPARTMENT/COMMITTEE ACTIVITY - None

GENERAL COMMITTEE DISCUSSION - None

NEXT MEETINGS DATES

February 28, 2007 – Business Meeting – 6 p.m.
March 7, 2007 – Public Hearing – 6 p.m.

ADJOURN

Motion by Williams/Sell, unanimously carried, to adjourn. Motion carried.

Time: 7:42 p.m.

Recorded by Carole DeCramer
Committee Secretary

APPROVED ON:

February 28, 2007.