

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING
COMMITTEE MEETING MINUTES
Thursday, September 4, 2014**

CALL TO ORDER

Committee Chair Starshak called the meeting of the Land Use Planning and Zoning Committee to order at 4:30 p.m. in the Green Lake County Government Center, County Board Room #0902, Green Lake, WI. The requirements of the open meeting law were certified as being met.

Present: **Ben Moderow, Harley Reabe, Rich Slate, Michael Starshak, Nick Toney**

Absent:

Also Present: **Al Shute**, Land Use Planning & Zoning Director

Matt Kirkman, Code Enforcement Officer

Missy Sorenson, Code Enforcement Officer

Carole DeCramer, Committee Secretary

Diane Meulemans, Corporation Counsel

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Motion by Toney/Reabe, unanimously carried, to approve the agenda.

APPROVAL OF MINUTES

Motion by Reabe/Moderow, unanimously carried, to approve the August 7, 2014, minutes.

PUBLIC COMMENT - None

PUBLIC APPEARANCES - None

CORRESPONDENCE - None

PURCHASES - None

CLAIMS

Claims totaling \$6,936.71 were submitted.

Motion by Reabe/Moderow, unanimously carried, to approve for payment the claims in the amount of \$6,936.71.

APPROVAL OF DEPARTMENT ACTIVITY REPORTS

a. Permits, public hearings, etc.

b. Violations

Shute – Discussed the various aspects of the financial reports.

Kirkman – Discussed what occurred at a recent court hearing regarding a case that has been on the violation list for five years. The outcome will be reviewed by Department Head Al Shute and options will be discussed and reported at the October committee meeting.

Corporation Counsel Meulemans – Discussed the violations.

Motion by Toney/Moderow, unanimously carried, to approve the monthly activity reports.

DEPARTMENT/COMMITTEE ACTIVITY

a. Adult-oriented district

Shute – Copies of Chapter 350 and Chapter 93, regarding the adult-oriented district, were shared with the committee. This should not be a separate zoning district. It should be in the commercial district and require a conditional use permit. The amendment would eliminate a zoning district but not the land use.

The committee has directed Shute to pursue the ordinance amendment to eliminate the adult zoning district and to amend C2 to include adult oriented establishments as a Conditional Use Permit.

b. Appendix

Shute – Proposed to eliminate *Appendix A Animals Allowed*, *Appendix B Fee Schedule*, *Appendix C Finished Grade/Natural*, *Appendix D Intersection Sight Distance Triangle*, and *Appendix E Height of Structure* from Chapter 350 Zoning Ordinance. The committee directed Shute to pursue a consistent sketch for intersection setbacks regarding *Appendix D* and to make the changes with the other appendices and bring back for more discussion at the October meeting.

c. Farmland Preservation Plan Update

Shute – The consultant has finished compiling the zoning maps for the townships. Shute and the consultant will attend the town board meetings in September and October to discuss the A-1 Exclusive Agriculture zoning aspect of the proposed maps. The consultant is also working on the text for the plan.

MATT KIRKMAN REPORT ON RECENT TRAINING

Kirkman reported on a recent training he attended regarding lakeshore habitat restoration.

FUTURE COMMITTEE ACTIVITIES

a. Future agenda items

- Adult oriented district
- Appendix

b. Meeting dates

October 2, 2014

- Business Meeting 4:30 p.m.
- Public Hearing 6:00 p.m.

5:45 p.m. Recessed until 6:00 p.m.

Committee Chairman Starshak reconvened the meeting of the Land Use Planning and Zoning Committee at 6:00 p.m. for public hearing items and read the rules of public hearing.

PUBLIC HEARING ITEMS

Planning & Zoning Committee
Business Meeting & Public Hearing Minutes 09/04/14

Audio of committee discussion is available upon request from the Green Lake County Land Use Planning and Zoning Department.

Item I: Owner/Applicant: Craig Giese, Jr. **General Legal Description:** N3064 Cedar Road, Part of Parcel #014-00479-0100, Lot 1 of Certified Survey Map 3002, SE¼ of Section 34, T15N, R11E, Town of Marquette, ±1.0 Acres. **Explanation:** Rezone from A-2 General Agriculture to RC Recreation.

a) Public Hearing

Phil Anastasi, W6766 Hill Street, Town of Marquette Chairman – Spoke in favor of the request.

Keith Frederick, W4564 County Road B, Town of Marquette Supervisor – Spoke in favor of the request.

Craig Giese, Sr., W5701 Puckaway Road – Spoke in favor of the request.

David Cohn, N3178 Sherman Avenue, Town of Marquette Supervisor – Spoke in favor of the request.

Craig Giese, Jr., 290 W. Manchester Street – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Kirkman – Explained that this is a request to rezone from A-2 General Agriculture to RC Recreation, and it appears that Mr. Giese has been using this parcel for firewood and has located three campers on the site. The current uses are not allowed in the A-2 district. In order to avoid violations, Mr. Giese has applied for a rezone and conditional use permit. If not approved, the department will have to take enforcement action against Mr. Giese. The Town’s comprehensive plan has established future land use that is not compatible with the request.

The committee discussed the following concerns/questions:

- Is there residential in the area from a zoning standpoint? At this point the committee gave Craig Giese, Sr. permission to respond to the question.
- Is this request better suited for an R-4 Rural Residential district? Staff answered that the R-4 district does not allow campgrounds. Turning it into a full-size campground is a concern.
- Staff’s comments, as listed in the staff report, state that the request does not comply with the Town of Marquette’s comprehensive plan. The Town of Marquette Supervisors are all in attendance at this meeting and have stated that they are in favor of the request and will modify their comprehensive plan to include the proposed campground. This may be setting a precedent.

Kirkman suggested reviewing the staff report that lists the rezoning criteria.

- consistency with long-range planning (comprehensive plan)
- nature and character of parcel
- use of surrounding land

- overall scheme or zoning map
- consideration of interest of public health, morals, and safety
- promote public welfare, convenience, and general prosperity

After going through the criteria list, the committee agreed that this request is not compatible with the Town of Marquette’s comprehensive plan and would be incompatible with the existing plan.

The committee agreed to permit Town Chairman Anastasi an opportunity to comment. He stated that there are four mobile home parks located in the Town of Marquette and three of the four butt up with agricultural lands. The fourth campground is on a corner with residential uses. The Giese parcel is in the proximity of an old dump. It’s unusable property and the Town of Marquette is, overwhelmingly, in favor of this rezone request. Mr. Giese has cleaned it up and it gives him an opportunity to use his land. Mr. Starshak has said before that he wants people to be able to use their property. Mr. Giese will not have lots of trailers on this property.

Reabe – The committee still has to see something from the town that is conclusive that the Town’s comprehensive plan will be modified to incorporate this use. If we don’t require that, we’re going to get many more requests like this. It would be setting a precedent.

Corporation Counsel Meulemans – Advised that the comprehensive plan is a fluid document governed by the governing body.

c) Committee Decision

Motion by Reabe/Toney, unanimously carried on roll call (5-ayes, 0-nays), to postpone action to a date certain, October 2, 2014, allowing the Town of Marquette to present a document ensuring the Land Use Planning and Zoning Committee that the town’s comprehensive plan would indicate the requested zoning change.

Item II: Owner/Applicant: Craig Giese, Jr. **General Legal Description:** N3064 Cedar Road, Part of Parcel #014-00479-0100, Lot 1 of CSM3002, NE¼ of Section 34, T15N, R11E, Town of Marquette, ±1.0 Acres. **Explanation:** Conditional Use Permit request for a private campground.

a) Public Hearing

Craig Giese, Jr., 290 W. Manchester Street – Asked the committee what happens if this doesn’t go through.

Shute responded that the department would work with him in obtaining compliance.

Public hearing closed.

b) Committee Discussion and Deliberation

c) Committee Decision

Motion by Reabe/Toney, unanimously carried on roll call (5-ayes, 0-nays), to postpone action to a date certain, October 2, 2014, allowing the Town of Marquette to present a document ensuring the Land Use Planning and Zoning Committee that the town's comprehensive plan would indicate the requested change.

Item III: Owner/Applicant: Stellmacher Family Irrevocable Intervivos Trust **Agent:** Tim Jankowski **General Legal Description:** N6860 Forest Ridge Rd, Parcel #004-00213-0400, Lot 1 Certified Survey Map #3391, located in part of the NW¼ of Section 11, T16N, R13E, Town of Brooklyn, ±35.0 acres. **Explanation:** Rezone from A-1 Exclusive Agriculture District to A-2 General Agriculture District.

a) Public Hearing

No one appeared.

Public hearing closed.

b) Committee Discussion and Deliberation

Reabe – The Town of Brooklyn took action to deny this request by resolution.

c) Committee Decision

Motion by Reabe/Moderow, carried on roll call (0-ayes, 5-nays), to recommend approval of the rezone request as presented and forward to County Board for final action.

ADJOURN
6:55 p.m.

RECORDED BY
Carole DeCramer
Committee Secretary

APPROVED ON:
October 2, 2014