

**GREEN LAKE COUNTY  
LAND USE PLANNING AND ZONING  
COMMITTEE MEETING MINUTES  
Thursday, October 2, 2014**

**CALL TO ORDER**

Committee Chair Starshak called the meeting of the Land Use Planning and Zoning Committee to order at 4:31 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 Reabe/Toney, unanimously carried, to approve the corrected, amended agenda.**

**APPROVAL OF MINUTES**

**Motion by Moderow/Reabe, unanimously carried, to approve the September 4, 2014, minutes.**

**PUBLIC COMMENT** - None

**PUBLIC APPEARANCES** - None

**CORRESPONDENCE** - None

**PURCHASES** - None

**CLAIMS**

Claims totaling \$3,201.59 were submitted.

**Motion by Reabe/Moderow, unanimously carried, to approve for payment the claims in the amount of \$3,201.59.**

**4:36 p.m. Motion by Toney/Reabe, unanimously carried, to seat Committee Member Rich Slate.**

Mr. Slate stated that the doors were locked and he was unable to enter the building. County Clerk Marge Bostelmann propped the doors open allowing him to enter. Corporation Counsel Muelemans asked that the minutes reflect that, between 4:30 p.m. and 4:36 p.m., no one was able

to enter the building and if someone should appear at the meeting now on a topic that has already been discussed, the committee will go back to agenda items that were discussed during the time the doors were locked.

## **APPROVAL OF DEPARTMENT ACTIVITY REPORTS**

### **a. Permits, public hearings, etc.**

### **b. Violations**

Shute – Discussed the various aspects of the financial reports.

Kirkman – Discussed the land use permit violation list.

Corporation Counsel Meulemans – Discussed the land use and septic violations.

4:46 p.m. – Reabe was excused for a phone call.

4:48 p.m. – Reabe was reseated.

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

## **DEPARTMENT/COMMITTEE ACTIVITY**

### **a. Adult-oriented district**

Starshak – Read the Ron Detjen letter opposing the proposed ordinance amendment. Mr. Detjen explained why a prior Land Use Planning and Zoning Committee created a separate zoning district for the adult-oriented businesses and how this gives the Towns, County, and adjoining property owners more options in controlling where this type of business is located and what conditions may be applicable.

Starshak summarized what is being proposed and the existing ordinance. The difference is, currently, there is one zoning district with no permitted uses and one conditional use. We are proposing a larger zoning district that includes this use as a conditional use.

Shute explained that Mr. Detjen stated that the use would be allowed even though it's a conditional use; it's permitted and you apply conditions to make it work. Shute added that the ordinance does provide for the denial of a conditional use permit.

Corporation Counsel Meulemans advised that, going back to the constitutional issue discussed at an earlier meeting, for a zoning district that has no permitted uses, case law states that it may be permissible to have a zoning district with no permitted uses to regulate based on safety, morality, and public welfare. In one case, the court ruled that the regulatory agency could not zone in a way that the property owner has no rights to use their land at all. If the county got rid of the adult-oriented zoning, there is still the regulatory infrastructure, Chapter 93, that would serve the same purpose. It is an uphill battle if you are a municipality trying to exclude these businesses. Case law focuses on free speech.

Shute explained that the idea is to move it to a commercial district so that the entrepreneurial venue could occur as a conditional use.

After further discussion, Starshak asked Corporation Counsel her opinion on where this subject rated on urgency. She replied that, from one to ten, it was a neutral five. Starshak then stated that this proposed ordinance amendment will not be pursued at this time. The committee agreed. Starshak directed Shute to write a letter to Mr. Detjen thanking him for his input.

**b. Appendix**

Shute – Talked about deleting the appendix exhibits that are outdated and not in use anymore. One is the vision clearance triangle. Right now, the exhibit (drawing) does not match the ordinance text. The committee agreed to get rid of the vision clearance appendix.

**Motion by Slate/Toney, unanimously carried, to direct Shute to prepare the ordinance for public hearing.**

**c. Farmland Preservation Plan Update**

Shute – Reported that he has been meeting with the Towns on the farmland preservation maps that the consultant prepared identifying the land areas to be preserved for farmland. In September, he attended meetings with the Towns of Brooklyn and Princeton. In October, he met with the Towns of Seneca and Berlin. The maps have been well received and the participants have asked a lot of good questions. There will be a second notice to the Towns that haven't responded yet: Towns of Mackford, Manchester, and Kingston. The consultant continues to do what he can in creating the draft text for the document. Everything will be pulled together in late November with maps and text.

**d. NR115 Update**

Shute – Reported that he received an email from the County Planning Association Director. The NR115 Shoreland Regulations are moving through the process. It's been filed with the registrar and will become effective October 1<sup>st</sup>. Green Lake County will have some added changes to make in the areas of nonconforming buildings. The deadline for these amendments that need to be made is October 2016. There are five or six areas of the Shoreland Zoning Ordinance that will need to be amended.

**e. 2015 Calendar**

The 2015 calendar for Land Use Planning and Zoning Committee meetings was presented to the committee.

**On a motion by Reabe/Toney, unanimously carried, the committee approved the 2015 calendar.**

**FUTURE COMMITTEE ACTIVITIES**

**a. Future agenda items**

- Appendix
- Camper regulations

Starshak reminded everyone that there is a WisLine session on regulating local cell towers.

**b. Meeting dates**

November 6, 2014

Business Meeting 4:30 p.m.

Public Hearing 6:00 p.m.

**5:23 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**

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

**Item I: Owner/Applicant:** Bonnie S. Gellerup **General Legal Description:** W1479 E. Springbrook Road, Part of Parcel #002-00638-0000, part of the SW¼ and SE¼ of Section 33, T17N, R13E, Town of Berlin, ±7.582 Acres. **Explanation:** Rezone from A-2 General Agriculture and R-1 Single-Family Residence to R-4 Rural Residential.

a) Public Hearing

No one appeared.

Public hearing closed.

b) Committee Discussion & Deliberation

Kirkman – Reviewed the request for the committee. The Town of Berlin approved the request.

c) Committee Decision

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

**Item II: Owner/Applicant:** Gerald N. & Corinne J. Thiele **General Legal Description:** N5996 St. Marie Road, Part of Parcels #004-00437-0000 & 004-00438-0000, part of the NW¼ of Section 19, T16N, R13E, Town of Brooklyn, ±3.2117 Acres. **Explanation:** Rezone from A-1 Exclusive Agriculture to R-4 Rural Residential.

a) Public Hearing

Gerald Thiele, N5996 St. Marie Road – Spoke in favor of the request.

Sorenson – Read an email from adjoining property owners, Colette Hlystek and Paul Koenh. They expressed their concern about the possibility of more homes being built if the rezone is approved. They are opposed to the rezone request.

Public hearing closed.

b) Committee Discussion & Deliberation

Sorenson stated the reasons for the rezone request and that the Town of Brooklyn approved of the request.

c) Committee Decision

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

**Item III: Owner/Applicant:** Virginia S. King **Agent:** Dennis M. Jozwiak **General Legal Description:** W710 State Road 23/49, Parcel #004-00281-0000, Lot 1 Certified Survey Map 1712, part of the SW¼ of Section 14, T16N, R13E, Town of Brooklyn **Explanation:** Conditional use permit for a welding fabrication job shop, storage building for boats, campers, cars, etc.

a) Public Hearing

Dennis Jozwiak, W594 State Road 23 – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion & Deliberation

Kirkman reviewed the request and the conditions that are listed in the staff report. The Town of Brooklyn, when discussing the request, asked that the conditions include a solid screen fence no closer than the south side of the south overhead door on Building C (minimum eight-foot high fence). They also requested a solid screen fence on the west side of Building C to the lot line with one pedestrian gate. Also requested was no parking of any vehicles on the south side of the fence except employees, customers, and short-term projects (short-term is described as not longer than thirty cumulative days).

**Motion by Reabe/Slate, unanimously carried, the committee voted to allow Mr. Jozwiak to speak.**

Questions were asked about where equipment will be parked and about the need for a fence. There was a general committee consensus that a fence would be unsightly and unnecessary.

c) Committee Decision

**Motion by Moderow/Toney, carried on roll call (5-ayes, 0-nays), to recommend approval of the conditional use permit request as presented with the following conditions:**

- 1) No additional expansion or addition of structures and/or uses relating to this conditional use permit shall occur without review and approval through future conditional use permit(s).**
- 2) The owner/applicant shall apply for and receive a County Land Use Permit prior to commencing any development related to this request.**

- 3) Evidence that compliance with commercial building code requirements for the structures that are the subject of this request is being pursued by the landowner, if applicable.
- 4) Any new signage shall comply with Section 350-43 Signs, of the Green Lake County Zoning Ordinance.
- 5) Outside seasonal storage of boats, automobiles, and recreational vehicles or any other items has not been allowed by this conditional use permit.
- 6) Outside storage of equipment to be repaired or other projects not to exceed 30 days.

**Item IV: 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 – completed September 4, 2014

b) Committee Discussion and Deliberation

Shute reported that Town of Marquette Chairman Phil Anastasi will not be able to attend tonight’s meeting. He has, however, submitted a copy of the change that the Town of Marquette would make to their comprehensive plan relating to recreational use of properties in agricultural zoning.

Reabe stated that this isn’t an approved plan; it is a proposal of what they would like to do.

Shute agreed and said that he had checked with Keith Frederick, who is a Marquette Town Board Member, and he indicated that there has not been formal action. What the committee received is only a working version.

Reabe reiterated that this is only a plan and not an adopted document for official use. There’s intent but nothing official.

**On a motion by Moderow/Toney, unanimously carried, the committee voted to allow Craig Giese, Jr. to speak.**

Mr. Giese asked for a postponement to enable him to do his own research on his requests.

c) Committee Decision

Moderow asked about residents camping on their own property. This will be placed on the November 6<sup>th</sup> agenda for further discussion.

**On a motion by Reabe/Toney, unanimously carried, the committee voted to postpone the rezone and conditional use permit requests until a date certain. Both requests will be discussed again at the November 6<sup>th</sup> Land Use Planning and Zoning Committee meeting.**

**Item V: Owner/Applicant:** Craig Giese, Jr. **General Legal Description:** N3064 Cedar Road, Part of Parcel #014-00479-0100, Lot 1 of CSM3002, SE¼ of Section 34, T15N, R11E, Town of Marquette, ±1.0 Acres. **Explanation:** Conditional Use Permit request for a private campground.

- a) Public Hearing
- b) Committee Discussion and Deliberation
- c) Committee Decision

Per Mr. Giese's request, this will be placed on the November 6<sup>th</sup> agenda.

**ADJOURN**

**6:48 p.m. On a motion by Reabe/Toney, unanimously carried, the meeting was adjourned.**

**RECORDED BY**

Carole DeCramer  
Committee Secretary

**APPROVED ON:**

November 6, 2014