

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING
MINUTES – NOVEMBER 17, 2016**

ON-SITE INSPECTIONS: The Committee made on-site inspections starting at 8:15 a.m. on the GS Trucking LLC property, Town of Lind; the Ryan P. & Carrie A. Hofferber property, Town of Weyauwega and the Richard Togstad property, Town of Royalton.

Chm. Penney called the meeting to order at 9:36 a.m. with the following members present: J. Penney, D. Kussmann, T. Murphy, W. Wilfuer and D. Federwitz, all present.

T. Murphy moved and D. Federwitz seconded the motion to approve the agenda as presented. The motion was carried.

D. Federwitz moved and D. Kussmann seconded the motion to approve the minutes from the October 20, 2016 meeting. The motion was carried.

Public Comment: There was none.

PUBLIC HEARINGS:

The first public hearing was called to order at 9:38 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, T. Murphy, W. Wilfuer and D. Federwitz, all present. Deb Giuffre read the names of persons notified of the hearing for **GS Trucking LLC**: Located in part of the NE ¼ of the NW ¼ of Sec. 2, Town of Lind, lying along East Gate Drive, Fire Number E4259, Waupaca County, Wisconsin; for a Conditional Use Permit application for a Long-Term Outdoor Display and Sale (classic car sales) in an RC-N (Rural Commercial-Neighborhood) District on approximately 3.05 acres. The Committee, Ryan Brown, Planning & Zoning Director, and Jean Gliniecki, Zoning Administrator, made an on-site inspection of the property. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

Greg Stelse was sworn in to testify. Mr. Stelse said his plan is to have a classic car lot and restoration business at the site. Mr. Stelse said he would have approximately five (5) employees.

Chm. Penney called three times for any testimony in favor to the application. There was none

Chm. Penney called three times for any testimony in opposition to the application. There was none.

Deb Giuffre read one (1) letter from the Town of Lind recommending approval of the application with conditions.

Jean Gliniecki, Zoning Administrator, said the Planning & Zoning Office recommends approval with the conditions from the Town of Lind and permits.

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D. Federwitz moved and D. Kussmann seconded the motion to **GRANT** the application for Conditional Use Permit due to the following: The Town of Lind Planning Commission and the Town Board of Lind have approved this request and it is consistent with the Town Comprehensive Plan. The following conditions **MUST** be met: Unfinished auto parts that are being stored outside shall be screened in from all sides. All outside lighting shall be full cutoff luminaire lighting (shroud). Required parking includes one (1) space per three hundred (300) square feet of gross floor area in the principal building(s), plus one (1) space per two thousand (2,000) square feet of outdoor sales or display area. The applicant must obtain a Land Use Permit from the Planning & Zoning Office prior to the construction of the 50' X 100' shop addition. The applicant must obtain a Building Permit from the local Building Inspector prior to the construction of the 50' X 100' shop addition. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes; D. Federwitz—yes and T. Murphy—yes, unanimous vote to grant the permit. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 9:47 a.m. The motion was carried.

The second public hearing was called to order at 9:48 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, T. Murphy, W. Wilfuer and D. Federwitz, all present. Deb Giuffre read the names of persons notified of the hearing for **Ryan P. & Carrie A. Hofferber**: Located in part of the NW¼ of the SW ¼ of Sec. 16, Town of Weyauwega, lying along Little River Road, Fire Number E5710, Waupaca County, Wisconsin; for a Conditional Use Permit application for a Major Indoor Institutional (banquet hall) in an AWT (Agriculture and Woodland Transition) District on approximately 5.596 acres. The Committee, Ryan Brown, Planning & Zoning Director, and Jean Gliniecki, Zoning Administrator, made an on-site inspection of the property. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

Carrie Hofferber was sworn in to testify. Ms. Hofferber said she is proposing to use an existing reconditioned barn and the property for public, family or business events. The requested occupancy is for two to three hundred. The events would be held from spring through the fall months. There will be no kitchen facilities and all food and beverage would be catered.

Chm. Penney called three times for any testimony in favor to the application. There was none

Chm. Penney called three times for any testimony in opposition to the application.

Dennis & Sheila Stuyvenberg were sworn in to testify. Ms. Stuyvenberg said she is a neighbor and currently has two (2) animals that are pastured on the adjoining property. She is concerned with trespassers and liability. Ms. Stuyvenberg is recommending denial of the application.

Dennis Stuyvenberg said he is concerned with alcohol being served and the effects of alcohol creating poor judgment.

Richard Meidel was sworn in to testify. Mr. Meidel said he is a neighbor and is concerned with the noise and impact on property value.

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Deb Giuffre read four (4) letters, one (1) from the applicant Carrie Hofferber in regards to the proposal. One (1) email from Jed Wohlt, the Health Officer, Public Health, Waupaca County, regarding his department requirements. Two (2) letters from the Town of Weyauwega, one (1) from the Planning Commission meeting and one (1) from the Town Board meeting recommending denial of the application.

Jean Gliniecki, Zoning Administrator, said based on the proposal that the Planning & Zoning Office received to date, it is unclear at this time if this proposal will have no unreasonable adverse impact on the public health, safety, and welfare.

Jim Biddison was sworn in to testify. Mr. Biddison said he is the Chairman for the Town of Weyauwega and gave a brief description of an email from Jay Quella regarding his concerns with lighting, noise, parking, trespassing, liquor licensing and the Town's ability to monitor the permit. Mr. Biddison referenced the Town's Comprehensive Plan 6.4, Desired Business; and the application meets some of the bullet points. The Town's concerns are with security regarding the existing house, fencing, insurance, hours of operation and staff.

DuWayne Federwitz, Planning & Zoning Committee member said his concern is the closed session and he thinks that the Commission should start that process over again and make sure they eliminate that closed session because some Attorney might litigate that.

Dennis Kussman, Planning & Zoning Committee member said that was also his concern and an issue could be made of that down the road.

Carrie Hofferber came back for rebuttal. Ms. Hofferber addressed some of the concerns that were brought up. Ms. Hofferber said she presented proof of insurance and agreed to repair the fence up to the standards of the State Statutes. Ms. Hofferber expressed concerns with the Town of Weyauwega Planning Commission and Town Board.

Sheila Stuyvenberg commented on the Town of Weyauwega's comprehensive planning process. Ms. Stuyvenberg also commented on the fencing and insurance for the proposed use.

Jim Biddison said he would coordinate the Town of Weyauwega's Town Board and Planning Commission meeting to review the Conditional Use Permit application.

D. Kussmann moved and T. Murphy seconded the motion to **TABLE** the Conditional Use Permit application based on the facts and evidence presented. The Committee referred the applicants back to the Town level to work with them and come back to the Committee with answers to some of the questions that they don't have at this time. The continued public hearing will be rescheduled at the Planning & Zoning Committee meeting to be held in January, 2017. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes; D. Federwitz—yes and T. Murphy—yes, unanimous vote to table the permit. The motion was carried.

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The third public hearing was called to order at 10:38 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, T. Murphy, W. Wilfuer and D. Federwitz, all present. Deb Giuffre read the names of persons notified of the hearing for **Richard H. Togstad**: Located in part of the NW ¼ of the NW ¼ of Sec. 29, and part of the NE ¼ of the NE ¼ of Sec. 30, Town of Royalton, lying along Paap Road, Fire Number N3221, Waupaca County, Wisconsin; for an after the fact Conditional Use Permit application for a Contractor Shop in an AWT (Agriculture and Woodland Transition) District on approximately 5 acres. The Committee, Ryan Brown, Planning & Zoning Director, and Jean Gliniecki, Zoning Administrator, made an on-site inspection of the property. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

Richard H. Togstad was sworn in to testify. Mr. Togstad said he is the owner of Togstad Construction and would like to continue operating his business at the current location. Mr. Togstad said his business consists of underground cabling and he currently has 17 employees.

Chm. Penney called three times for any testimony in favor to the application. There was none

Chm. Penney called three times for any testimony in opposition to the application. There was none.

Deb Giuffre read one (1) letter from the Town of Royalton recommending approval of the application.

Jean Gliniecki, Zoning Administrator, said the Planning & Zoning Office recommends approval with conditions.

T. Murphy moved and D. Federwitz seconded the motion to **GRANT** the application for Conditional Use Permit due to the following: The Town of Royalton Planning Commission and the Town Board of Royalton recommended approval of this permit and it is consistent with the Town Comprehensive Plan. The following conditions **MUST** be met: If there is going to be plumbing in the existing building or if a new structure is built for the business, there must be a code complying sanitary system installed for it. Required parking is one (1) parking space per each employee on the largest work shift. In the future if a new structure is built for the business, the applicant must obtain a Land Use Permit from the Planning & Zoning Office for that structure, as well as a Building Permit from the Town of Royalton Building Inspector for that structure. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes; D. Federwitz—yes and T. Murphy—yes, unanimous vote to grant the permit. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 10:43 a.m. The motion was carried.

DISCUSSION/REVIEW AND POSSIBLE ACTION:

- Scott Konkle, East Central Wisconsin Regional Planning Commission, for NR 135 Program – 2016 Budget/Fee Calculation Update. D. Federwitz moved and W. Wilfuer seconded the motion to maintain the fee of \$40.00 per acre for the 2017 budget. The motion was carried.
- Discussion on the Planning & Zoning Office’s involvement in the NR 135 Program.
- Review on the Conditional Use Permit (CP-021-15) for a Contractor Shop (Solar Energy) on the Jason & Nicole E. Johnson property, Town of Lind. D. Kussmann moved and T. Murphy seconded the motion to APPROVE the review and unless the Planning and Zoning Office receives any complaints, this permit does not need to come back for any further review. The motion was carried.

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- Update on the Conditional Use Permit (CP-010-11) for a Dwelling on the George F. & Mary S. Krause property, Town of Lind. The old existing dwelling that was on the property has been removed.
- Update on the Regional Housing Authority Program.
- Schedule upcoming meetings.

The next Planning and Zoning Committee meeting has been scheduled for Thursday, December 1, 2016 and there will be another one scheduled for Thursday, December 15, 2016.

T. Murphy moved and W. Wilfuer seconded the motion to adjourn the meeting at 11:25 a.m. The motion was carried.

Debra L. Giuffre
Recording Secretary

cc: County Clerk