

County Zoning Agency
MINUTES
January 19, 2023 – 4:30 P.M.
100 West Walworth Street
Elkhorn, Wisconsin

Vice Chair Sue Pruessing called the meeting to order at 4:30 p.m.

Roll call – Committee members present in person were Supervisors Ryan Simons via telephone, Sue Pruessing, Dennis Karbowski, Joanne Laufenberg, Al Stanek, and citizen members Richard Kuhnke, Sr. and Jim Van Dreser. A quorum was present.

County Staff present Land Use and Resource Management Department Director Michael P. Cotter, Deputy Director Mandy Bonneville, Senior Planner/Hearing Facilitator Matt Weidensee. Present for a portion of the meeting / hearing Senior Zoning Officer Nicholas Sigmund.

A “sign-in” sheet listing attendees on January 19, 2023 is kept on file as a matter of record.

Details of the January 19, 2023 meeting / hearing are on a digital recording which is on file and available to the public upon request / video to view in the agenda center on the website:
www.co.walworth.wi.us

Dennis Karbowski motioned to approve the agenda as amended to table items 8.d.1.) Henry E. Darr; 8.d.3.) RM Krueger Investments, LLC c/o Ron Krueger; and 8.d.5.) HV Farms, LLC c/o Tonya Volk – Requests WITHDRAWN. Seconded by Richard Kuhnke, Sr. Motion to Approve the agenda carried. 7-favor 0-oppose

Richard Kuhnke, Sr. motioned to approve the December 15, 2022 CZA Meeting Minutes. Seconded by JoAnne Laufenberg. Motion carried. 7-favor 0-oppose

Zoning / Sanitation / Land Conservation Enforcement
Disc Count # 4:35:35 – 4:36:28

Subdivision Items – Old Business – None

Subdivision Items – New Business –

1. **Evan and Teresa Freund**, proposed 2 lot Certified Survey Map, Located in Section 33, T1N, R18E, Town of Bloomfield, Tax Parcel # MA224300002. The property is zoned by the Town of Bloomfield. This CSM requires County Zoning Agency review and approval because more than 2 lots are being proposed on a shared private driveway.

Nick Sigmund presents requested certified survey map.

Jim Van Dreser motioned to approve with the following conditions: 1. Approval is subject to providing perpetual access to the public road for all proposed lots, 2. Approval is subject to meeting all requirements of state statutes and county ordinances. Seconded by Dennis Karbowski. Motion carried. 7-favor 0-oppose. Disc Count # 4:36:37 – 4:41:20

Old Business - Ordinance Amendments – None

Old Business – Discussion Items – None

New Business - Ordinance Amendments – None

New Business – Discussion Items –

1. **Farmland Preservation** payback language discussion – Richard Kuhnke, Sr.

Staff presents information found regarding language found regarding payback on the rezone and conditional use applications. This language will be removed. Disc Count # 4:41:35 - 4:42:53

2. **Grand Geneva housing request for employee housing** – Nick Sigmund/Matt Weidensee

Discussion by Staff regarding letter referred to the CZA from Grand Geneva regarding a request for employee housing on property owned by Geneva National zoned business. Committee asks about a separate business zoning district, different types of employees, etc.

Jim Van Dreser motioned to direct staff to research what type of ordinance amendment best addresses the request. Seconded by Dennis Karbowski. Motion carried. 7-favor 0-oppose. Disc Count # 4:42:55 – 5:00:06

3. **Shodeen Family Property Co., LLC** – Conservation Subdivision Development Joint Town and County Site Visit Scheduling – Matt Weidensee

Staff presents request for development by Shodeen and the scale of the development. Discusses with Committee the requirement for Town and Committee meeting regarding the process of review at the site for the four step process review and comment.

Richard suggests staff approach the Town first to get potential dates for a joint meeting and then contact Committee members. Disc Count # 5:00:07 – 5:08:37

4. **DECISION HEARING (Public Hearing held 12/15/22): Catherine Duesterbeck – Owner, Benjamin Johnson – Applicant**, Section 29, Sugar Creek Township. Rezone approximately 2.32 acres of A-1 Prime Agricultural zoned property to the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District resulting in a total of 4.4 A-4 zoned acres. Bring parking for farm related micro brewing events into compliance with the Walworth County Zoning Ordinance through conditional use permit review by adding an additional 191 parking stalls for a total of 386 parking spaces. Expand operations on site to allow retail sales to be open at 6:00 a.m. rather than 7:00 a.m., allow 50 additional daily patrons at a time, allow expansion of the large farm related micro-brewery events from 380 patrons to 965 and increase the farm related retail and office space. Part of Tax Parcel G SC2900004.

Amended 1/19/2023 ~~12/15/2022~~ by rezone of 2.32 acres of A-1 District to A-4 resulting in a total of 4.4 A-4 zoned acres and conditional use permit approval to bring parking for farm related micro brewing events into compliance with the Walworth County Zoning review by adding an additional ~~191~~ 234 parking stalls for 386 allowable parking spaces, expand retail sales brewing hours to be open at 6:00 a.m. rather than 7:00 a.m., allow 50 additional daily patrons at a time, allow expansion of the large limit all farm related micro-brewery events from ~~487~~ to 380 patrons to 965 and increase the farm related retail and office space by changing a one story building into a two story building containing 2120 sq. ft. of new office space on the second floor and changing the first floor from 1700 sq. ft. of retail to 2120 sq. ft., a 583 sq. ft. patio on the second story retail/office building and a 324 sq. ft. addition for restroom facilities on the existing pavilion. Reduce all hours of operation to 10:00 p.m. See # 1, 14, and 17.

Amended 5/20/2021 for addition of 845 sq. ft. of production space to an existing shed, addition of a 1700 sq. ft. retail building to include restrooms and to include outdoor food and beverage approval for up to eight food truck spaces as per plan submitted. (See #1, 17 and 20)

Amended 6/18/2020 for addition of a 3204 sq. ft. building to be used as an additional tasting room and a summer pavilion in addition to use of existing sheds for beer production space, bottling, canning and storage area, two small events a week and up to 12 large events per year to be served by a 195 stall grass over flow parking area, expansion of the hours of operation and a separate conditional use for a farmer's market on a portion of the A-4 zoned grass area. (see #1, 14, 17 and 20-28)

Amended 10/18/2018 for restroom and breeze way addition (See #1).

NAME: Catherine Duesterbeck – Owner
(Benjamin Johnson – Applicant)

TOWN: Sugar Creek

The Property owner is requesting to rezone approximately .782 acres or 34,062 sq. ft. of A-1 Prime Agricultural zoned property to the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District in order to obtain conditional use approval for a micro-brewery with a tasting room. The brewery would consist of one building (approx. 40' X 80') **with a 430 sq. ft. restroom and breeze way addition added by CU Amendment** replacing four existing buildings in the proposed A-4 area. The four existing buildings would be razed to make room for the new structure. The process of brewing beer will generally take place between the hours of 7 a.m. and 6:00 p.m. Mondays through Fridays. The hours of operation of the tasting room will generally take place between 4:00 p.m. and 10:00 p.m. Tuesdays through Saturdays. The application indicates the brewery would produce 900 barrels of beer a year in the first year from a ten-barrel system. The system would be considered micro due to time constraints it would never be capable of brewing more than 2000 barrels of beer in a year. There would be up to six employees. The brewery would create mostly organic waste. Solid waste can be truck to farms and be used as feed and the liquid waste once (ph) neutralized can be but through a septic system designed for the facility. The facility would have its own well for water and would be run on propane with a 1000 gallon tank and have 3 phase 400 amp electric. The tasting room would be a small area of 1080 sq. ft. with 500 sq. ft. of outside area. The site plan would allow for the required parking for the tasting room and outside area as retail sales area and temporary parking spaces would be made available for use for beer festivals or special events. The application proposes one summer and one fall festival or event. The parking lot and stalls would allow for up to 140 people on site at one time. The application requests a sign code modification to allow a 12 ft. by 4 ft. sign. The project would take about one year to complete and it takes about eight months to obtain the federal government license to brew beer.

At the June 18th, 2020 CZA Hearing the property owner requested the following additions to the micro-brewery. The property owner is requesting to rezone approximately 2.1 acres of A-1 Prime Agricultural Zoned land to the A-4 Agricultural Rural Residential Zone district in order to obtain conditional use permit approval for the expansion of an existing micro-brewery by addition of a 3204 sq. ft. building to be used as an additional tasting room and a summer pavilion separate from

the micro-brewery structure in addition to use of existing sheds for beer production space, bottling, canning and storage area. The expansion includes expansion of the hours of operation. Request to have two small events a week and up to 12 large events per year to be served by a 159 parking space both surfaced and grass over flow parking on the micro-brewery A-4 zoned property and a separate conditional use for a farmer's market. The farmer's market would be held on a portion of the A-4 zoned grass area with 69 grass parking spaces on either a Friday or Saturday once a month from May to October.

Parts of Tax Parcel G SC2900004

Has been APPROVED subject to the related rezone passing County Board and the following conditions:

General:

1. The Conditional Use for a micro-brewery with outdoor beverage consumption as part of the approved detailed retail sale plan is approved as per the plan submitted **and amended 10/18/2018 and date stamped received by LURM 10/04/2018** for a mixed use 40 ft. X 80 ft. building to contain 1080 sq. ft. tap (tasting) room, **430 sq. foot addition for expanded restrooms and a breeze way** with 500 sq. ft. of outdoor area and the remainder of the building to be used for production space for brewing of beer. **On June 18th, 2020 the conditional use permit is further approved as per revised plan and approved narrative for addition of 2.1 acres of A-1 Prime Agricultural Zoned land to the A-4 Agricultural Rural Residential Zone district for the expansion of an existing micro-brewery by addition of a 3204 sq. ft. building to be used as an additional tasting room and a summer pavilion separate from the micro-brewery structure in addition to use of existing sheds for beer production space, bottling, canning and storage area. The expansion includes ~~two small events a week and up to 12 large events with a maximum of 380 people per year as amended 1/19/2023 to be served by 195 152 parking spaces~~ grassed over flow parking on the microbrewery A-4 zoned property and a separate conditional use for a farmer's market on a portion of the A-4 zoned grass area. Amended 5/20/2021 for addition of 845 sq. ft. of production space to an existing shed, addition of a 1700 sq. ft. retail building to include restrooms and to include outdoor food and beverage approval for up to eight food truck spaces as per plan submitted. Amended 1/19/2023 by rezone of 2.32 acres of A-1 to A-4 and conditional use permit approval to bring parking for farm related micro brewing events into compliance with the Walworth County Zoning review by adding an additional 191 234 parking stalls for 386 allowable parking spaces, expand retail sales brewing hours to be open at 6:00 a.m. rather than 7:00 a.m., allow 50 additional daily patrons at a time, allow expansion of the large limit all farm related micro-brewery events from 487 to 380 patrons to 965 and increase the farm related retail and office space by changing a one story building into a two story building containing 2120 sq. ft. of new office space on the second floor and changing the first floor from 1700 sq. ft. of retail to 2120 sq. ft., a 583 sq. ft. patio on the second story retail/office building and a 324 sq. ft. addition for restroom facilities on the existing pavilion. Reduce all hours of operation to 10:00 p.m.**
2. Beer production as a microbrewery shall be set at a maximum ten-barrel production facility with a capacity of up to 2000 barrels of beer per year.
3. Use of the grounds shall be limited to the uses as stated in the plan of operations.
4. The project must meet with all State, Federal and local regulations and approvals.
5. The applicant must obtain all required County Zoning permits including sanitation approvals and a sign permit for any proposed signage.
6. Sufficient adult supervision must be present at all times when facilities are in use.
7. The applicant must obtain an approved Land Disturbance, Erosion Control and Stormwater permit from Land Conservation if required by Ordinance.
8. The applicant is responsible for obtaining adequate liability insurance and keeping the insurance current during the life of this conditional use.
9. All lighting must be shielded and directed on to the property.
10. All parking must occur in the areas identified on the approved plan. Parking must meet with requirements of the county zoning ordinance. All parking must be graded and surfaced so as to be dust free. All parking for business on site must be in compliance with County requirements within 60 days of this approval.
11. The property owner must obtain the required County sanitary permit approval for facilities to be located on site.

12. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
13. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

Specific:

14. Hours of operation for brewing beer shall be ~~7~~ **6:00 a.m. to 6:00 p.m. Mondays through Fridays.** The hours of operation of the tap (tasting) room shall be ~~4:00 p.m. and 10:00 p.m.~~ **10:00 a.m. to 10:00 p.m. 12:00 a.m. (midnight) Tuesdays through Saturdays seven days a week.** **The Hours of operation for the retail sales shall be from 11:00 a.m. to 10:00 p.m. 12:00 a.m. (midnight).**
15. All outdoor seating and beverage consumption must be within the A-4 zoned area as specified on the approved site plan.
16. The patio must meet with the commercial building code including all proposed lighting. Open flame tiki torches may not be used as lighting.
17. ~~This approval allows for two small events with less than 100 people twice a week and a maximum of six 12 beer festivals with no more than 140 397 people in attendance at a rate of one regular or grassed parking space per 2.5 people. The conditional use is approved for 18 events which will have a maximum of 380. 965 people at a rate of 2.5 people per parking stall with 96 85 permanent asphalt or gravel parking stalls and 56 301 grass stalls. Food trucks will be allowed during the 18 events at a rate of no more than 3 food trucks per event at the 8 food truck spaces identified on the site plan.~~
18. The conditional use approval includes modification of the sign code to allow a 12 ft. by 4 ft. sign with zoning permit approval.
19. Any alcohol served shall be limited to products produced on site unless otherwise approved by the committee. Any service of alcohol shall be for tasting, promotional, and/or educational purposes and such activity must be discernible from a bar or tavern. The committee may consider limited quantities served, site design, or other operational methods to make such a distinction. Any retail sales of ancillary items are subject to a detailed list of those items approved by the Committee. All outdoor activities are subject to Committee review and approval.
20. ~~The use of the food trucks shall be limited to during the 12 approved large A-4 festival events only and not allowed on a daily basis.~~ **This CU Permit shall be subject to a one-year compliance review in January 2024.**
21. The site plan must be amended to show the area to be used by outside patrons during events shall be separated from the parking area and access by a temporary fence with all portable toilets bordering inside the fenced area for safety purposes.
22. The number of portable toilets to be used on site during events shall be approved by the County Sanitarian.
23. A farmer's market is approved as per plan submitted including retail sales of ancillary non-agricultural items subject to a detailed plan approved by the committee with all additional conditions. (see attached list of items to be sold on site as specified):
24. The farmer's market would be held on a portion of the A-4 zoned grass area with 69 grass parking spaces on either a Friday or Saturday once a month from May to October. Attendance would be at a rate of 2.5 people per 69 grass parking space for a total of 172 people at the farmer's market. Hours of operation for the farmer's market shall be from 7:00 a.m. to 12:00 p.m. (noon).
25. There shall be no self-service of retail products for sale on site.
26. Parking for farm marketing must occur in the areas identified on the approved plan and meet with condition # 10.
27. The farmer's market shall be limited to 18 vendors to be located in the area identified on the site plan.

28. The owners of the property shall release, indemnify and hold harmless Walworth County, the Town of Sugar Creek and their agents and employees from all liability, claims, demands, causes of action, costs, or losses for personal injuries, property damage or loss of life or property prior to this conditional use being valid.
29. No adult entertainment as defined by the County Zoning Ordinance shall be allowed on site.

Dated this 16th day of November, 2017.

/s/

COUNTY ZONING AGENCY
TIM BRELLENTHIN, CHAIRMAN

Dated this 18th day of October, 2018.

/s/

COUNTY ZONING AGENCY
TIM BRELLENTHIN, CHAIRMAN

Dated this 18th day of June, 2020.

COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

Dated this 20th day of May, 2021.

COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

cc: Benjamin Johnson, W8371 Springwood Lane, Delavan, WI 53115
Town of Sugar Creek, Dale Wuttke, Chairman, N6641 County Road H, P.O. Box 287, Elkhorn, WI 53121
Town of Sugar Creek, Diane Boyd, Clerk, N6641 County Road H, P.O. Box 287, Elkhorn, WI 53121

Staff addresses questions from the Committee regarding the Apple Barn and agricultural activities.

Staff presents request, public hearing was held on December 15, 2022.

Al Stanek motioned to separate the issues for discussion. Motion fails for lack of a second.

Discussion by the Committee regarding the current operation what is actually happening and the differences between “tasting” and “consumption”, bar license, noise, parking.

JoAnne Laufenberg motions to approve with three conditions:

- 1. Approve the proposal for 1 year with a maximum of 500 people. May expand after 1 year if they are in compliance.**
- 2. Solid 10:00 p.m. close.**
- 3. Present a Board approved landscaping plan for noise control**

Seconded by Jim Van Dreser for discussion. Al Stanek questions the parking issue in the motion. JoAnne indicates to approve the plan as presented. Jim Van Dreser comments on parking indicating it is dependent on the number of people approved.

Discussion with Sheriff's Department regarding parking and traffic issues, off road parking preferred. Questions regarding authority to request No Parking ordinance amendments. County Board Chair Stacey questions the covering of the parking by Supervisor Laufenberg's motion. Supervisor Karbowski questions if the original conditional use has been followed. 77 events when approved for 18. Jim Van Dreser questions if any tickets have been issued. No investigation has been performed on any complaints. Staff addresses "events". Ben Johnson responds to questions regarding parking. Staff addresses the issue of events and potential discussions with the applicant. Staff discusses tasting versus consumption and the discussion in creation of the ordinance amendment for microbrewery. Ben Johnson addresses liquor service questions as they do not have a liquor license and cannot get one. There is no ounce limit for service.

Al Stanek motions to amend the motion to the 380 limit of patrons to keep the current level. Second by Dennis Karbowski. Motion to amend the motion carries. 6-favor 1-oppose (JoAnne Laufenberg voting in opposition).

Committee talks regarding remaining 2 requested conditions regarding 10:00 close and landscaping for noise.

JoAnne Laufenberg accepts friendly amendment to remove the landscaping for noise control condition. Approved by second Van Dreser.

Vote on motion to approve as amended and with conditions as presented at the public hearing including 6:00 a.m. opening for brewing only/no retail sales until 11:00 a.m. Motion carried. 7-favor 0-oppose.

Disc Count # 5:08:38 – 6:08:50

- 5. John Neighbors – Boxed & Burlap, Section 25, Delavan Township. Amendment of an existing conditional use by less than 25% of existing structures to allow for two 20 ft. by 20 ft. buildings one for toilet facilities and one for storage for use during outdoor food and beverage and public assembly on site as per plan submitted. Tax Parcel F D 2500019.**

NAME: John E. Neighbors

TOWN: Delavan

The property owner is requesting conditional use review and approval for public assembly and outdoor food and beverage in order to hold weddings and other similar events outside on land zoned B-2 General Business District in conjunction with a principle use indoor event facility. All infrastructure (parking, lighting, pavement, lawn, indoor and outdoor restrooms) needed for the outdoor use are existing on the property. Outdoor use for events would only occur during indoor event use of the commercial buildings. The people using the proposed conditional use outdoor area would be the same people using the principle use indoor area for the same event. The maximum capacity of the events would be 250 with 71 parking stalls and the potential to have up to 50 additional guests arriving by alternate transportation (limousine, shuttles, bus, Uber, Lift etc.). The application indicates intent to allow food trucks on the site during outdoor event use in the area depicted on the site plan. Alcohol served on site complies with a liquor license issued by the Town of Delavan for the last five years. No outdoor amplified music is proposed beyond 5:00 p.m. Events/wedding receptions conclude by 11:00 p.m. The business employs seven full time and up to 18 part-time employees seasonally.

Amended January 19th, 2022 to allow for two 20 ft. by 20 ft. buildings one for toilet facilities and one for storage as per plan submitted. (See # 1, 31)

Amended March 17th, 2022 to allow one wedding to use the public assembly and outdoor food and beverage conditional use on Wednesday October 13, 2022. (See # 18)

Amended March 17th, 2022 to allow public assembly and outdoor food and beverage use of the patio and lawn area for wedding rehearsals for up to 20 wedding party members between the hours of 1:00 p.m. to 7:00 p.m. on Wednesdays and Thursdays. (See # 18)

Amended March 17th, 2022 to allow Bible study for up to 25 people to use the patio as part of the outdoor food and beverage for the coffee shop. (See # 18)

Amended March 17th, 2022 to allow for one event in March (during the closed season) called "Cabin Fever" consisting of live music for 3 hours between 7:00 p.m. and 10:00 p.m. in the barn with the use of a food truck and the patio area for outdoor food and beverage and public assembly. (See # 18)

Amended March 17th, 2022 to clarify the extent of music allowed (see # 27 & 29)

Tax Parcel # F D 2500019

Has been APPROVED subject to the following conditions:

General:

1. Approved per plans submitted for seasonal use of an outdoor events area for public assembly and outdoor food and beverage in conjunction with a principle use indoor event/wedding facility **and amended January 19th, 2022 to allow for two 20 ft. by 20 ft. buildings one for toilet facilities and one for storage as per plan submitted.**
2. Use of the grounds shall be limited to the uses as stated in the plan of operations.
3. All public assembly outdoor seating and food and beverage consumption must be within the area as specified on the approved site plan.
4. All storage areas, materials and equipment shall be located as defined on the plan of operations.
5. The site shall meet all applicable Federal, State, County and local regulations.
6. The applicant must obtain all required zoning permit approvals including a sign permit.
7. The property owner must obtain the required County sanitary permit approval for facilities to be located on site.
8. Sufficient adult supervision by on site workers must be present at all times when facilities are in use.
9. The applicant is responsible for obtaining adequate liability insurance and keeping the insurance current during the life of this conditional use.
10. All lighting must be shielded and directed on to the property.
11. All parking must occur in the areas identified on the approved plan. Parking must meet with requirements of the county zoning ordinance. All parking must be graded and surfaced to be dust free. All parking must be in compliance with County requirements prior to use of this approval.
12. No filling shall occur on site without proper permit approvals.
13. Access approval must be obtained from the State Department of Transportation.
14. The applicant must obtain a Land Disturbance, Erosion Control & Stormwater approval from Land Conservation Office prior to construction if required by Section 26 of the Walworth County Code of Ordinances. The construction activities of this

development must comply with the Walworth County Land Disturbance, Erosion Control and Stormwater Management standards contained in Section 26 of the Walworth County Code of Ordinances.

15. No burning shall be allowed on site without a State burning facility license and any required local approvals.
16. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
17. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three-year period. Any extension requested during the three-year active exercise period greater than one year beyond the original three-year period shall require additional Town and County committee approvals.

Specific:

18. Outdoor public assembly and outdoor food and beverage hours shall be allowed on Fridays, Saturdays and Sundays from 9:00 a.m. to 11:00 p.m. each day during the months of May, June, July, August, September and October.

Amended March 17th, 2022 to allow one wedding to use the public assembly and outdoor food and beverage conditional use on Wednesday October 13, 2022.

Amended March 17th, 2022 to allow public assembly and outdoor food and beverage use of the patio and lawn area for wedding rehearsals for up to 20 wedding party members between the hours of 1:00 p.m. to 7:00 p.m. on Wednesdays and Thursdays.

Amended March 17th, 2022 to allow Bible study for up to 25 people to use the patio as part of the outdoor food and beverage for the coffee shop.

Amended March 17th, 2022 to allow for one event in March called "Cabin Fever" consisting of live music for 3 hours between 7:00 p.m. and 10:00 p.m. in the barn with the use of a food truck and the patio area for outdoor food and beverage and public assembly.

19. Food trucks may be located as specified during events only as part of outdoor food and beverage.
20. There shall be no more than three food trucks allowed on site during an event.
21. Food trucks used on site shall be licensed by the State and be completely self-contained regarding water, electric and waste.
22. A minimum of two trashcans with 40-gallon minimum capacity shall be available in the outdoor food and beverage area.
23. Outdoor use for events shall only occur during indoor event use of the commercial buildings with exception for the separate approved outdoor food and beverage for the coffee shop.
24. The people using the proposed conditional use outdoor area shall be the same people using the principle use indoor area for the same event.
25. The maximum capacity of the events shall be 300 guests with 71 parking stalls, with the potential to have up to 50 guests arriving by alternate transportation (limousine, shuttles, bus, Uber, Lift) by use of a 24-foot wide continuous commercial drop off and pickup access loop
26. There shall be no fireworks or firework displays launched from the site during events.
27. All music for ~~onsite events both indoors and outdoors~~ shall end by 11:00 p.m.
28. Use of the outside area for events shall conclude by 11:00 p.m. as per the Town
29. Outdoor ~~amplified~~ music in conjunction with a wedding may occur between noon and 5:00 p.m. only as per the Town.
30. The Town and County shall review the conditional use for public assembly and outdoor food and beverage in one year as per the Town.
31. **The temporary restroom trailer shall be removed from the site once the toilet facilities in the building are in operation.**

Dated this 20th day of January, 2022.

COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

cc: Town of Delavan, Larry Malsch, Chairman, 5621 Town Hall Road, Delavan, WI 53115
Town of Delavan, Kristy McChristy, Clerk, 5621 Town Hall Road, Delavan, WI 53115

Staff presents request.

Dennis Karbowski motioned to approve with conditions as presented. Seconded by JoAnne Laufenberg. Motion carried. 7-favor 0-oppose.
Disc Count # 6:09:55 – 6:10:53

5:30 p.m.:

Ordinance Amendments – None

Rezoning with Conditional Uses –

TABLED – REAR YARD SETBACK ISSUE NEEDS TO BE RECORDED

- ~~1. **Henry E. Darr – Owner**, Section 15, LaGrange Township. Rezone approximately .79 acres of A-5 Agricultural Rural Residential District to the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District in order to obtain conditional use approval for trucking business as transportation related activities primarily serving the basic agricultural industry. Part of Tax Parcel HLG1500013.~~
- 2. Charles, Donald and David Weeks – Owners, Wisconsin Power and Light Company – Applicant**, Section 29, Sharon Township. Rezone approximately 10 acres of A-1 Prime Agricultural District land to the P-1 Park District in order to seek approval of a conditional use for a Wisconsin Power and Light Company electric distribution substation. Part of Tax Parcel A S 2900004.

General:

1. Approved as per plan submitted for expansion of an existing electrical substation as a utility with required conditions added.
2. Any proposed buildings shall be of an earth tone or neutral color (I.E. beige or tan).
3. All fencing shown on the approved plan of operations must be maintained at all times.
4. Construction plans for the site shall be submitted to the County Zoning Office for review and permit approvals prior to the project beginning.
5. Construction related activities are only allowed on site between sunrise to sunset.

6. The property must be used for the purpose identified in the plan of operations.
7. The applicant must obtain a Land Disturbance Erosion Control and Stormwater Management permit from the County Land Conservation Office prior to any construction activities occurring on site.
8. All spoils spreading activities must be conducted in the approved identified locations. No fill shall be placed in any wetland area.
9. All access to the site must be made as identified on the approved plan.
10. All contractor storage yards shall be located as identified on the approved plan and used as specified.
11. The applicant shall meet all applicable Federal, State and local regulations.
12. The applicant shall make all necessary arrangements for use and crossing of public roadways with the State, County and Town Highway Departments.
13. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
14. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.
15. The applicant is responsible for removal of the electrical substation if it is no longer in use. If the substation is not operated for a continuous period of 12 months, it shall be considered abandoned. Abandoned utilities may be required to be removed within 90 days.

Specific:

16. The lines must be buried at least 4' deep as per the Town.
17. The Driveway must be at least 35' 40' wide as per the Town. (**Zoning Ord. allows a Max. 35'**)
18. The road must be bonded as per the Town.

Staff presents request and indicates this is consistent with Farmland Preservation as a substation of an electric utility would be an allowable use in the A-1 zone district if it can be shown there is no other alternative location.

Jerry Lund/Alliant Energy speaks regarding the application. This location is close to the Village of Sharon for a new business. Existing substation is insufficient and this location is near the ACT lines. No marginal land nearby is available. Question regarding location of farmette to the northwest.

Jim Van Dreser motioned to approve with conditions as presented and amending paragraph 17 to 35'. Seconded by Dennis Karbowski. Motion carried. 7-favor 0-oppose.

Disc Count # 6:13:48 – 6:24:45

TABLED – NEEDS MULTIPLE VARIANCES

3. ~~**RM Krueger Investments, LLC C/O Ron Krueger – Owner, Tom Jurasinski – Applicant, Section 16, East Troy Township. Rezone approximately 2.6 acres of A-1 Prime Agricultural District land, 2.2 acres of C-4 Shoreland Wetland District land and 16.6 acres of C-2 Upland Resource Conservation District land to the B-5 Planned Commercial-Recreation Business District. Conditional use petition to bring an existing Planned Campground Development known as the Sheltering Oaks Campground into compliance with the Walworth County Zoning Ordinance. Tax Parcel PO 00011 and part of Tax Parcel P-ET 1600005A.**~~

4. **Rita M. Yadon Trust C/O Mark and Rita Yadon – Owner, Section 7, Delavan Township. Rezone approximately .81 acres of A-1 Prime Agricultural District land to the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District in order to expand and existing commercial nursery and greenhouses by greater than 25% of existing structures. Part of Tax Parcel F D 700002.**

NAME: RITA M. YADON Trust C/O Mark Yadon, Rita Yadon

TOWN: DELAVAN

A conditional use permit for a seasonal wholesale/retail nursery operation as specified in Section 4.0 of the Zoning Ordinances, Walworth County, Wisconsin, on lands proposed to be zoned A-4 Agricultural Related Manufacturing, Warehousing and Marketing District, and described as follows:

Part of Tax Parcel #F D 700002

A parcel of land located in the Northeast ¼ of Section 7, Town 2 North, Range 16 East, Walworth County, Wisconsin, described as follows: Commence at the center of Section 7; thence N 0°11'22" W along the West line of said Northeast ¼ and the centerline of Dam Road, 528.96 feet to the Point of Beginning; thence continue N 0°11'22" W along said line 483.80 feet; thence N 88°49'00" E 353.55 feet; thence S 0°11'22" E 490.05 feet; thence S 89°49'52" W 353.49 feet to the Point of Beginning. Said parcel contains 3.95 acres of land more or less.

The property owner is requesting to rezone approximately .81 acres of A-1 Prime Agricultural District land to the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District in order to expand and existing commercial nursery and greenhouses by greater than 25% of existing structures. The greenhouses proposed would be one 30 ft. by 100 ft. and three 13 ft. by 100 ft. structures to be located behind (to the east of) the existing building extending into the new requested A-4 rezone area. See # 1, 14.

Has been APPROVED subject to the related rezone passing County Board and the following conditions:

1. Approved as per plan submitted **and amended by conditional use approval to add .81 acres of A-4 area and one 30 ft. by 100 ft. and three 13 ft. by 100 ft. greenhouse structures to be located behind (to the east of) the existing building extending into the new requested A-4 rezone area** with all additional conditions.
2. Storage and sales shall be limited to material and goods directly associated with business. Outside storage shall be limited and located as identified on the plan of operations. No outside storage areas including displays of goods shall be allowed in the required setback areas. No outside storage of equipment shall be allowed.
3. On site hours of operation shall be from 6:00 a.m. to 6:00 p.m. Monday through Saturday with Sunday hours of 12:00 p.m. to 4:00 p.m. No retail sales shall begin prior to 8:00 a.m.
4. Must meet all applicable Federal, State, County and local regulations.
5. Outside lighting shall be shielded and directed on site.
6. The applicant must obtain all required zoning permit approvals including a sign permit.
7. The number of employees shall be limited to the owner plus 7 employees.

8. No fill, debris, branches or leaves may be brought back and disposed of on site. No burning of waste materials shall occur on site.
9. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management Permit from the County Conservation Department. Applicant will be required to install a detention basin and receive approval from the Land Conservation Department if the parking area is paved. The applicant must submit and obtain approval of a landscaping plan from the County Conservation Office. The plan must allow for a 100-foot treed buffer area at the south property line between the shop and the adjacent property as requested by the Town.
10. The operations plan must show sufficient parking and access space meeting County requirements
11. The project site must be kept neat, clean, and mowed.
12. No business activities other than specified in the plan of operations may be conducted from out of the building.
13. Any changes to the character, intensity or use of this site not capable of being discerned by the Land Management Department as consistent with this approval must be brought before the Land Management Committee for additional conditional use review.
14. **Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three-year period. Any extension requested during the three-year active exercise period greater than one year beyond the original three-year period shall require additional Town and County committee approvals.**

Dated this 12th day of February, 2002.

LAND MANAGEMENT COMMITTEE
ROBERT W. TILTON, CHAIRMAN

Staff presents request and indicates this is consistent with Farmland Preservation as A-4 zoning needed for farm relate use such as commercial nursery is allowed in the AP Prime Agricultural farmland preservation area under statutes.

Rita Yadon speaks regarding the application

Dennis Karbowski motioned to approve with conditions as presented. Seconded by Jim Van Dreser. Motion carried. 7-favor 0-oppose.
Disc Count # 6:13:48 – 6:29:14

TABLED – APPLICATIONS WITHDRAWN

5. ~~HV Farms, LLC C/O Tonya Volk – Owner, Section 18, Lyons Township. Rezone approximately 1.38 acres and 1.99 acres of A 1 Prime Agricultural land to the A 4 Agricultural Related Manufacturing, Warehousing and Marketing District and the P 1 Park District respectively. Conditional use petitions for a commercial greenhouse in the proposed 1.38-acre A 4 area and for public assembly use for ministry activities in the proposed 1.99-acre P 1 area. Parts of Tax Parcel N LY1800007.~~

Rezoning –

1. **Sharon G. Bauman – Owner**, Section 31, Linn Township. Rezone approximately 1.8 acres of A-1 Prime Agricultural land to the A-5 Agricultural-Rural Residential District in order to separate an existing home from a substandard farm parcel. Part of Tax Parcel I L 3100002.

Staff presents request and indicates this is consistent with Farmland Preservation as it contains 90% non-prime farm soils and the rezone area is the house portion of a farmstead not historically cultivated.

Jason Bauman speaks regarding the application.

Jim Van Dreser motioned to approve. Seconded by JoAnne Laufenberg. Motion carried. 7-favor 0-oppose.

The rezone petition will move forward to the February 14, 2023 Walworth County Board for possible action.

Disc Count # 6:29:18 – 6:34:53

Conditional Uses –

1. **Delong Co. Inc. – Owner, Greg Wolford – Applicant**, Section 9, Sugar Creek Township. Conditional use to expand an existing liquid and dry fertilizer dealership at the location of the Millard Feed Mill by greater than 25% of existing use requiring conditional use approval as if establishing the use new. Tax Parcel G SC 900005A.

General:

1. Approved as per plan submitted for expansion of an existing liquid and dry fertilizer dealership with all additional conditions as added.
2. Construction plans for the site shall be submitted to the County Zoning Office for review and permit approvals prior to the project beginning.
3. The property owner must obtain the required sanitary permit prior to adding an additional restroom to the on-site holding tank. All discharge of chemical waste to the holding tank or septic system shall be pre-approved by the County sanitarian.
4. Construction related activities are only allowed on site between sunrises to sunsets.
5. All storage areas, materials and equipment shall be located as defined on the plan of operations.
6. The applicant must obtain a Land Disturbance Erosion Control and Stormwater Management permit from the County Land Conservation Office prior to any construction activities occurring on site.
7. All cars shall be parked in the marked spaces as identified on the approved plan of operations. Use capacity of the site shall be restricted by the cars capable of being parked in the marked spaces as identified on the plan. All parking and access to the site shall meet County requirements. All parking shall be installed according to County requirements within 60 days of this approval.
8. Any required spoils spreading activities must be conducted in the approved identified locations.
9. All access to the site must be made as identified on the approved plan.
10. The project site must be kept neat, clean, and mowed in all areas.

11. It shall be the owner/operator's responsibility to maintain the site in a nuisance free condition. The owner shall be held solely responsible for the control of dust, odors, fire, vermin, insects, rodents, filth, fluid/oils spills, fertilizer spills, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.
12. The operator shall obtain adequate liability insurance and keep the insurance current during the life of this conditional use.
13. Outside lighting shall be shielded and directed on site.
14. No burning of waste materials shall occur on site.
15. All contractor storage yards shall be located as identified on the approved plan and used as specified.
16. The applicant shall meet all applicable Federal, State and local regulations.
17. The facility owner shall be responsible for conducting all operation in accordance with the Wisconsin Department of Agriculture trade and Consumer Protection (DATCP) requirements.
18. No storage of chemicals and petroleum products shall occur on site unless stored in a containment facility meeting State requirements.
19. No dumping of chemical waste shall be conducted outside of the building.
20. The site operator shall be responsible for implementation of dust and noise control measures at all times on site.
21. The applicant shall make all necessary arrangements for use and crossing of public roadways for utilities or drainage with the County Highway Departments.
22. The County reserves the authority to require any outside stored materials to be removed from the site within 48 hours of a determination the storage is inconsistent with this approval, has become unsightly or is detrimental to human health and safety.
23. The site operator shall be responsible to insure the fertilizer storage buildings are properly ventilated meeting the requirements of the State and Federal codes. Exhaust system shall meet all requirements of the code including hours of operation and noise.
24. No dumping of chemical waste shall be conducted outside of the building.
25. The owner shall obtain approval of a pollution prevention plan from the County Land Conservation Office and a hazardous spill plan from the State if required by law.
26. No occupancy shall be allowed for the business activity approved by this conditional use until all conditions of approval are met.
27. Walworth County staff may conduct inspections necessary to ensure site is operated and maintained according to applicable regulations.
28. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
29. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three-year period. Any extension requested during the three-year active exercise period greater than one year beyond the original three-year period shall require additional Town and County committee approvals.
30. The applicant is responsible for removal of the fertilizer storage if it is no longer in use. If the fertilizer storage facilities discontinued for a continuous period of 12 months, it may be considered abandoned. Abandoned storage facilities may be required to be removed within 90 days.
31. The owner of the property shall release, indemnify and hold harmless Walworth County and its agents and employees from all liability, claims, demands, causes of action, costs, or losses for personal injuries, property damage or loss of life or property as a result of exercising this approval.

Specific:

32. Normal hours of operation of the fertilizer dealership shall be from 6:00 a.m. to 6:00 p.m. Monday through Saturday with No operation on Sundays or Holidays. During the spring planting season in April through May, the facility may operate continuously from dawn to dusk with intermittent operations at night as needed.
33. **The property owner shall investigate the drainage pipe on the northeast of the project and take steps to alleviate drainage concerns.**

Staff presents request.

Aaron Cole speaks regarding the application.

Speaking in OPPOSITION: Steve Kapitan/via phone

Speaking in REBUTTAL: Aaron Cole

Staff addresses stormwater application. Aaron Cole indicates all are in process.

Richard Kuhnke, Sr. motioned to approve with staff conditions. Seconded by Dennis Karbowski. Motion carried. 7-favor 0-oppose.

Disc Count # 6:34:56 – 6:55:31

Adjournment

Dennis Karbowski motioned to adjourn. Seconded by Richard Kuhnke, Sr. Motion carried. 7-favor 0-oppose.

The meeting was adjourned at 6:56 p.m.

Submitted by Sheril Oldenburg, Recording Secretary.

Minutes are not final until approved by the committee at its next meeting.