

County Zoning Agency
MINUTES
August 19, 2021 – 4:30 P.M.
100 West Walworth Street
Elkhorn, Wisconsin

Committee Chair Rick Stacey called the meeting to order at 4:30 p.m.

Roll call – Committee members present in person were Supervisors Rick Stacey, Jerry Grant, Ryan Simons, and citizen member Richard Kuhnke, Sr. and Jim Van Dreser. Supervisor Sue Pruessing appears via telephone. Supervisor Dave Weber is absent/excused. A quorum was present.

County Staff present – Land Use and Resource Management Department Director Michael P. Cotter, Deputy Director/County Conservationist Lindsay Motl, Senior Planner/Hearing Facilitator Matt Weidensee, and Josie Hanrahan controlling telephonic appearances. Present for a portion of the meeting / hearing Senior Zoning Officer Nicholas Sigmund.

A “sign-in” sheet listing attendees on August 19, 2021 was not presented due to the continued COVID-19 threat.

Details of the August 19, 2021 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

Jerry Grant motioned to approve the agenda as amended to table item 9.c.3.) Lakeland Community Church; 9.c.4.) Reek and Zenda School, Linn J6 School District, Rook Elementary School; 9.e.1.) Wilson Aggregate Trust C/O Scott Wilson and Mary and Robert Skwierawski Trust – Owners; 9.e.2.) Millard Properties, LLC C/O Sarah M. Cook – Owner, Randy Johnson, Johnson Sand and Gravel, Inc. – Applicant; 9.g.1.) The Salvation Army – Army Lake Camp; 9.g.2.) S.T. Evenignasiak, LLC C/O Steven Ignasiak – Owner, Bulk Materials Trucking – Applicant; 9.g.3.) Biber Investments, LLC C/O John Biber – Owner, Michael Jonas – Applicant. Seconded by Ryan Simons. Motion carried. 6-favor 0-oppose

Richard Kuhnke, Sr. motioned to approve the July 15, 2021 CZA Meeting Minutes. Seconded by Jerry Grant. Motion carried. 6-favor 0-oppose

Zoning / Sanitation / Land Conservation Enforcement
Disc Count #4:36:42 – 4:37:08

Wendeberg Violation Update – Nicholas Sigmund
Disc Count #4:37:09 – 4:38:30

Subdivision Items – Old Business – None

Subdivision Items – New Business – None

Old Business - Ordinance Amendments –

1. Possible ordinance amendment to 200' Setback for non-metallic mining – Nick Sigmund

Staff presents updated information concerning other community setback requirements. Staff discusses current status and suggests giving Land Conservation an opportunity to provide input, with this matter to return.

Jim Van Dreser motions to allow Land Conservation Committee to provide input regarding current setbacks. Seconded by Richard Kuhnke, Sr. Motion carried. 6-favor 0-oppose.

Disc Count #4:38:48 – 4:47:10

Old Business – Discussion Items – None

New Business - Ordinance Amendments –

1. **Walworth County** - Section(s) 74-56, 74-65, 74-102 of the Zoning Ordinance and Section(s) 74-183, 74-192, 74-231 of the Shoreland Zoning Ordinance to allow the County Zoning Agency to consider a high-bay warehouse that uses this oxygen reduction fire prevention technology as a conditional use in the M-2 zone district. If approved, the structure(s) could be allowed a district height modification in return for increased property line setbacks.

Jim Van Dreser motions to approve and send to County Board. Seconded by Jerry Grant. Motion carried. 6-favor 0-oppose.

This item will move forward to the October 12, 2021 Walworth County Board for possible action.

Disc Count #4:47:11 – 4:48:35

New Business – Discussion Items –

1. **Short Term Rental Compliance Update** – Lindsay Motl

Staff presented updated information concerning Short Term Rental compliance. No action is taken by the Committee.

Disc Count #4:48:36 – 4:58:30

2. **Judy and Steve Jacobson- Owners of The Apple Barn**, Section 21, Sugar Creek Township. Request for amendment of a conditional use for addition of an approximate 40 ft. by 12 ft. porch on to a farm store entrance. Tax Parcel GA395700001.

Amended 8-19-2021 for porch roof addition onto the main storage process and retail building.

Amended 8-16-18 for expansion of the existing winery and farm marketing activities – see paragraphs #1, 4, 7, 8, 11, 13, 15 and 16-20.

Amended 6-18-09

Amended 9-20-12

*Amended 6-16-06

NAME: JAMES O. JACOBSON IRREVOCABLE TRUST (STEVEN M. JACOBSON, APP.)

TOWN: SUGAR CREEK

A conditional use permit for the location of a winery 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 #G SC2100007

A parcel of land zoned A-1 to be rezoned as A-4, located in the Southwest ¼ of Section 21, Town 3 North, Range 16 East, Walworth County, Wisconsin, described as follows: Commencing at the Southwest corner of said Section 21 (T3N, R16E); thence N 90DEG 00MIN 00SEC E, 1209.70 feet along the South line of said Southwest ¼; thence N 00DEG 38MIN 06SEC E, 68.71 feet to the Point of Beginning; thence continue N 00DEG 38MIN 06SEC E, 100.85 feet; thence N 82DEG 28MIN 32SEC E, 35.79 feet; thence N 45DEG 06MIN 02SEC E, 35.89 feet; thence S 89DEG 31MIN 45SEC E, 148.74 feet; thence S 02DEG 07MIN 47SEC E, 54.81 feet; thence S 39DEG 14MIN 26SEC W, 96.57 feet; thence S 89DEG 58MIN 20SEC W, 151.70 feet to the Point of Beginning. Containing 24,010 square feet of land (0.55 acres) more or less

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

1. Approved as per plan submitted **8-16-2018 for expansion of the existing winery and farm marketing activities including an increase in outdoor area for wine sampling, relocation and expansion of wine production area, an increase and change to the regulation of and the volume of wine allowed to be served during sampling, an increase in hours for music and dance demonstrations, a tree maze, changes to safety and security staff, modification for a 6 ft. by 12 ft. sign serving the A-4 area to be located on the south side of Sugar Creek Road on A-1 land in the current location and including the onsite home in the A-4 area as a caretaker's residence and amended 8-19-2021 as per the revised plan submitted for the addition of an outdoor porch addition onto the main storage process and retail building** with all additional conditions.
2. Only general public sales of the items specified in the plan of operations shall be allowed.
3. Storage limited to material and goods directly associated with business.
4. On site hours of operations shall vary seasonally. **March through May open Tuesday through Sunday 10:00 a.m. to 6:00 p.m.** June (start of strawberry) through mid-July, **pick your own operation daily 7:00 a.m. to 6:00 p.m.** Winery 9:00 a.m. to 6:00 p.m. Mid July through August, **Tuesday through Sunday 10:00 a.m. to 6:00 p.m.** **Late August** through October, Tuesday through **Sunday 10:00 a.m. to 6:00 p.m.** and November through mid December, **Tuesday through Sunday 10:00 a.m. to 6:00 p.m.** Closed Labor Day and Columbus Day. Private wine tasting will be allowed during non-business hours. **Hours may vary during season according to crop harvest and wine availability.**
5. Must meet all applicable Federal, State, County and local regulations.
6. Outside lighting shall be shielded and directed on site.
7. The applicant must obtain all required zoning permit approvals including a sign permits **and sanitation approvals.**
8. The number of employees shall **not** be limited.
9. The operations plan must show sufficient parking and access space meeting County requirements.
10. The project site must be kept neat, clean, and mowed.
11. Only sampling of wine shall be allowed on site. Wine sampling must be done in the presence of staff and limited in quantity for sampling purposes only. **Sampling will be done in the zoned A-4 area. Sampling consists of a 1-ounce sample of wine. All outdoor seating and consumption will be within the A-4 zoned area. Wine will be sold by the glass. Wine may be consumed by the glass within interior or exterior zoned areas.**

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. The Apple Barn will be allowed to have independent vendors selling farm related wares, fruits, vegetables, bakery and art along with entertainment being music and dancing demonstrations. The independent vendors and entertainment shall be allowed on site no more than **12 weekends** per year. The entertainment shall be limited to not more than **eight** hours per **day**. There shall be no additional charge to customers for the entertainment.
14. Temporary parking for the Apple Barn shall be allowed on the adjacent A-1 zoned field on a seasonal basis as a farm related activity according to an amended site plan.
15. **Traffic control and safety employees** shall be hired at the sole expenses of the applicant, whose employees shall direct and control traffic, both vehicular and pedestrian. The number of such persons shall be increased to accommodate increased traffic seasonally on the independent vendor and entertainment weekends. The control of traffic on the public roadway ~~by the bonded licensed company~~ shall be approved by the Town Highway Department and local law enforcement authorities. **See attached letter from Sheriff Kurt Picknell dated July 17, 2018.**
16. **All wine production shall occur in the location identified on the approved site plan. Any future increase in production area or relocation shall require additional review through the conditional use review process.**
17. **There shall be no A-4 use of the entire building located partially in the Sugar Creek Road setback.**
18. **The new pole building and additions shall require zoning permit approval, be the size indicated on the site plan, shall be used for the stated purpose on the plan of operation or storage and meet all zoning ordinance requirements. Any additional A-4 use of these buildings shall require additional review through the conditional use process.**
19. **The home shall be used as a caretaker's residence and any future allowable A-4 use of the home shall require additional review through the conditional use process.**
20. **The area designated on the approved site plan labeled as overflow parking has been removed prior to approval as this area contains a drainage swale.**

Dated this 8th day of January, 2002.

/s/

LAND MANAGEMENT COMMITTEE
ROBERT W. TILTON, CHAIRMAN

***6-16-06 – Condition #12 is restated to include the bolded and underlined words “farm separation”.**

Dated this 6th day of June, 2006.

/s/

COUNTY ZONING AGENCY (Formerly Land Management Committee)
RICHARD KUHNKE, SR., CHAIRMAN

***9-20-12 – Condition #'s 1 & 4 & 12 & 14 revised ~~strike throughs~~ denoting deletions and **bold underlined** denoting additions.**

Dated this 20th day of September, 2012.

/s/

COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

Amended 8-16-18 for expansion of the existing winery and farm marketing activities – see paragraph #1, 4, 7, 8, 11, 13, 15 and 16-20.

Dated this 16th day of August, 2018.

COUNTY ZONING AGENCY
TIM BRELLENTHIN, CHAIRMAN

cc: 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 presents request.
Judy Jacobson speaks regarding the request.

Richard Kuhnke, Sr. motions to approve. Seconded by Ryan Simons. Motion carried. 6-favor 0-oppose.
Disc Count #4:58:33 – 5:01:43

TABLED – NO TOWN DECISION

- ~~3. **Lakeland Community Church – Owner**, Section 25, Delavan Township. Request for Amendment of a CU for a church by addition of two wood pergolas and a small in-fill building addition on the west side of the building and a new access drive with parking, an entrance pergola and a wood privacy screening structure on the northeast side of the building. Tax Key Parcel FA395600002.~~

TABLED – NO TOWN DECISION

- ~~4. **Reek and Zenda School, Linn J6 School District, Reek Elementary School**, Section 16, Linn Township. Request for Amendment of a CU for a School by demolish of an existing 20 ft. by 20 ft. storage building and request to construct a new storage building up to approximately 1,500 sq. ft. in size. Tax Parcel IL 1600011.~~

5:30 p.m.:

Ordinance Amendments – None

Rezones with Conditional Uses –

TABLED FOR BOA VARIANCE IN OCTOBER

- ~~1. **Wilson Aggregate Trust C/O Scott Wilson and Mary and Robert Skwierawski Trust – Owners**, Section 25, Spring Prairie Township. Rezone approximately 91.48 acres of A-1 Prime Agricultural Land District to the M-3 Mineral Extraction District on four different parcels in order to get conditional use review and approval for the expansion of an existing nonmetallic mineral extraction site (gravel pit). Parts of Tax Parcels O SP2500001A, 1C, 2 and 5.~~

Nonmetallic Mining Reclamation Permit

~~Johnson Sand & Gravel, Inc. (Wilson Aggregate Trust C/O Scott Wilson and Mary and Robert Skwierawski Trust – Owners), has applied for a Nonmetallic Mining Reclamation Plan and permit approval for a 91.48 acre expansion of an existing non-metallic mining site. The plans are available for review at the Walworth County Land Use & Resource~~

~~Management Department. The mining site is located on Tax Key Parcels O SP2500001A, 1C, 2 and 5, Town of Spring Prairie. The Walworth County Land Conservation Division will consider reclamation related public comments in their decision to approve the reclamation permit.~~

NO TOWN DECISION UNTIL SEPT. 20TH, TABLED TO OCTOBER 21ST.

- ~~2. **Millard Properties, LLC C/O Sarah M. Cook – Owner, Randy Johnson, Johnson Sand and Gravel, Inc. – Applicant,** Section 4, Sugar Creek Township. Rezone Approximately 90.64 acres of A-1 Prime Agricultural Land District to the M-3 Mineral Extraction District in order to obtain conditional use permit approval for a non-metallic mine (gravel pit). Part of Tax Parcel G SC 400001.~~

Nonmetallic Mining Reclamation Permit

~~Johnson Sand & Gravel, Inc. (Millard Properties, LLC C/O Sarah M. Cook – Owner), has applied for a Nonmetallic Mining Reclamation Plan and permit approval for a 90.64 acre non-metallic mining site. The plans are available for review at the Walworth County Land Use & Resource Management Department. The mining site is located on Tax Key Parcel G SC 400001, Town of Sugar Creek. The Walworth County Land Conservation Division will consider reclamation related public comments in their decision to approve the reclamation permit.~~

- ~~3. **Benjamin J. Buser – Owner,** Section 24, Sugar Creek Township. Rezone approximately 1.115 acres of A-1 Prime Agricultural Land District to the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District in order to obtain conditional use approval for a building contractor storage yard and office for a roofing business. Part of Tax parcel G SC2400003.~~

General:

1. Approved as per plan submitted for a contractor storage yard for a roofing business with use of a proposed 88 ft. by 54 ft. shed for an office and storage of materials and equipment for the business with all additional conditions.
2. All uses of the site shall meet applicable Federal, State, County and local regulations.
3. Outside lighting shall be shielded and directed on site.
4. The applicant must obtain all required zoning permit approvals including sign permits.
5. The applicant must obtain the required County Highway Department approval for any changes to the access.
6. No fill, debris, branches or leaves may be disposed of on-site outside.
7. All burning of waste wood materials shall obtain required burn approvals. There shall be no burning of waste oils or trash.
8. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management Permit from the County Conservation Office if required by ordinance.
9. 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. Vehicle parking shall be located as identified on the approved plan of operations.
10. The project site must be kept neat, clean, and mowed. The site shall be maintained 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, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.
11. Implementation of dust and noise control measures shall occur at all times on site.

12. On site hours of operation shall be from 6:00 a.m. to 6:00 p.m. with hours until 9:00 p.m. for return of equipment and materials from off site.
13. All perimeter fencing shall be maintained as identified on the project plan.
14. The operator shall obtain adequate liability insurance and keep the insurance current during the life of this conditional use.
15. No business activities other than specified in the plan of operations may be conducted from out of the facilities. There shall be no snow removal business allowed without additional conditional use approval.
16. No storage of chemicals, petroleum products and flammable materials shall occur on site unless stored in a containment facility meeting State requirements.
17. The owner must provide a waste disposal plan stating where all trash, metal filings, drain oil and other fluids are disposed and shall follow the approved plan during operations on site.
18. Outside storage is limited to the type, quantities and location of material associated with the business as identified on the plan of operations. No outside storage areas including displays of goods are allowed.
19. No outside storage of chemicals shall occur on site.
20. No dumping of chemical waste shall be conducted outside of the building. All discharge of chemical waste to the holding tank or septic system shall be pre-approved by the County sanitarian.
21. All flammable waste materials shall be stored in a non-flammable, enclosed container and be gated in a non-combustible fence.
22. 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.
23. No occupancy shall be allowed for the business activity approved by this conditional use until all conditions of approval are met.
24. Walworth County staff may conduct inspections necessary to ensure site is operated and maintained according to applicable regulations.
25. 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.
26. 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:

27. Only trucks, trailers and equipment owned by the property owner's roofing business shall be allowed to be stored on site.
28. 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.
29. There shall be no expansion of this contractor storage yard without new conditional use approval.
30. There shall be no extension of use on-site into industrial use without first obtaining required industrial zone district approval. Approval of industrial zoning at this location is not guaranteed and would require consistency review with the Town and County Land Use Plans.

**Staff presents request and indicates this is consistent with Farmland Preservation.
Benjamin Buser speaks regarding the application.**

Jim Van Dreser motioned to approve. Seconded by Ryan Simons. Motion carried. 6-favor 0-oppose.

The rezone petition will move forward to the September 14, 2021 Walworth County Board for possible action.

Disc Count #5:38:15 – 5:42:55

Rezones –

1. **Timothy and Todd Fisher – Owners**, Section 22, Lyons Township. Rezone approximately 9.45 acres of A-2 Agricultural Zone District property to the C-2 Upland Resource Conservation District in order to create a future four lot certified survey map (CSM). Parts of Tax Parcel NA464100002.

Staff presents request.

Timothy Fisher speaks regarding the application.

Jim Van Dreser motioned to approve. Seconded by Jerry Grant. Motion carried. 6-favor 0-oppose.

The rezone petition will move forward to the September 14, 2021 Walworth County Board for possible action.

Disc Count #5:43:26 – 5:46:43

Conditional Uses –

APPLICATION WITHDRAWN BY APPLICANT

1. ~~**The Salvation Army – Army Lake Camp**, Sections 9 and 16, East Troy Township. Expansion of the Army Lake Camp by review and approval of a conditional use request for a new master plan to add 93 additional camp beds, by addition of seasonal staff housing, additional adult housing, staff residences, a health center, a chapel, recreation pavilion, pool and pool house and maintenance building along with remodeling of some existing camp housing and addition of a boat ramp. Tax Parcels PA348300001, PA348300002, PA348300003, PA348300004.~~

Staff indicates the Application has been *Withdrawn* by the applicant.

TABLED – NO TOWN DECISION

2. ~~**S.T. Evenignasiak, LLC C/O Steven Ignasiak – Owner, Bulk Materials Trucking – Applicant**, Section 26, LaFayette Township. Conditional Use to add a trucking company office, repair shop and parking area to an existing Planned Unit Development (PUD) providing for other similar uses on property zoned M-2 Heavy Industrial District. Part of Tax Parcel K-LF-2600001.~~

TABLED TO OCTOBER AT THE TOWN

3. ~~Biwer Investments, LLC C/O John Biwer – Owner, Michael Jonas – Applicant, Section 28, Delavan Township. Outdoor food and beverage conditional use approval on a patio for a bar located in the B-2 General Business District. Tax Parcel F D 2800019.~~

4. **Snudden Farms, LLC C/O Steven Snudden – Owner, Section 28, Linn Township.** Requesting conditional use approval for a mobile home farm laborer’s quarters for a daughter of the farm owner. Part of Tax Parcel I L 2800001.

General:

1. Approved per plan submitted for a mobile home on a farm parcel for a farm laborer with all additional conditions.
2. Must meet all applicable Federal, State, County and local regulations.
3. The applicant must obtain Township approval for access prior to construction on site.
4. No further land divisions of the parcel will be allowed without County approvals.
5. The applicant must obtain the required zoning approval for the construction of the residence prior to plat review and approval. The mobile home residence shall be used for the stated agricultural purpose consistent with this approval.
6. The residence shall not be separated from the farm parcel.
7. The property owner shall contact the County Land Use and Resource Management Department if the farm laborer’s residence is vacant or not used by a farm laborer. The owner shall be required to remove the mobile home if it is not used for farm laborer quarter’s purposes.
8. Only one additional residence of any kind would be allowed on the parcel at a rate of one dwelling per 35 acres.
9. 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.
10. 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:

Staff presents request and indicates this is consistent with Farmland Preservation. Steven Snudden speaks regarding the application.

Richard Kuhnke, Sr. motioned to approve. Seconded by Jerry Grant. Motion carried. 6-favor 0-oppose.
Disc Count #5:46:48 – 5:49:52

5. **MNJ Investments, LLC C/O Jeff Neman – Owner, Section 10, Lyons Township.** Conditional use approval for manufacturing fabrication, packing, packaging and assembly of products from plastics being oil water separators, slant plate clarifier systems, dissolved air flotation system and filtration systems on M-1 Industrial zoned property. Tax Parcel NA378100002.

General:

1. Approved as per plan submitted for assembly, testing, and shipment of wastewater treatment systems, specifically: oil water separators, slant plate clarifier systems, dissolved air flotation system and filtration systems with all additional conditions.
2. Must meet all applicable Federal, State, County and local regulations.
3. Outside lighting shall be shielded and directed on site.
4. The applicant must obtain all required zoning permit approvals including sanitation and a sign permit.
5. No fill, debris, branches or leaves may be disposed of on site. No burning of waste materials shall occur on site.
6. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management Permit from the County Conservation Office if required by ordinance.
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. Parking must meet with requirements of the county zoning ordinance. The off street parking area shall be graded and surfaced to be dust free and properly drained. All parking areas shall be clearly marked. All parking must be in compliance with County requirements within 60 days of zoning permit approval.
8. The project site must be kept neat, clean, and mowed. The site shall be maintained in a nuisance free condition. The owner shall be held solely responsible for the control of dust, odors, fire, vermin, insects, rodents, filth, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.
9. Implementation of dust and noise control measures shall occur at all times on site.
10. On site hours of operation shall be from 6:00 a.m. to 6:00 p.m. Monday through Saturday with No operation on Sundays or Holidays.
11. No business activities other than specified in the plan of operations may be conducted from out of the facilities.
12. Outside storage shall be limited to the type, quantities and location of material identified on the plan of operations. No outside storage areas including displays of goods shall be allowed.
13. No storage of chemicals and petroleum products shall occur on site unless stored in a containment facility meeting state requirements.
14. Staff may conduct inspections necessary to ensure site is operated and maintained according to applicable regulations.
15. 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.
16. 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 conditions:

17. Any spray areas of lacquers, cleaning solvents or volatile glues must meet State ventilation requirements.
18. There shall be no floor drains within the shop connecting to the outside or the septic system.

Staff presents request.
Scott Spalding speaks regarding the application.

Jerry Grant motioned to approve. Seconded by Jim Van Dreser. Motion carried. 6-favor 0-oppose.

Disc Count #5:49:54 – 5:52:59

6. **SDC Properties, LLC C/O Anthony Lynn sole member – Owner**, Section 23, Delavan Township. Conditional use approval to add a spa to a building with existing conditional use approval in the B-4 Highway Business District for automotive repair as a Planned Unit Development (PUD. Part of Tax Parcel FA195000002.

General:

Possible Conditions:

1. Approved per plans submitted as an auto repair shop, coffee shop and personal services establishment day spa all as a Planned Unit Development (PUD) with all additional conditions as stated.
2. All storage areas, materials and equipment shall be located as defined on the plan of operations.
3. Must meet all applicable Federal, State, County and local regulations.
4. No outside storage other than cars waiting to be serviced shall be allowed.
5. The applicant must obtain a Land Disturbance, Erosion Control and Stormwater Permit from Land Conservation if required by Ordinance.
6. The owner must provide a waste disposal plan stating where all trash, drain oil and other auto fluids are disposed.
7. No business activities other than specified in the plan of operations may be conducted from out of the auto repair garage, coffee shop and personal services establishment day spa.
8. On site hours of operation shall be from 6:00 a.m. to 6:00 p.m. seven days a week.
9. Outside lighting shall be shielded and directed on site.
10. The applicant must obtain all required zoning permit approvals including a sign permit.
11. No burning of waste materials shall occur on site.
12. The applicant must obtain the required Town, County and/or State Highway approval for the access.
13. 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. Parking must meet with requirements of the county zoning ordinance. The off street parking area shall be graded and surfaced so as to be dust free and properly drained. All parking areas shall be clearly marked. All parking must be in compliance with County requirements within 60 days of this approval.
14. The project site must be kept neat, clean, and mowed in all areas.
15. 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.
16. 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:

Spa

17. Sufficient adult supervision must be present at all times when facilities are in use.

18. Use of the grounds shall be limited to the uses as stated in the plan of operations.
19. The applicant is responsible for obtaining adequate liability insurance and keeps the insurance current during the life of this conditional use.

Staff presents request.
Atty Dale Thorpe speaks regarding the application.

Ryan Simons motioned to approve. Seconded by Jim Van Dreser. Motion carried.
6-favor 0-oppose.
Disc Count #5:53:01 – 5:56:30

Adjournment

Ryan Simons motioned to adjourn. Seconded by Jim Van Dreser. Motion carried.
6-favor 0-oppose

The meeting was adjourned at 5:56 p.m.

Submitted by Sheril Oldenburg, Recording Secretary.
Minutes are not final until approved by the committee at its next meeting.