

Concord Planning Committee Agenda/Minutes 2010

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January 26, 2010 – Agenda

**TOWN OF CONCORD PLAN COMMISSION
MEETING AGENDA
TUESDAY
January 26, 2010**

LOCATION: TOWN OF CONCORD COMMUNITY CENTER
W1089 CONCORD CENTER DRIVE

TIME: 7:00 P.M.

AGENDA

1. Roll Call
2. Verify compliance with open meetings law
3. Review and approval of minutes from October 27, 2009
4. Ben Jasper, W2356 CTH-B, is requesting review and approval of a preliminary survey to create (2) 3 acre A-3 lots, a 3.2 acre Natural resource parcel, and a 3 acre farm consolidation parcel from a 41 acre A-1 parent parcel at W2356 CTH-B (parcel #006-0716-1821-000). He is also requesting approval to create a 2 acre A-3 lot from a 22 acre A-1 parent parcel across from his residence at W2356 CTH-B (parcel #006-0716-1824-000).
5. Raymond & Holly Rausch, W525 Valley Rd., are requesting review and approval of a preliminary survey for a farm consolidation. The proposal would create a 3 acre lot from a 25 acre parcel at W525 Valley Rd., parcel # 006-0716-1411-000.
6. Review the town Driveway Ordinance (ord. # 18.12)
7. Review zoning and land use in the Hamlet area
8. Old Business
9. New Business
10. Adjournment

There may be at least two town board supervisors in attendance

January 26, 2010 - Minutes

**TOWN OF CONCORD PLAN COMMISSION MINUTES
JANUARY 26, 2010**

The meeting was called to order at 7:00 p.m. by the Chairman Dave Janquart with Jim Gilbert, Carole Hoffmeister, and Sally Williams present. Newly appointed plan commission member Laura Callison was not present. Dave Janquart led the assembly in the Pledge of Allegiance.

Sally Williams stated that the meeting had been properly posted.

Dave Janquart moved to accept the minutes of the October 27 meeting as presented, seconded by Jim Gilbert and carried.

Item 1: Ben Jasper presented a preliminary survey requesting the creation of a 2 acre A-3 lot from a 21 acre parcel across from his residence at W2356 CTH-B (parcel # 006-0716-1824-000). Sally Williams made a motion to recommend approval of the lot split to the town board, seconded by Dave Janquart and carried. Mr. Jasper also presented a preliminary survey requesting a 3 acre farm consolidation and the creation a (2) 3 acre A-3 lots and a 3.2 acre natural resource outlot from a 41 acre parent parcel at W2356 CTH-B (parcel # 006-0716-1821-000). The A-3 lots would be created from land that is primarily wooded and non-prime. The natural resource parcel would adjoin one of the A-3 lots to the south and is also primarily wooded. There was some discussion as to whether or not the wooded area would be considered an environmental corridor as would be the case with woods greater than 10 acres. Mr. Jasper presented a map indicating that the wooded area was 7.9 acres. The driveway currently accessing the agricultural land is included in the natural resource parcel at its southern border. The plan commission requested that the southern border line of the natural resource area be moved to the north in order to leave the driveway with the agricultural land. Sally Williams made a motion to approve the farm consolidation seconded by Dave Janquart and carried. Sally Williams made a motion to approve the creation of the (2) A-3 lots and the natural resource outlot with a reduction in the size of the natural resource parcel to leave the driveway access with the agricultural land, seconded by Carole Hoffmeister and carried. Mr. Jasper will bring an amended survey to the town board meeting on February 8.

Item 2: Raymond and Holly Rausch presented a preliminary survey for a 3 acre farm consolidation at W525 Valley Rd. (parcel # 006-0716-1411-000). Jim Gilbert made a motion to recommend approval of the farm consolidation to the town board, seconded by Sally Williams and carried.

Item 3: Discussion of Driveway Ordinance amendments. Both Carole Hoffmeister and Jim Gilbert did not like the following wording in the ordinance:

Whenever it is necessary, in making any highway improvements, or for reasons of public safety, for the town to require replacement of an existing culvert, the culvert will be replaced based on minimum requirements and at the town's expense. If the landowner wishes to upgrade the culvert beyond the minimum requirements imposed by the Town Board pursuant to this ordinance, the landowner shall be liable for any additional expense.

Replacement of culverts at all times other than when necessitated by highway improvements or for reasons of public safety, shall be at the expense of the property owner and must meet the minimum requirements imposed by the Town Board pursuant to this ordinance

Both Carole and Jim felt that when a culvert needs to be replaced, regardless of the reason, it should be replaced at the town's expense. After further discussion it was decided that this portion of the ordinance would be reworded to read as follows:

Whenever it is necessary, at the discretion of the Town Board, for a culvert to be replaced, the culvert will be replaced based on minimum requirements set forth in this ordinance and at the town's expense. If the landowner wishes to upgrade the culvert beyond the minimum requirements imposed by the Town Board pursuant to this ordinance, the landowner shall be liable for any additional expense.

Jim Gilbert made a motion to recommend the ordinance with this revised wording to the Town board, seconded by Sally Williams and carried.

Item 4: Review of zoning and land use in the Hamlet area. Both the Jefferson County Agricultural Preservation and Land Use Plan and the Town of Concord Comprehensive Land Use Plan direct the Town to have a plan to guide development of the hamlet. It was decided that the best way to guide development would be to create a revised list of conditional uses for Community zoning which is the primary zoning to which land in the hamlet would be rezoned for development. Jefferson County currently allows 47 different conditional uses in Community zoning, and some of these may not be compatible with the Town of Concord's Comprehensive Plan or with our vision for the hamlet area. A revised list of conditional uses for Community zoning was developed by the plan commission several years ago. This list appears to have been misplaced although Dave Janquart said that he has been in touch with the Town's attorney, Mr. Levi, and Mr. Levi thought that he had a copy and would send it to Dave. The commission decided that conditional uses which encouraged small businesses would be acceptable, and conditional uses which seemed to encourage larger businesses would not be acceptable. Additionally, restrictions on building size or capacity could be further used to discourage large businesses. It was also decided that the commission would develop a list of uses that would be prohibited. After further discussion on revision of the list of conditional uses, it was decided to resume the discussion at the next plan commission meeting.

With no further business, Jim Gilbert made a motion to adjourn seconded by Carole Hoffmeister and carried. The next meeting of the Plan Commission will be held February 23, 2010.

Respectfully submitted,
Sally Williams, secretary

February 23, 2010 - Agenda

**TOWN OF CONCORD PLAN COMMISSION
MEETING AGENDA
TUESDAY
February 23, 2010**

LOCATION: TOWN OF CONCORD COMMUNITY CENTER
W1089 CONCORD CENTER DRIVE

TIME: 7:00 P.M.

AGENDA

1. Roll Call
2. Verify compliance with open meetings law
3. Review and approval of minutes from January 26, 2009
4. Review zoning and land use in the Hamlet area
5. Old Business
6. New Business
7. Adjournment

There may be at least two town board supervisors in attendance

February 23, 2010 - Minutes

TOWN OF CONCORD PLAN COMMISSION MINUTES FEBRUARY 23, 2010

The meeting was called to order at 7:00 p.m. by the secretary Sally Williams with Jim Gilbert, Carole Hoffmeister, and Laura Callison present. Dave Janquart was not present. Jim Gilbert led the assembly in the Pledge of Allegiance.

Sally Williams stated that the meeting had been properly posted.

Jim Gilbert moved to accept the minutes of the January 26 meeting as presented, seconded by Carole Hoffmeister and carried.

The commission continued discussion to revise the list of allowable conditional uses for Community zoning in the hamlet. The *Jefferson County Agricultural Preservation and Land Use Plan* states that the primary zoning for development in the rural hamlet area is Community zoning. The *Jefferson County Zoning Ordinance* currently allows 47 different conditional uses in the Community zoning district. Richard Reinders was present and gave the plan commission a copy of the revised list of conditional uses that the plan commission had developed several years ago. This list had been approved by the town board and subsequently misplaced. Discussion generated the following preliminary list of conditional uses which would be removed from the list of allowable uses for the Community zoning district in the *Jefferson County Zoning Ordinance* (letters correspond to the letters in the *Jefferson County Zoning Ordinance*):

- c. Mobile home on foundation
- d. Mobile home park
- e. Multiple dwelling unit structures , established as a planned development, with overall density not exceeding 5 units per acre
- g. rest home; nursing home
- i. group homes, 9 or more occupants
- j. extensive on-site parking or storage
- o. raising/ keeping of farm animals provided that parcels are at least 2.0 acres and provided that the number of animals will not exceed one animal unit per 1.0 acre
- t. automotive dealers, mobile home dealers
- n. fuel dealers
- gg. churches (*churches are allowed under item a.*)
- mm. hotels, motels
- nn. movie theaters
- ss. residences (*this is an allowable principle use*)
- tt. non-local utilities
- uu. public and semi-public uses (*this is allowable under item m.*)

The remaining conditional uses for Community Zoning allowable under Jefferson County zoning would be allowed in the Town of Concord as well. Size and/ or capacity restrictions will need to be developed to ensure that business development is compatible with the visions stated in the *Town of Concord Comprehensive Land Use Plan*.

A preliminary list of businesses/ development which may fit into some of the allowable conditional use categories, but would not be compatible with the vision for the Town of Concord are as follows: strip malls, adult entertainment, adult bookstores, gentlemen's clubs, big box stores, tattoo parlors, businesses offering body piercing, business office complexes, and TIF districts.

Conditional uses which the plan commission set aside for further discussion: schools, duplexes, non-local utilities, personal services, amusement & recreation, and group homes. The commission will also have further discussion as to whether or not outdoor woodburners should be allowed in the hamlet area. There was some concern that as the development is denser in the hamlet, outdoor woodburners may be a nuisance.

Laura Callison questioned one of the principle uses listed for Community zoning –“c. group homes in single family dwellings, 8 or fewer occupants.” This is also an allowable principle use in R-2 and A-3 zoning. The concern is that this may lead to establishment of a group home which, depending on the reason for its establishment and the nature of the residents, may not be compatible with neighboring business or residential development. None of the members present knew the intent for which the County included this as a principle use. Further inquiry/ discussion on this issue is needed.

With no further business, Jim Gilbert made a motion to adjourn seconded by Carole Hoffmeister and carried. The next meeting of the Plan Commission will be held March 23, 2010.

Respectfully submitted,

Sally Williams, secretary

March 23, 2010 - Agenda

**TOWN OF CONCORD PLAN COMMISSION
MEETING AGENDA
TUESDAY
March 23, 2010**

LOCATION: TOWN OF CONCORD COMMUNITY CENTER
W1089 CONCORD CENTER DRIVE

TIME: 7:00 P.M.

AGENDA

1. Roll Call
2. Verify compliance with open meetings law
3. Review and approval of minutes from February 23, 2009
4. Donald Lott, N5983 Hillside Dr., is requesting review and approval of a preliminary survey to create a 3 acre A-3 lot from a 93 acre A-1 parent parcel (parcel # 006-0716-1914-000).
5. Old Business
 - a. Review zoning and land use in the Hamlet area
6. New Business
7. Adjournment

There may be at least two town board supervisors in attendance

March 23, 2010 - Minutes

TOWN OF CONCORD PLAN COMMISSION MINUTES MARCH 23, 2010

The meeting was called to order at 7:00 p.m. by the Chairman Dave Janquart with Sally Williams, Jim Gilbert, Carole Hoffmeister, and Laura Callison present. Dave Janquart led the assembly in the Pledge of Allegiance.

Sally Williams stated that the meeting had been properly posted.

Jim Gilbert moved to accept the minutes of the February 23 meeting as presented, seconded by Laura Callison and carried.

Item 1: Donald Lott, N5983 Hillside Dr., presented a preliminary survey requesting approval of a lot split. The proposal creates a 3 acre A-3 lot on nonprime soils and an adjoining 54 acre A-1 parcel from a 93 acre A-1 parent parcel (#006-0716-1914-000). The 54 acre A-1 parcel will be sold with the 3 acre lot (this parcel could not be sold separately except to an adjoining land owner as it is land locked). The remaining 35 acres contains the existing farm house and this parcel would retain the right to split off one additional A-3 lot in the future. In addition to the lot split, the proposal requests a variance to create an access strip to the 3 acre lot. Mr. Lott would deed ~~YYY~~ acre of his property along Hillside Dr. to the adjacent landowner, Mr. Jaeck, N6031 Hillside Dr, in exchange for a 66' x 236' strip of land on the north end of Mr. Jaeck's property to provide access to the proposed 3 acre lot. Jim Gilbert made a motion to recommend approval of the lot split seconded by Carole Hoffmeister and carried. Sally Williams made a motion to recommend approval of the variance to create an access strip to the proposed lot, seconded by Laura Callison and carried.

Item 2: The commission continued review and discussion of the zoning in the hamlet area. Conditional uses discussed included:

- 1. Outdoor woodburners:** It was decided that these may become a nuisance in an area which may be more densely developed such as the hamlet and so would not be allowed. Any outdoor woodburners currently existing in the hamlet would be grandfathered in.
- 2. Personal services:** These would need to be defined more closely to enumerate those services which would be acceptable under this conditional use. Acceptable businesses would include beauty parlors, nail salons, massage parlors, barber shops; businesses which may fit in this category but not be allowable in the town would include tattoo parlors, body piercing, and erotic massage. Dave will talk to the Towns Association attorney to see if we can legally exclude specific businesses which we do not want in the town.
- 3. Amusement and recreation:** As for Personal services, there may be some businesses which fit into this category which the town would not want to allow such as adult entertainment facilities or arcades. The Jefferson County zoning ordinance does have a section restricting the location of such businesses. The town could look into making these restrictions more stringent. Dave will talk to the Towns Association attorney regarding instituting more stringent restrictions. Additionally, as with personal services, Dave will talk to the Towns Association's attorney to see if we can legally exclude specific businesses which we do not want in the town.
- 4. Duplexes:** These are allowed throughout the town and should be allowed in the hamlet as well.
- 5. Non-local utilities:** These would not be allowed.
- 6. Group homes & wholesale businesses:** Sally Williams will talk to the County to get a definition and intended purpose for these uses.
- 7. Schools:** A school would generate no taxes for the town. These would not be allowed.

In summary, the current list of conditional uses for the hamlet is as follows with those crossed off not being allowable in the town:

Conditional Uses. (12-21-82, Ord. No. 11)

- a. Church.
- ~~b. School.~~
- ~~c. Mobile home on foundation.~~
- ~~d. Mobile home park (including sales of mobile homes associated with park operation).~~
- ~~e. Multiple dwelling unit structures, established as a planned development, with—
—overall density not exceeding five dwelling units per acre.~~
- f. Duplex.
- ~~g. Rest home; nursing home.~~
- h. Day care centers.
- ~~i. Group homes, 9 or more occupants.~~
- j. Extensive on-site parking or storage.
- k. Conditional home occupations.
- ~~l. Non-local utilities.~~
- m. Public and semi-public uses.
- n. Keeping of dogs as household pets on a non-commercial basis in excess of two per premises.
- ~~o. Raising/keeping of farm animals provided that parcels are at least 2.0 acres and provided that—
—the number of animals will not exceed one animal unit per 1.0 acre. (Amended 2-8-00, oro.
—No. 99-28.)~~
- p. Private airstrips when lands are adjacent to an FAA-approved airport
- q. General merchandise stores. Limit size
- r. Food stores. Limit size
- s. Building materials, hardware, garden supplies. Limit size
- ~~t. Automotive dealers, mobile home dealers.~~
- ~~u. Fuel dealers.~~
- v. Service stations and repair shops. Limit bays
- w. Apparel boutique and accessory stores.
- x. Furniture, home furnishings and equipment
- y. General retail establishments.
- z. Finance, insurance and legal services.
- aa. Real estate offices.
- bb. Personal services establishments. Morality clause
- cc. Business services.
- dd. Repair services.
- ee. Business association offices.
- ff. Civic, social and fraternal associations.
- ~~gg. Churches.~~
- hh. Other professional services.
- ii. Community buildings (local government owned).
- jj. Community garages and storage facilities (local government owned).
- kk. Communication services.
- ll. Eating and drinking places. Limit capacity
- ~~mm. Hotels, motels.~~
- ~~nn. Movie theaters.~~
- oo. Amusement and recreation facilities and services. define
- pp. Construction contractors. Define, must have closed, screened yards
- qq. Transportation services. Define, limit # of vehicles, vehicles must be in garages
- rr. Wholesale trades. define
- ~~ss. Residences.~~
- ~~tt Non-local utilities.~~
- ~~uu. Public and semi-public uses.~~

Sally Williams suggested that for those conditional uses for which the town would like to create size or capacity limits, we may want to discuss these limitations with a municipal planner in order to ensure that the restrictions imposed are realistic. Dave will talk to Bill Ingersoll about contacting a planner.

With no further business, Sally Williams made a motion to adjourn seconded by Jim Gilbert and carried. The next meeting of the Plan Commission will be held April 27, 2010.

Respectfully submitted, Sally Williams, secretary

April 27, 2010 - Agenda

**TOWN OF CONCORD PLAN COMMISSION
MEETING AGENDA
TUESDAY
April 27, 2010**

LOCATION: TOWN OF CONCORD COMMUNITY CENTER
W1089 CONCORD CENTER DRIVE

TIME: 7:00 P.M.

AGENDA

1. Roll Call
2. Verify compliance with open meetings law
3. Review and approval of minutes from March 23, 2009
4. Holly Vallier – requesting a conditional use permit for a horse boarding facility.
5. Old Business
 - a. Review zoning and land use in the Hamlet area
6. New Business
7. Adjournment

There may be at least two town board supervisors in attendance

April 27, 2010 – Minutes

TOWN OF CONCORD PLAN COMMISSION MINUTES APRIL 27, 2010

The meeting was called to order at 7:00 p.m. by the Chairman Dave Janquart with Sally Williams, Jim Gilbert, Carole Hoffmeister, and Laura Callison present. Dave Janquart led the assembly in the Pledge of Allegiance.

Sally Williams stated that the meeting had been properly posted.

Jim Gilbert moved to accept the minutes of the March 23 meeting as presented, seconded by Carole Hoffmeister and carried.

Item 1: Robert and Holly Vallier, W184 S6665 Jewel Crest Dr., Muskego, Wi, 53150, requested approval of a conditional use permit for “a commercial stable with more than ten animals for the boarding, rental, or lease of riding animals.” They are requesting the conditional use for a 50 acre A-1 parcel of land at N5680 Hickory Hill Ln. The land is currently owned by Garry Anderson, but the Valliers would like to purchase the land and run a small horse boarding facility. They propose using the existing barn for hay storage and would add a 12,800 sq ft building for an arena, horse stalls, tack room, and grain storage. The plan would accommodate about 20 horses. Manure would be removed by a trucking company as needed. After brief discussion, Jim Gilbert made a motion to recommend approval of the conditional use permit, seconded by Sally Williams and carried.

Item 2: Continued discussion of zoning in the Hamlet area.

1. Sally Williams had talked to Jefferson County zoning office about the definition of wholesale trades. These are defined as businesses which purchase goods wholesale and then distribute them to retailers. There was concern that a business of this type may have the potential to be very large and size restrictions may be necessary.

2. Sally Williams also talked to Jefferson County about the inclusion of “group homes in single family dwellings; 8 or fewer occupants” as a principle use in residential and community zoning. The zoning office said that inclusion of these group homes as a principle use is required by state law and cannot be restricted. It is *not* required by state law to have “group homes, 9 or more occupants” as a conditional use. The plan commission will recommend deleting “group homes, 9 or more occupants” as a conditional use for Community zoning in the hamlet area.

3. Dave Janquart talked to the Town’s Association attorney regarding whether or not the town could legally exclude certain business types from locating in the hamlet. The attorney said the town could include in the ordinance developed for the hamlet, a list of specific businesses which would be excluded, but those restrictions could be challenged as could any aspect of the ordinance.

4. Dave Janquart stated that Bill Ingersoll had talked to a planner about assisting the plan commission in determining size restrictions for businesses locating in the hamlet, and she was not interested. The commission decided that each member would research business sizes and restrictions and discuss this at the next meeting.

With no further business, Carole Hoffmeister made a motion to adjourn seconded by Jim Gilbert and carried. The next meeting of the Plan Commission will be held May 25, 2010.

Respectfully submitted,
Sally Williams, secretary

September 28, 2010 - Agenda

**TOWN OF CONCORD PLAN COMMISSION
MEETING AGENDA
TUESDAY
September 28, 2010**

LOCATION: TOWN OF CONCORD COMMUNITY CENTER
W1089 CONCORD CENTER DRIVE

TIME: 7:00 P.M.

AGENDA

1. Roll Call
2. Verify compliance with open meetings law
3. Review and approval of minutes from April 27, 2009
4. Keith Ott, W2056 Church Dr., is requesting approval to rezone a 1 acre A-3 lot at W2054 Church Dr. to A-2. He is also requesting a conditional use permit to use the rezoned property for a masonry and concrete business.
5. Old Business
6. New Business
7. Adjournment

There may be at least two town board supervisors in attendance

September 28, 2010 - Minutes

TOWN OF CONCORD PLAN COMMISSION MINUTES September 28, 2010

The meeting was called to order at 7:00 p.m. by the Chairman Dave Janquart with Sally Williams, Jim Gilbert, Carole Hoffmeister, and Laura Callison present. Dave Janquart led the assembly in the Pledge of Allegiance.

Sally Williams stated that the meeting had been properly posted.

Dave Janquart moved to accept the minutes of the April 27 meeting as presented, seconded by Carole Hoffmeister and carried.

Item 1: Keith Ott of W2056 Church Dr., requested approval to rezone a 1 acre A-3 lot at W2054 Church Dr. to A-2. He also requested a conditional use permit to use the rezoned property for a masonry and concrete business. The Otts live on a 30.4 acre A-1 parcel at W2056 Church Dr. and operate a masonry and concrete business on an adjoining 1 acre A-3 parcel at W2054 Church Dr.. Mr. Ott stated that he and his wife have owned the property for 10 years and have operated a masonry/ concrete business on the property since they have owned it. He said the business currently has about 10 employees but may employ up to 25 in the future. The employees do not generally work on the premises but at the job sites, and Mr. Ott stated that he himself transports all the necessary equipment to and from each jobsite. The Otts have not had a conditional use permit to operate the business. Recently, a neighbor complained to the county about the business and the Otts received a letter from the county informing them that they were violating the zoning restrictions by operating a business without a permit. The county letter recommended that the Otts request to rezone to A-2 and then request a conditional use permit if they wished to continue operating their business from the property. The Otts are confused as to why the neighbor turned them in now as there was much more traffic from employees coming in/out picking up equipment in the past when the business was busier. (21:53)

The plan commission members did not feel that A-2 zoning was appropriate in this instance for a number of reasons: **1)** the business in question does fit the intent of the A-2 zoning district which is *“to provide a district for agricultural businesses that are related to maintaining the sustainability and continued productivity of agriculture in Jefferson County.”* **2)** simply rezoning to A-2 and issuing a conditional use permit would not address the concerns of the neighbors and would change the use of this land forever to a business zoning **3)** rezoning to A-2 for non-agricultural purposes would not be in keeping with the Town of Concord Comprehensive Plan which states that *“The Town will limit the establishment of new businesses to areas within the Town of Concord rural hamlet...an exception to this would be home occupations that operate under the current Jefferson County zoning.”* **4)** the business is quite large with 10-25 employees and the large volume of equipment necessary to operate and should be located within an area such as the hamlet which is set aside to be zoned for such purposes.

Mr. Ott asked if there was any other way to continue to operate his business and keep his equipment onsite. In order to continue operating a business under the current A-3 zoning, the Otts would need a conditional use permit for a home occupation. The Otts were informed that they would need to fit within certain parameters for such a permit. A conditional use permit for a home occupation under A-3 zoning would only allow them to have 1 employee who does not reside at the property. Additionally, they would need to store all the equipment and vehicles associated with the business inside and could only use up to 1500sf of floor space for such storage. The area would have to have the appearance of a residential property with no outside storage of equipment. Mr. Ott stated at one point that he thought it may take up to 15,000sf to store all his equipment. The plan commission was unsure if the business would fit the county's definition of a “home occupation” because the business is too big and there are too many employees. Mr. Ott stated that these employees work only on job sites and do come to work on the premises. Sally Williams will check with county zoning as to whether or not the business

could be defined as a home occupation under these circumstances. It was reiterated that the storage of business equipment under this type of permit could not exceed 1500sf, would need to be stored inside, and the property would need to be maintained in appearance as a residential property. If they were granted a conditional use permit for a home occupation the Ott's would be expected to function under those guidelines. Mr. Ott stated that he could store all his equipment by building a 900sf addition to an existing shed. He felt this would be sufficient for the future as well since they don't plan on the business getting any bigger. Sally Williams made a motion that rather than recommend rezoning to A-2, the plan commission would recommend issuing a conditional use permit for a home occupation under A-3 zoning. This was seconded by Jim Gilbert and carried. Mr. Ott was reminded that if such a conditional use permit were granted, it would be his responsibility to operate under the guidelines and restrictions for such a permit. Also, this recommendation by the plan commission would be dependant upon whether or not the county would allow Mr. Ott's business to be defined as a home occupation.

With no further business, Dave Janquart made a motion to adjourn seconded by Carole Hoffmeister and carried. The next meeting of the Plan Commission will be held October 12, 2010.

Respectfully submitted,
Sally Williams, secretary

Note: September 29, 2010: I talked to Michelle Staff at the County Zoning Office & she stated that Mr. Ott's business could not be defined as a "home occupation" according to county guidelines, so a conditional use permit for a home occupation under A-3 zoning would not be an option. She said that the county's recommendation for Mr. Ott was to rezone to A-2 and then apply for conditional use "z" – "storage of non-farm equipment." This conditional use simply allows storage of equipment and does not have to be related to agriculture. This is not the conditional use we considered at the meeting (we were looking at the various allowable businesses – of which his is not one) because Mr. Ott isn't just storing equipment – he is using this location as the base for his business.

Mr. Ott's statements during the meeting were somewhat contradictory. While he said that the employees do not generally come to this location, they do sometimes, and he said that in the past when they were busier, there was much more traffic in/out as employees transported equipment to/from jobsites. He later stated that *he* transports all the equipment to/from the jobsites – I find this unrealistic. He also said they currently have only 10 employees (he told me 25 over the phone) but they may have up to 25 in the future if they get busier. Then later he said he doesn't plan on the business getting any bigger. Also, at one point he said it would take 10,000 to 15,000sf to house all his equipment. Later he said a 900sf addition to his existing shed would be sufficient. This may be because he wouldn't be storing all the equipment at this location at one time – much of it would be on jobsites, but it does indicate that there would be a constant influx/outgo of equipment. Also, I'm not sure how to tell how long the Ott's have been living on the property. On the phone he said he'd had the business there 10-15 yrs. At the meeting he said 10 years. On the County land records site, it appears as though they've been there since either 2003 or 2005. His point was, I think, to establish that he'd been running his business from this location for a long time and no one cared. I think he may not have been there as long as he said.

October 12, 2010 - Agenda

**TOWN OF CONCORD PLAN COMMISSION
MEETING AGENDA
TUESDAY
October 12, 2010**

LOCATION: TOWN OF CONCORD COMMUNITY CENTER
W1089 CONCORD CENTER DRIVE

TIME: 7:00 P.M.

AGENDA

1. Roll Call
2. Verify compliance with open meetings law
3. Review and approval of minutes from September 28, 2009
4. Meeting with Mark Roffers of Vandewalle & Associates, Inc. to discuss planning for the Town of Concord rural hamlet.
5. Old Business
6. New Business
7. Adjournment

There may be at least two town board supervisors in attendance

October 12, 2010 – Minutes

TOWN OF CONCORD PLAN COMMISSION MINUTES

October 12, 2010

The meeting was called to order at 7:00 p.m. by the Chairman Dave Janquart with Sally Williams, Jim Gilbert, Carole Hoffmeister, and Laura Callison present. Town chairman Bill Ingersoll was also present. Dave Janquart led the assembly in the Pledge of Allegiance.

Sally Williams stated that the meeting had been properly posted.

Approval of the minutes from the September 28 meeting was postponed until the regular meeting on October 26.

Mark Roffers, a community planner with Vandewalle & Associates, Inc., addressed the plan commission and presented ideas and guidelines for the town to consider in creating a development plan for the hamlet area. Mr. Roffers stated that he has recently worked with the town of Aztalan to develop a plan for their rural hamlet area, and he is currently working with Jefferson County to update their land use plan. He also provided copies of policies and standards related to rural hamlet development that Vandewalle and Associates had helped to develop for the following communities: Shawano County, Lincoln County, the Town of Roxbury, and the Town of Aztalan.

Mr. Roffers made a number of observations and suggestions as he reviewed the copies of the rural hamlet guidelines he had provided us with.

- ⊗ consider requiring site plans for all development
- ⊗ consider planning for the location of new roads within the hamlet rather than simply lining existing roads – this would help to maximize use of the limited acreage available for development
- ⊗ develop a list of “desirable” (and undesirable) land uses for the hamlet area
- ⊗ consider requiring parking behind building structures
- ⊗ may require certain standards for: lighting, architecture, building materials, landscaping,... to achieve uniformity and a desired “look” – we could define 4 or 5 specific characteristics that we would definitely want to see in new construction
- ⊗ develop a “conceptual plan” for the whole hamlet – this may be a different concept for different areas of the hamlet. Mr. Roffers pointed out that our hamlet has 4 separate developable areas as defined by existing roadways.
- ⊗ consider allowing multiple uses for the same building ie. living area upstairs with business downstairs
- ⊗ once the plan is written – we will need to develop ordinances to implement the plan such as a site plan review ordinance, size ordinance, ordinance listing allowable conditional uses.

The plan commission will review Mr. Roffers’ suggestions and the material he provided and in conjunction with the town board will determine how to proceed with planning.

With no further business, Jim Gilbert made a motion to adjourn seconded by Carole Hoffmeister and carried. The next meeting of the Plan Commission will be held October 26, 2010.

Respectfully submitted,
Sally Williams, secretary

October 26, 2010 - Agenda

**TOWN OF CONCORD PLAN COMMISSION
MEETING AGENDA
TUESDAY
October 26, 2010**

LOCATION: TOWN OF CONCORD COMMUNITY CENTER
W1089 CONCORD CENTER DRIVE

TIME: 7:00 P.M.

AGENDA

1. Roll Call
2. Verify compliance with open meetings law
3. Review and approval of minutes from September 28, 2010 and October 12, 2010
4. Old Business
 - a. Discuss request by Keith Ott for rezoning of a 1 acre A-3 lot at W2054 Church Dr. to A-2 and for a conditional use permit for the same property.
 - b. Discuss meeting with Mark Roffers regarding hamlet planning
5. New Business
6. Adjournment

There may be at least two town board supervisors in attendance

October 26, 2010 - Minutes

**TOWN OF CONCORD PLAN COMMISSION MINUTES
October 26, 2010**

The meeting was called to order at 7:00 p.m. by the Chairman Dave Janquart with Sally Williams, Jim Gilbert, Carole Hoffmeister, and Laura Callison present. Town chairman Bill Ingersoll was also present. Dave Janquart led the assembly in the Pledge of Allegiance.

Sally Williams stated that the meeting had been properly posted.

Jim Gilbert made a motion to accept the minutes from the September 28 meeting seconded by Laura Callison and carried. Jim Gilbert made a motion to accept the minutes from the October 12 meeting, seconded by Carole Hoffmeister and carried.

Item 1: At town Chairman Bill Ingersoll's request, the Plan Commission revisited the request by Keith Ott to rezone a 1 acre A-3 lot at W2054 Church Dr. to A-2 and to get a conditional use permit for storage of his contractor's equipment so that he can continue to use this site as a base for his masonry and concrete business. Tammy Ott began by restating the Ott's request to make sure there was no confusion. Mrs. Ott stated that they are requesting the conditional use permit for storage and they are requesting to be rezoned A-2 for storage – she acknowledged that while it is business storage they're not operating the business out of the site. Dave questioned the presence of the residence on the property as the zoning code does not allow residences (other than farm labor housing) on A-2. He had talked to Michelle in the zoning office and she had stated that any residence built before 1999 is not subject to this provision and can be on an A-2 property.

Sally Williams stated that she had talked to Michelle on the preceding Friday and Michelle stated the "storage" in A-2 zoning is specifically for contractors and that the Ott's is a legitimate request under the zoning code.

Mrs. Ott said they are working on cleaning up the parcel and they have improved the appearance but are still working on it. Some of the stuff stored on the site is not theirs and will be removed. Mr. Ott also stated that the complaint was not for the way the property looked, but because of excessive traffic. Mrs. Ott stated that employees may come to the site if they are doing work for the Otts, but otherwise employees do not come to the site. She also stated that they would be running their business as an "accessory home occupation" from their residence on the neighboring A-1 property and simply storing equipment on the A-2 property.

Bill Ingersoll had talked to Jean Buske, the neighbor who had made the initial complaint, and she stated that she has nothing against the Otts, she does not know how her name got on the complaint, and she wants her name taken off the complaint. She did have a complaint about another resident nearby who had a landscape business. Mrs. Buske had called the zoning office about the landscape business, and in the conversation had mentioned the presence of other businesses in the area as well including the Otts, the zoning board then went out and looked at the area and this must be what generated the citation against the Otts.

Mia Rathcamp questioned whether or not approval of the Ott's request would be a departure from our Town Plan and if we are going to approve this request – would we not need to amend the Plan first? Sally Williams felt that that this request could not be approved based on the Town Plan which states that we will not approve businesses outside the hamlet area unless they are home occupations – either accessory or conditional.

Some concerns of the board are as follows:

☉ We need to determine if this is/ is not in compliance with our Town Plan. If it is – do we want to approve it? If it is not in compliance with the Town Plan, do we need to or want to amend our plan?

- ⊘ The Town needs to determine what the policy towards requests such as this will be in *all* cases. This decision will set a precedent for future requests.
- ⊘ If we establish conditions for approval which would be acceptable for the Town as far as how the equipment is stored, appearance of the property,... would that make this a request which we could approve? Would the County honor the conditions that the Town sets for approval of the conditional use permit?
- ⊘ The input of all neighbors in this case is important as it will be their quality of life and property values that would be affected.
- ⊘ We should see a business/ site plan.
- ⊘ There should be a reasonable expectation that the conditions for approval can/ would be met.

The Otts will develop a business/ site plan to present to us and which can be presented to the Town and to the neighbors to see if they would not object to the proposal. If the neighbors are OK with the site plan and it can be approved in compliance with our Town Plan then we could move forward with approving the request. Bill Ingersoll will check with the zoning board as to whether or not they would honor the conditions that the Town imposes for approval of the request. Bill Ingersoll will also talk to the neighbors and see how they feel about the Ott's request.

Dave Janquart made a motion to table the request until the next meeting, seconded by Carole Hoffmeister and carried.

Item 2: There was brief discussion regarding the meeting with Mark Roffers from Vandewalle and Associates. All the members felt he gave us valuable information. The Town can continue planning from this point on their own or could hire Vandewalle and Associates to assist in the ongoing planning. Mark Roffers had mentioned that costs for hamlet planning other communities had run about \$6000-\$7000. Discussion of the hamlet planning will be continued at the next meeting.

With no further business, Jim Gilbert made a motion to adjourn seconded by Dave Janquart and carried. The next meeting of the Plan Commission will be held November 16, 2010.

Respectfully submitted,

Sally Williams, secretary

Notes after 10-26-10 meeting

The county zoning ordinance was amended July 2010. The revised ordinance contains more conditional uses for A-2 zoning. Use "ii. Storage of contractor's equipment and materials" is the use the county is recommending in the Otts case. This is a use not listed in the previous ordinance.

New wording in the ordinance also states that existing dwellings are OK in A-2 zoning as long as they were built before 2000.

talked to Michelle in zoning office 11-3-10

1. The Otts business cannot be considered an accessory home occupation because they have too many employees.
2. There are no set parameters for operating a business in A-2. The business plan and site plan are all approved as a part of the conditional use permit – they would be whatever guidelines are stipulated as a condition of approving the conditional use permit.
3. Storage in A-1 or A-3 as an accessory use can only be for residential purposes – not for business storage.

November 16, 2010 - Agenda

**TOWN OF CONCORD PLAN COMMISSION
MEETING AGENDA
TUESDAY
November 16, 2010**

LOCATION: TOWN OF CONCORD COMMUNITY CENTER
W1089 CONCORD CENTER DRIVE

TIME: 7:00 P.M.

AGENDA

1. Roll Call
2. Verify compliance with open meetings law
3. Review and approval of minutes from October 26, 2010
4. Larry Staude, N6814 CTH F, is requesting review and approval of preliminary CSM for a lot split and rezoning. Mr. Staude would like to create a 1 acre lot from an existing A-1 parcel (#006-0716-1122-000). This lot would adjoin his current .8 acre home site and both would be rezoned to A-3.
5. Discuss request by Keith Ott for rezoning of a 1 acre A-3 lot at W2054 Church Dr. to A-2 and for a conditional use permit for the same property.
6. Old Business
7. New business
8. Adjournment

There may be at least two town board supervisors in attendance

November 16, 2010 - Minutes

TOWN OF CONCORD PLAN COMMISSION MINUTES

November 16, 2010

The meeting was called to order at 7:00 p.m. by the Chairman Dave Janquart with Sally Williams, Jim Gilbert, Carole Hoffmeister, and Laura Callison present. Town chairman Bill Ingersoll was also present. Dave Janquart led the assembly in the Pledge of Allegiance.

Sally Williams stated that the meeting had been properly posted.

Jim Gilbert made a motion to accept the minutes from the October 26 meeting seconded by Carole Hoffmeister and carried.

Item 1: Larry Staude, N6814 CTH F, requested review and approval of preliminary CSM for a lot split and rezoning. Mr. Staude would like to create a 1 acre lot from an existing A-1 parcel (#006-0716-1122-000). This lot would adjoin his current .8 acre home site and both would be rezoned to A-3. Jim Gilbert made a motion to recommend approval of the lot split and rezoning of the resulting 1.8 acre parcel to A-3 seconded by Sally Williams and carried. Mr. Staude was informed that he would need to contact Lloyd Zastrow to get on the agenda for the December 13 Town board meeting. He was also informed that he is within the City of Oconomowoc's extraterritorial plat review jurisdiction and would need to contact the City for review of his request.

Item 2: Keith and Tammy Ott addressed the Plan Commission regarding their request for rezoning to A-2 and a conditional use permit for storage of contractors equipment. Bill Ingersoll said he had talked to the Ott's neighbors and none of them had a problem with the Ott's request. Bill had spoken to Don Reese, on the county zoning board, who indicated that the zoning board would honor any parameters the Town sets regarding the conditional use permit. Bill suggested that if we issue a conditional use, we could have as a stipulation that if the Otts don't comply with the conditions of the permit within 1 year, the permit would terminate.

Mr. Ott presented a site plan indicating how and where he proposes to store his equipment on the site. The plan includes an extension of an existing lean-to to accommodate more storage and the planting of white pine trees to surround the south and east of the site. He also provided a list of written proposals for storage and operation. **The written proposals are attached at the end of these minutes with changes/ additions recommended by the plan commission.** Note: at the last plan commission meeting, the commission members had indicated to the Otts that they would like the equipment stored inside a building. Mr. Ott said that the county would not allow him to build another shed on the property. The recommendations attached to these minutes are based on the assumption that the Otts would not be allowed to build another shed. Mr. Ott stated that he does anticipate that the business will continue to grow and at some point this site will be too small to accommodate the necessary equipment. At that point he would need to find another location and facility for storage. He said at this point he has no employees "at home." Previously they had (8) 1 ton pick-up trucks which were used for transporting equipment from the storage site, they no longer have these and so don't have all the traffic they previously had, as he himself does all the trucking of equipment from the site on a 48 ft flatbed trailer.

There was discussion about whether or not this request complies with the Town of Concord Land Use Plan as the plan states in Ch.8.B.9. "The Town will limit the establishment of new businesses to areas within the Town of Concord rural hamlet as defined by the 1999 *Jefferson County Agricultural Preservation and Land Use Plan (see map 10, Appendix A)*. An exception to this would be home occupations that operate under the current Jefferson County zoning guidelines." This provision was put in the plan as a result of citizen input through surveys and

visioning sessions which indicated that citizens did not want to have businesses located in rural/residential areas, but in a designated area such as the hamlet. Sally Williams stated that she felt approval of the Ott's request would not comply with the Town Plan and such approval would make the Plan meaningless and set a precedent which would make it difficult for the Town to turn down future requests of this type. If the town wants to approve such requests, the Plan would need to be amended first. There was a suggestion that such an amendment could include a date which would "grandfather" in businesses such as the Otts which were in operation before the plan was passed but are not listed in the Plan as existing businesses because they were operating without a permit.

The Otts felt that they would be in compliance with the Plan as they are not asking for a conditional use permit for a business but for storage. Additionally, Mrs. Ott quoted from portions of the plan that they would not be violating if approved: Ch. 5 "establishment of land uses that are incompatible with farming will not be allowed." Ch. 8 "the Town will have in place guidelines enabling it to make responsible decisions with regard to proposals for new business development and expansion of existing businesses", "there will be limited zoning for non-farm business uses", "new businesses will be small scale and locally owned operations that are compatible with the Town's rural character and agricultural land use..", 8.D. "the Town is fully supportive of the establishment of additional home occupations throughout the Town and the continuation of existing businesses." Mrs. Ott stated that their request was compatible with these provisions of the plan. Mrs. Ott also quoted from Ch. 10 of the plan which states that the Town is in agreement with the A-2 policies in the J.C. Land Use Plan. It was pointed out that the town Plan does not say the Town is in agreement with the J.C. Zoning Ordinance which in some cases seems to violate the intent of A-2 zoning in the county Land Use Plan.

The Otts had a letter from their attorney stating that he had spoken with Michelle at the zoning office and she said the business portion of their operation would fit into a "home occupation as an accessory use" and would not need a special permit. Sally Williams had also spoken to Michelle and was told that the business operation could not be considered an accessory use because there were too many employees.

The plan commission continued discussion of the site plan and written proposals presented by the Otts and made changes/ suggestions to present to the Town Board for their consideration. The suggested parameters are attached to these minutes. Jim Gilbert made a motion to recommend approval of the A-2 zoning to the Town Board, seconded by Dave Janquart. In favor: Jim Gilbert, Dave Janquart, Laura Callison. Opposed: Sally Williams, Carole Hoffmeister. Motion carried. Dave Janquart made a motion to present the suggested parameters for the conditional use permit (attached) to the Town Board at the next board meeting, seconded by Carole Hoffmeister and carried. Note: the board did not make a motion to recommend approval of the conditional use permit because there are still some issues with the site plan and the written proposals for the operation of the business.

New business: Dave Murack, N6635 Highmound Rd., addressed the plan commission with concerns about a neighbor, Jason Bachmeier, N6613 Highmound Rd. Mr. Bachmeier has lived at the 1.5 acre A-3 property since May, 2010 and is operating a landscaping business from the property. Mr. Murack said that Mr. Bachmeier brings back large amounts of yard waste, sod, clippings, leaves, and garbage from his jobsites and burns them on his property. He submitted a document from the County sheriff's office which indicates that Mr. Bachmeier has called in 18 times from 5/29 to 11/07 for a burning permit. The constant burning is a nuisance and creates an excessive amount of smoke. Bill Ingersoll had talked with Mr. Bachmeier about the problem but things do not seem to have improved. The county is aware that Mr. Bachmeier is operating

a business without a permit and has issued him a citation. The next step will be for Mr. Bachmeier to go through the channels of requesting a conditional use permit for the operation of his business and at that point conditions for operation can be addressed.

With no further business, Jim Gilbert made a motion to adjourn seconded by Sally Williams and carried. The next meeting of the Plan Commission will be held December 28, 2010.

Respectfully submitted,
Sally Williams, secretary

Recommendation for the conditional use permit for Keith and Tammy Ott. These recommendations are in addition to those noted on the site plan. Normal type are the conditions proposed by the Otts. Additions or changes proposed by the plan commission are in bold. These recommendations assume that the county will not allow the Otts to put up another building to house their equipment.

- moved 12 white pines south and east side

2 by lean tube

- we will enclose roadside end of lean tube

- would extend lean tube full length of barn

- store misc. materials behind brick shed **no storage behind brick shed - all equipment except for skid loader, forklift, 2 flatbeds, 2 trailers must be stored under the lean to**

- store trailers neatly on tree lines/ except when loading

- equipment on site: skid loader, forklift, 2 flatbeds, 2 trailers **except for these items, all other equipment must be stored under the lean to**

- will need 12 months to finish **conditional use permit will automatically expire after 1 year if the conditions of the permit are not met**

- finish landscaping between drives

- access to 1 employee, working on equipment, watching our home

question the need for an employee as the Otts have been adamant that this is ONLY STORAGE and they have no employees on site. If necessary, it should be a designated employee to avoid multiple employees simply coming to the site one at a time.

- **no storage of equipment on flatbeds**

- **recommend 2 staggered rows of white pines where trees are indicated on site plan**

- **no trees or lean to in road right-of-way**

- **NO storage of construction materials on site (brick, gravel, concrete, rebar, cement block)**

- **STORAGE ONLY - NO production of construction materials or equipment (frames,...) on site**

- **there must be some method in place to determine at what point the business has grown too big for this site (e.g. # of employees, amt. of storage exceeds what can be contained under the lean to, limited to 1 skid loader, 1 forklift, 2 flatbeds, and 2 trailers stored outside of lean to area)**

Notes: I spoke to Rob, Debbie, and Michelle in the county zoning office in the 2 weeks following this meeting. None of them had told Mr. Ott that he would not be allowed to build a shed to house all his equipment. They did not know where he could have gotten that information.