Land Resources and Parks Department Staff Report

County Conditional Use Permit Application # 2015-0778

Owner:

William King W2172 County Road Y Knowles, WI 53048

Filing Date: November 20, 2015 Hearing Date: December 21, 2015

Location

PIN# 030-1317-1944-006

The site is located in part of the SE ¼, SE ¼, Section 19, Town of Lomira, the site address being W2172 County Road Y.

Applicants Request

An application for a County Conditional Use Permit was made by the applicant in order they be allowed to bring the existing non-conforming residential use of the property into compliance with the Commercial zoning district in order to allow for the construction of a deck on said lot.

Project Details

According to the County records, this property is located within the C-1 General Commercial Zoning District. Single family residential uses are listed as a conditional use permit within the C-1 District. The County has no record of a conditional use permit having been issued for the existing residential use of the property and it appears that the residence was in existence prior to the adoption of the Code by the Town of Lomira. As such, the existing property use would be considered to be a legal, existing, non-conforming use of the property and the construction of a deck on this property would be considered to be an expansion of the legal, existing, non-conforming use of the property. The conditional use permit is being applied for to bring the existing residential use of the property into compliance with the Code in order to be eligible for the construction of the proposed deck on this property.

County Jurisdiction

The County has Zoning Jurisdiction over this site as the Town of Lomira has adopted the County's Land Use Code

Review Criteria

1. Subsections 2.3.6.A through 2.3.6.H of the Land Use Code details procedural matters, the approval criteria and the form for the conditional use permit application. The Committee shall authorize the Land Use Administrator to issue a Conditional Use Permit (CUP) for conditional uses after review and a public hearing, provided that such conditional uses or structure are found to be in accordance with the purpose and intent of this Code and the approval criteria provided in Section 2.3.6.F and are found not to be hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the area.

Land Use Code Provisions:

1. Section 3.6 and Table 3.6-1 of the Land Use Code identifies "single family dwellings" as a conditional use in the C-1 General Commercial Zoning District.

Purpose Statement

The purpose of the C-1 General Commercial District is to promote compact commercial areas for smaller retail service and office uses that facilitate pedestrian, rather than vehicular, circulation and encourage shopping for a variety of goods and services, subject to appropriate standards.

Physical Features of Site

The features of the proposed construction and property that relate to the granting or denial of the conditional use permit request are as follows:

The site is located within the C-1 General Commercial Zoning District.

The lot is not located within the wetland or floodplain districts.

The topography of the site is gently rolling.

The proposal is consistent with the Dodge County Comprehensive Plan:

- The site is designated as commercial according to the County's Future Land Use Map.
- Uses identified as either an allowed use or a conditional use within the C-1 General Commercial zoning district are considered to be consistent with the Commercial land use category.

Land Use, Site: Single family	residential.		
Land Use, Area: A mixture of	f residential and comm	ercial businesse	es within the Village of Knowles.
Designated Archaeological S	ite: Yes 🗌	No 🖂	
Town Recommendation:	Approve 🖂	Deny 🗌	No recommendation submitted

STAFF ADVISORY:

This staff advisory is only advice to the Planning, Development and Parks Committee. The Committee may or may not consider the advice of the staff and decision making authority is vested in the Committee only.

The staff has reviewed the proposal for compliance with the criteria listed in Sections 2.3.6.F of the code. The staff comments are listed in Exhibit A for review by the committee.

It is the staff's position that the project is in compliance with the applicable provisions of the Dodge County Land Use Code and the staff believes that the Committee can make the findings necessary under Section 2.3.6.F of the code that are required to approve the Conditional Use Permit for this project.

EXHIBIT A

Staff Review Comments

The staff has reviewed the proposal for compliance with the criteria listed in Section 2.3.6.F of the code. The staff comments are as follows:

- **2.3.6.F.2** Is the project compatible with adjacent uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
 - It is the staff's position that if the project is constructed in compliance with the development standards of the code, the proposal will be compatible with the adjacent uses;
- **2.3.6.F.3** Will the proposed use be significantly detrimental to the public health, safety, and welfare?
 - It is the staff's position that if the project is constructed in compliance with the development standards
 of the code, the proposal will not have a significant detrimental impact on the adjacent properties or the
 community;
- **2.3.6.F.4** Will the project cause substantial diminution in value of other property in the neighborhood in which it is to be located;
 - It is the staff's position that the project will not have an adverse impact on the value of other property in the area;
- **2.3.6.F.5** Are public safety, transportation and utility facilities and services available to serve the subject property while maintaining sufficient levels of service for existing development?
 - It is the staff's position that there are adequate public facilities to serve the property;
- 2.3.6.F.6 Are there adequate assurances of continuing maintenance for the project?
 - It is the staff's position that there are there adequate assurances of continuing maintenance for the project
- **2.3.6.F.7** Will any significant adverse impacts on the natural environment be mitigated to the maximum practical extent?
 - It is the staff's position that there will be no significant adverse impacts on the natural environment as a
 result of this project.
- **2.3.6.F.8** The proposed use will not be located in any hazard areas, including floodplains, floodways, etc., unless any potential danger is mitigated to the maximum extent possible, and to the satisfaction of the Wisconsin Department of Natural Resources;
 - It is the staff's position that the proposed use is not located in any hazard areas.
- 2.3.6.F.1 Does the proposed project comply with all applicable provisions of this Code;
 - It is the staff's position that the proposed project complies with the applicable provisions of the code.

Dodge County Planning, Development and Parks Committee Decision

County Conditional Use Permit Application # 2015-0778

Owner:

William King W2172 County Road Y Knowles, WI 53048

Filing Date: November 20, 2015 Hearing Date: December 21, 2015

Location

PIN# 030-1317-1944-006

The site is located in part of the SE ¼, SE ¼, Section 19, Town of Lomira, the site address being W2172 County Road Y.

Applicants Request

An application for a County Conditional Use Permit was made by the applicant in order they be allowed to bring the existing non-conforming residential use of the property into compliance with the Commercial zoning district in order to allow for the construction of a deck on said lot.

Project Details

According to the County records, this property is located within the C-1 General Commercial Zoning District. Single family residential uses are listed as a conditional use permit within the C-1 District. The County has no record of a conditional use permit having been issued for the existing residential use of the property and it appears that the residence was in existence prior to the adoption of the Code by the Town of Lomira. As such, the existing property use would be considered to be a legal, existing, non-conforming use of the property and the construction of a deck on this property would be considered to be an expansion of the legal, existing, non-conforming use of the property. The conditional use permit is being applied for to bring the existing residential use of the property into compliance with the Code in order to be eligible for the construction of the proposed deck on this property.

CONCLUSIONS OF LAW

(Yes / No)

Based on the facts presented in the application and at the public hearing the Committee concludes that:

2.3.6.F General Approval Criteria for Conditional Use Permits

Conditional Use Permits shall be approved by the Committee if they find that all of the following criteria have been met:

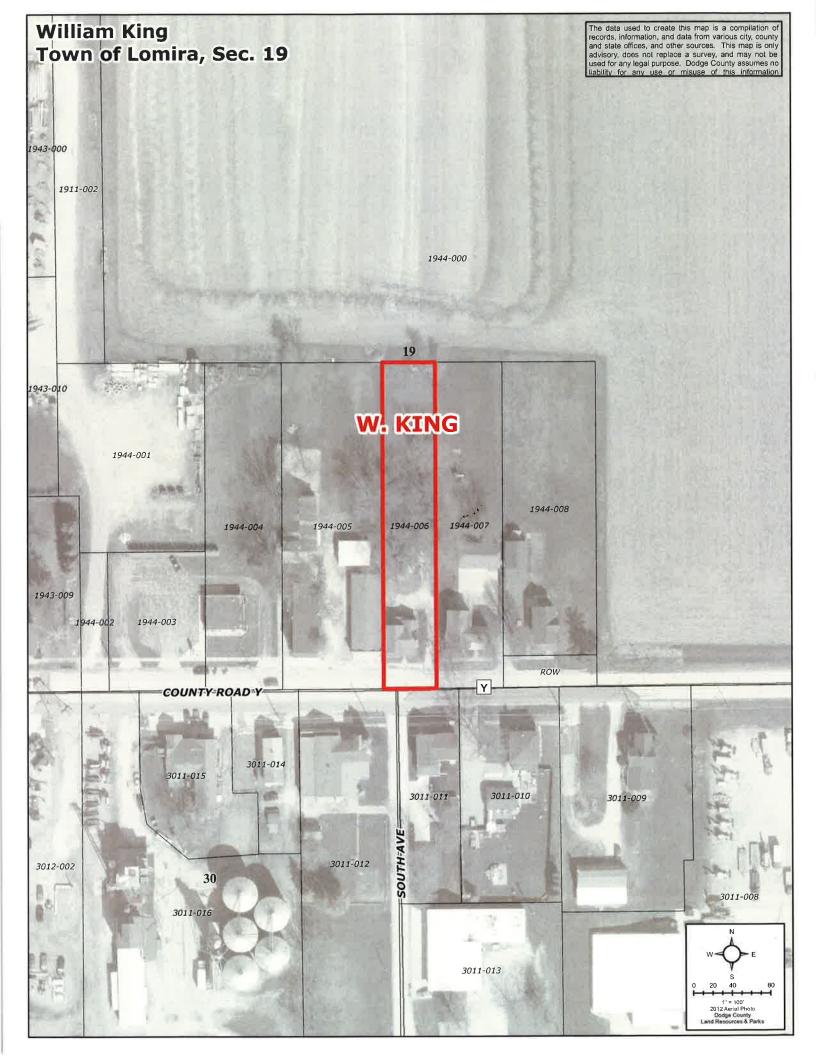
2.3.6.F.2 Is the project compatible with adjacent uses in terms of scale, site design, operating characteristics? (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);

If not, what measures can be taken to mitigate any potential conflict					

2.3.6.F.3 Will	the proposed use be significantly detrimental to the public health, safety, and welfare?
(Yes /	No)
	If yes, what measures can be taken to mitigate the potential detrimental impacts?
2.3.6.F.4 Will is to be locate	the project cause substantial decrease in value of other property in the neighborhood in which it d;
(Yes /	No)
	If yes, what measures can be taken to mitigate the decrease in the value of the properties?
	e public safety, transportation and utility facilities and services available to serve the subject maintaining sufficient levels of service for existing development?
(Yes /	No / Not Applicable)
	If not, what can be done to ensure facilities and services will be available?
2.3.6.F.6 Are	there adequate assurances of continuing maintenance for the project?
	(Yes / No/ Not Applicable)
	If no, what measures can be taken to ensure continued maintenance?
2.3.6.F.7 Will	there be any significant adverse impacts on the natural environment that require mitigation?
(Yes /	No)
	If yes, what measures can be taken to mitigate the potential adverse impacts on the environment?

2.3.6.F.8 Is the pro	ject located in any hazard areas? (floodplains, floodways, steep slopes, etc)
(Yes / No)	
If yes	s, are there any measures that need to be taken to mitigate any potential dangers?
2.3.6.F.1 Does the	proposed project comply with all applicable provisions of this Code?
(Yes / No)	
. If not	t, what changes must be made to bring the project into compliance with the code?
-	·
-	
-	s for approval needed in this case to mitigate any potential adverse impacts on the s, the environment or the community?
(Yes/No)	
	e believe that the Conditional Use Permit Request meets the approval criteria in Section ty Land Use Code? (Yes / No)
Motion by mentioned findings	to approve the conditional use permit request based upon the previously and conditions.
Motion second	
Vote Allen Behl Janice Bobholz Randy Grebel Joseph Marsik Tom Schaefer - Cha	

ORDER AND	DETERMINATION			
On the basis of	of the above findings of fact, conclu	sions of law and the record	in this matter the committee	
	Granted preliminary approval of the and the Land Use Administrator is decision of this Committee.			
	Granted the conditional use permir directed to issue a conditional use			
	Denied the conditional use permit does not meet the following appro-		committee finds that the propo	osal
use permit sha approval for s	Approval Any order issued by the Call become void after one year unle uch permit and a conditional use pethe time may be extended when so	ss the applicant or appelland ermit has been issued by the	t shall have met the condition e Zoning official within such tir	s of
	This order may be revoked by the C de after notice and opportunity to be			unty
officer, depart with the Dodg whom the app and decision r	s decision may be appealed by any ment, board or bureau of the Counte County Land Resources and Parkeal is taken within 30 days after the making body. The County assume astruction is commenced prior to ex	ty, or by any affected town to ks Department or the review to date of written notice of the es no liability for and makes	board. Such appeals shall be v and decision making body fr e decision or order of the revi no warranty as to reliance on	filed om ew
Dodge County	Planning, Development and Parks	Committee		
Signed	Chairperson	AttestSecret	ary	
Dated:		Filed:		





☐ DENIED

Application Fee: \$350 (After the Fact Application Fee - \$700)

DODGE COUNTY

LAND RESOURCES & PARKS DEPARTMENT

127 E. OAK STREET • JUNEAU, WI 53039 PHONE: (920) 386-3700 • FAX: (920) 386-3979 E-MAIL: landresources@co.dodge.wi.us

CONDITIONAL USE PERMIT APPLICATION

Please complete page 1 and 2 of this application form and submit the application form with all of the required information listed in the "Application Checklist" for your

Activity No.

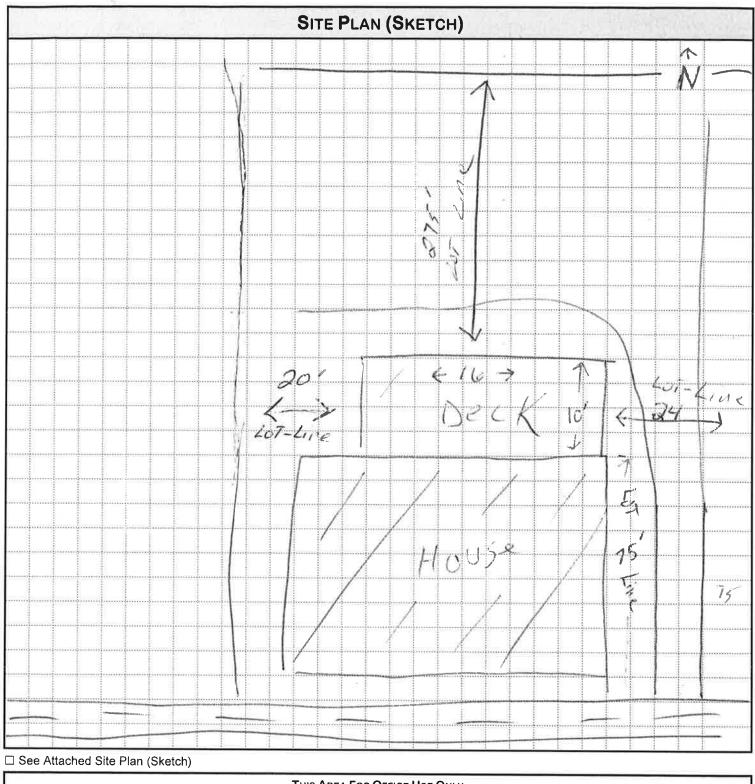
Permit Issued Date

THIS AREA FOR OFFICE USE ONLY

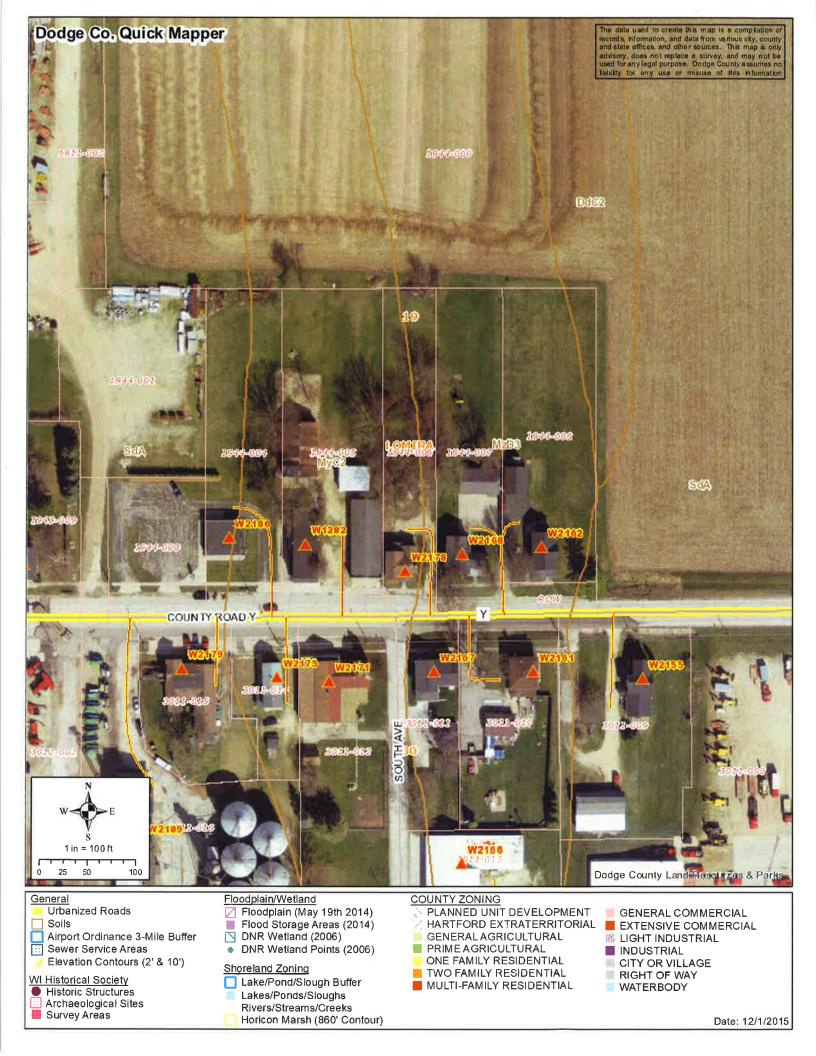
project. PRINT OR TYPE. Use blue or black ink, do not use pencil. The Dodge County Land Resources and Parks Department will not consider your application unless you complete and submit this application form, the applicable information listed in the "application checklist" for your proposed project and the application fee. Personally identifiable information on this form will not be used for any other purpose, but it must be made available to requesters under Wisconsin's open records law [s.19,31-19.39, Wis, Stats.]. (1) NAMES & MAILING ADDRESSES (2) PROPERTY DESCRIPTION Applicant (Agent) Parcel Identification Number (PIN) Street Address W2172 Cty Rd LorniRA Section Acreage Lot (Block) Property Owner (If different from applican Subdivision or CSM (Volume/Page/Lot) CSM 6437 1 V 43 P343
Address Of Property (DO NOT Include City/State/ZipCode) Street Address WAITA CTHY City • State • ZipCode Is this property connected to public sewer?

Yes No (3) PROPERTY USE (4) PROPOSED PROJECT (Please check/complete all that apply below) **Current Use Of Property** X Single Family Residence ☐ Non-Farm Residential Lot ☐ Vacant Property Single-Family Residential ☐ Two-Family Residence ☐ Multi-Family Residence ☐ Active-Working Farm Operation ☐ Tavern or Restaurant ☐ Professional Office ☐ Business • Industrial • Commercial • (Describe below) ☐ Non-Metallic Mine/Quarry □ Wind Tower Other ☐ Create/Expand Business ☐ Wildlife Pond > 2-acres ☐ Wireless Communications Tower **DNR Notice** ☐ Contractor's Offices and Storage Yards DNR NOTICE: You are responsible for complying with State and Federal laws concerning ☐ Filling, Grading or Dredging in the Shoreland District construction on or near wetlands, lakes and streams. Wetlands that are not associated Other: To allow residential with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources Wetlands Identification Web Page Commercial 1 (www.dnr.state.wi.us) or contact a Department of Natural Resources Service Center. (5) CERTIFICATE I, the undersigned, hereby apply for a Conditional Use Permit and certify that all the information both above and attached is true and correct to the best of my knowledge. I affirm that I have read the DNR Notice shown above. I affirm that all work performed will be done in accordance with the Dodge County Land Use Code and with all other applicable laws and regulations. I hereby authorize members of the Dodge County Land Resources and Parks Department to enter the above-described property for purposes of obtaining information pertinent to my application request and to conduct land use code inspections. Signature Cillian Daytime Contact Number (920) 204 - 2753 AREA BELOW THIS LINE FOR OFFICE USE ONLY PLANNING, DEVELOPMENT & PARKS COMMITTEE ACTION Date of Decision Decision ☐ APPROVED CONDITIONS Land Resources and Parks Department

Date:



THIS AREA FOR OFFICE USE ONLY						
BOA ID No.	BOA Appeal Date	BOA P/H Date	BOA Decision Date	BOA Decision Approved	☐ Approved w/Conditions	☐ Denied
Notes/Stipulation	ns:					



Land Resources and Parks Department Staff Report

County Conditional Use Permit Application No. 2015-0791

Agent:

Brian Melter – Lake Country Ice Castle, LLC N2989 El Donna Dr. Neosho, WI 53059

Owner(s):

Brian Melter – Rubicon Territory, LLC N2989 El Donna Dr. Neosho. WI 53059

Filing Date: December 2, 2015 Hearing Date: December 21, 2015

Location

Parcel Identification No: 038-1017-2934-001

Located in the SE¼, SW¼, Section 29, Town of Rubicon, N2989 El Donna Drive.

Applicants Request

The applicant is requesting a Conditional Use Permit under the Dodge County Land Use Code to allow the establishment of a general retail sales business within the A-2 General Agriculture Zoning District at this location.

Project Details:

The applicant is proposing to establish a general retail sales business on the aforementioned property. The applicant intends to take and process orders and be a registered dealer for Ice Castle Fish Houses which are portable shelters to be used on frozen lakes. There will be no inventory of units kept on the property. One or two units will be stored indoors in the existing buildings to show as examples of the construction, color choices, options and materials to prospective buyers. There will be no standing business hours. They will be open by appointment only. Order processing will take place in the existing office of the buildings. These orders will be sent to the manufacturer to be produced. No service will be performed on site and there will be no longtime storage nor display outside on the site.

Review Criteria

Subsections 2.3.6.A through 2.3.6.H of the Land Use Code details procedural matters, the approval criteria and the form for the conditional use permit application. The Committee shall authorize the Land Use Administrator to issue a Conditional Use Permit (CUP) for conditional uses after review and a public hearing, provided that such conditional uses or structures are in accordance with the purpose and intent of this Code and the approval criteria provided in Section 2.3.6.F and are found not to be hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the area.

Land Use Code Provisions

1. Section 3.6 and Table 3.6-1 of the Land Use Code identifies "general retail" as a conditional use in the A-2 General Agricultural Zoning District.

Physical Features of Site

The County has jurisdiction over this project as the Town of Rubicon has adopted the County's Land Use Code.

The project (property) is located within an A2 General Agricultural zoning district.

This staff advisory is only advise to the Planning Development and Parke Committee. The
STAFF ADVISORY:
Town Recommendation: Approve Deny No recommendation submitted
The purpose of the A2 General Agricultural District is to promote areas for agriculture which are transitional, allowing for the expansion of urban areas, limited rural residential development and the conversion of agricultural land to other related uses, subject to appropriate standards.
Purpose Statement
Designated Archaeological Site: Yes 🔲 No 🖂
Land Use (Area): Residential and agriculture. Village of Neosho to the northwest.
Land Use (Site): Personal and Commercial storage facility.
The topography of the site ranges from nearly level to moderately sloping with slopes ranging from 0-18%.
The project is not located within a mapped wetland or floodplain.
The project is not located within a manned wotland or floodplain

This staff advisory is only advice to the Planning, Development and Parks Committee. The Committee may or may not consider the advice of the staff and decision making authority is vested in the Committee only.

The staff has reviewed the proposal for compliance with the criteria listed in Section 2.3.6.F of the County Land Use Code. The staff comments are listed in Exhibit A for Committee review. It is the staff's position that the Committee will be able to make the findings necessary in order to approve a Conditional Use Permit for the proposed project with the following condition(s):

- 1. The business operation shall be conducted without offensive noise, vibration, dust, smoke, odor, glare, lighting or the risk of fire, explosion or other accident and shall not be detrimental to the public health and safety or general welfare of the immediate neighborhood or community.
- 2. It shall be the responsibility of the applicant to obtain all other Federal, State and/or local municipality permits and approvals that may be required for the proposed operation on this site.
- 3. The operation shall be conducted in accord with the plans submitted on December 2, 2015.
- 4. Any significant change or expansion of the operation on this site may require that a new Conditional Use Permit be obtained.

Land Use Code Review

- **2.3.6.F.2** Is the project compatible with adjacent uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts)?
 - It is the staff's position that if the business is operated in compliance with the development standards of the Code, the proposal will be compatible with the adjacent uses.
- 2.3.6.F.3 Will the proposed use be significantly detrimental to the public health, safety, and welfare?
 - It is the staff's position that if the business is operated in compliance with the development standards of the Code, the proposal will not have a significant detrimental impact on the adjacent properties or the community.
- **2.3.6.F.4** Will the project cause substantial diminution in value of other property in the neighborhood in which it is to be located?
 - It is the staff's position that the business will not have an adverse impact on the value of other property in the area.
- **2.3.6.F.5** Are public safety, transportation and utility facilities and services available to serve the subject property while maintaining sufficient levels of service for existing development?
 - It is the staff's position that there are adequate public facilities to serve the property.
- 2.3.6.F.6 Are there adequate assurances of continuing maintenance for the project?
 - It is the staff's position that there are adequate assurances of continuing maintenance for the business.
- **2.3.6.F.7** Will any significant adverse impacts on the natural environment be mitigated to the maximum practical extent?
 - It is the staff's position that there will not be any adverse impacts on the natural environment resulting from this business.
- **2.3.6.F.8** The proposed use will not be located in any hazard areas, including floodplains, floodways, etc., unless any potential danger is mitigated to the maximum extent possible, and to the satisfaction of the Wisconsin Department of Natural Resources:
 - It is the staff's position that the site is not located within a hazard area.
- 2.3.6.F.1 Does the proposed project comply with all applicable provisions of this Code?
 - It is the staff's position that the proposed business complies with the applicable provisions of the Code.

Dodge County Planning, Development and Parks Committee Decision

County Conditional Use Permit Application No. 2015-0791

Agent:

Brian Melter – Lake Country Ice Castle, LLC N2989 El Donna Dr. Neosho, WI 53059

Owner(s):

Brian Melter – Rubicon Territory, LLC N2989 El Donna Dr. Neosho, WI 53059

Filing Date: December 2, 2015 Hearing Date: December 21, 2015

Location

Parcel Identification No: 038-1017-2934-001

Located in the SE¼, SW¼, Section 29, Town of Rubicon, N2989 El Donna Drive.

Applicants Request

The applicant is requesting a Conditional Use Permit under the Dodge County Land Use Code to allow the establishment of a general retail sales business within the A-2 General Agriculture Zoning District at this location.

CONCLUSIONS OF LAW

Based on the facts presented in the application and at the public hearing the Committee concludes that:

2.3.6.F General Approval Criteria for Conditional Use Permits

Conditional Use Permits shall be approved by the Committee if they find that all of the following criteria have been met:

2.3.6.F.2 Is the project compatible with adjacent uses in terms of scale, site design, operating characteristics? (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);

(Yes /	No)
	If not, what measures can be taken to mitigate any potential conflicts?
2.3.6.F.3 Will	the proposed use be significantly detrimental to the public health, safety, and welfare?
(Yes /	No)
	If yes, what measures can be taken to mitigate the potential detrimental impacts?

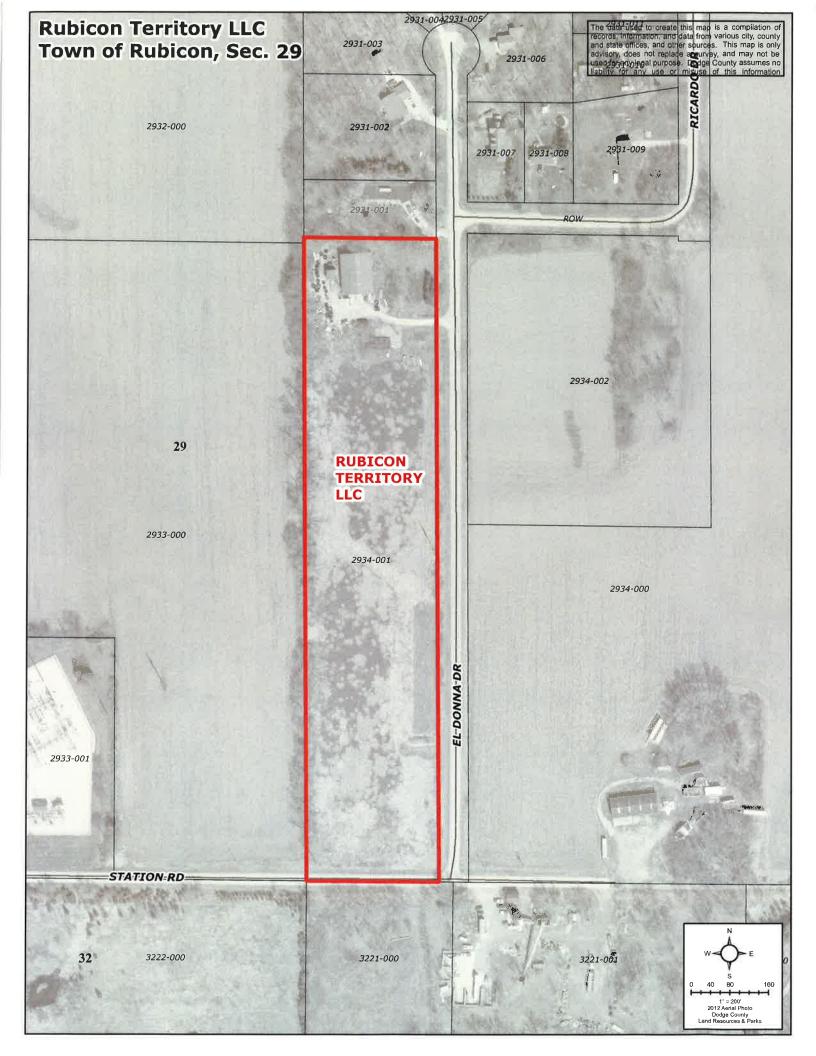
is to be locate	d;
(Yes /	No)
	If yes, what measures can be taken to mitigate the decrease in the value of the properties?
	e public safety, transportation and utility facilities and services available to serve the subject maintaining sufficient levels of service for existing development?
(Yes / I	No / Not Applicable)
	If not, what can be done to ensure facilities and services will be available?
2.3.6.F.6 Are	there adequate assurances of continuing maintenance for the project?
	(Yes / No/ Not Applicable)
	If no, what measures can be taken to ensure continued maintenance?
2.3.6.F.7 Will	there be any significant adverse impacts on the natural environment that require mitigation?
(Yes / I	No)
	If yes, what measures can be taken to mitigate the potential adverse impacts on the environment?
2.3.6.F.8 Is th	e project located in any hazard areas? (floodplains, floodways, steep slopes, etc)
(Yes / I	No)
	If yes, are there any measures that need to be taken to mitigate any potential dangers?

2.3.6.F.4 Will the project cause substantial decrease in value of other property in the neighborhood in which it

2.3.6.F.1 Does the proposed project comply with all applicable provisions of this Code? (Yes / No)
If not, what changes must be made to bring the project into compliance with the code?
Are any conditions for approval needed in this case to mitigate any potential adverse impacts on the adjacent properties, the environment or the community?
(Yes/No)
 The business operation shall be conducted without offensive noise, vibration, dust, smoke, odor, glare lighting or the risk of fire, explosion or other accident and shall not be detrimental to the public health and safety or general welfare of the immediate neighborhood or community.
It shall be the responsibility of the applicant to obtain all other Federal, State and/or local municipality permits and approvals that may be required for the proposed operation on this site.
3. The operation shall be conducted in accord with the plans submitted on December 2, 2015.
 Any significant change or expansion of the operation on this site may require that a new Conditional Use Permit be obtained.
Others
Does the committee believe that the Conditional Use Permit Request meets the approval criteria in Section 2.3.6.F of the County Land Use Code? (Yes / No)
Motion byto approve the conditional use permit request based upon the previous mentioned findings and conditions.
Motion second
Vote Allen Behl Yes No Abstain Not Present Janice Bobholz Yes No Abstain Not Present Randy Grebel Yes No Abstain Not Present Joseph Marsik Yes No Abstain Not Present Tom Schaefer - Chairman Yes No Abstain Not Present
Motion (Carried / Denied)

Page ___ of ___

	DETERMINATION of the above findings of fact, conclu	usions of law and the record in this matter the committee	
		he conditional use permit subject to the conditions listed above s directed to issue a conditional use permit incorporating the	
		nit request as proposed and the Land Use Administrator is e permit incorporating the decision of this Committee.	
	Denied the conditional use permit does not meet the following appro	t request as proposed. The committee finds that the proposa oval criteria of the code:	al
use permit sh approval for s	all become void after one year unle	Committee requiring a Zoning official to issue a conditional ess the applicant or appellant shall have met the conditions opermit has been issued by the Zoning official within such time so specified by the Committee.	
	•	Committee in accord with Section 11.4.4 of the Dodge Count be heard for violation of any of the conditions imposed.	У
officer, depart with the Dodg whom the app and decision	tment, board or bureau of the Cour le County Land Resources and Par beal is taken within 30 days after th	y person or their agent aggrieved by this decision or by any nty, or by any affected town board. Such appeals shall be file rks Department or the review and decision making body from ne date of written notice of the decision or order of the review nes no liability for and makes no warranty as to reliance on the xpiration of this 30-day period.	ו י
Dodge County	y Planning, Development and Park	s Committee	
Signed	Chairperson	Attest Secretary	
Dated:		Filed:	





DODGE COUNTY LAND RESOURCES & PARKS DEPARTMENT

127 E. OAK STREET • JUNEAU, WI 53039 PHONE: (920) 386-3700 • FAX: (920) 386-3979 E-MAIL: landresources@co.dodge.wi.us

CONDITIONAL USE PERMIT APPLICATION

THIS AREA FOR OFFICE USE ONLY			
Activity No.	Permit Issued Date		
150791			
Application Date:	Receipt #:		
12-2-15	Sanitary Permit #:		

Application Fee: \$350 (After the Fact Application Fee - \$700) Please complete page 1 and 2 of this application form and submit the application form with all of the required information listed in the "Application Checklist" for your project. PRINT OR TYPE. Use blue or black ink, do not use pencil. The Dodge County Land Resources and Parks Department will not consider your application unless you complete and submit this application form, the applicable information listed in the "application checklist" for your proposed project and the application fee. Personally identifiable information on this form will not be used for any other purpose, but it must be made available to requesters under Wisconsin's open records law [s. 19.31-19.39, Wis. Stats.].

(1) NA	(2) PROPERTY DESCRIPTION					
Applicant (Agent)	Parcel Identification Number (PIN)					
Brian Melter- Lal	038-1017-2934-001					
Street Address	Town	5		T N	R E	
N2989 El Donna City • State • ZipCode	Dr	1/4	Rubicon	Section	Acreage	Lot (Block)
Neosho, WI 5305	59	E 1/2	SW 1/2	29		
Property Owner (If differ		Subdivision or CSM (Volume/Page/Lot)				
Brian Melter- Ru	bicon Territory, LLC					
Street Address		Address Of Property (DO NOT Include City/State/ZipCode)				
N2989 El Donna Dr		N2989 El Donna Dr				
City • State • ZipCode Neosho, WI 53059		Is this property connected to public sewer? □ Yes ⊠ No				
	(3) PROPERTY USE (4) PROPOSED PROJECT			- Westly		
	Current Use Of Property	(Please check/complete all that apply below)				
☐ Vacant Property		□ Non-Farm Residential Lot □ Single Family Residence				
☐ Vacant Froperty ☐ Single-Family Ro		☐ Two-Family Residence ☐ Multi-Family Residence				
☐ Active-Working		☐ Tavern or Restaurant ☐ Professional Office				
_	strial • Commercial • (Describe below)	□ Non-Metallic Mine/Quarry □ Wind Tower				
	with Current Conditional Use for	☑ Create/Expand Business ☐ Wildlife Pond > 2-acres				
	ial Indoor Storage	☐ Wireless Communications Tower				
	□ Contractor's Offices and Storage Yards □ Filling, Grading or Dredging in the Shoreland District					
DNR NOTICE: You are reconstruction on or near with open water can be demodification of construction formation, visit the Depower of the construction of construction formation, or with the Depower of the construction of the con	Other: Allow retail Sales of ice Castle Fish House's from property					
(5) CERTIFICATE						
, the undersigned, hereby apply for a Conditional Use Permit and certify that all the information both above and attached is true and correct to the best of my knowledge. I affirm that I have read the DNR Notice shown above. I affirm that all work performed will be done in accordance with the Dodge County Land Use Code and with all other applicable laws and regulations. I hereby authorize members of the Dodge County Land Resources and Parks Department to enter the above-described property for purposes of obtaining information pertinent to my application request and to conduct land use code inspections. Signature Date 12/2/2015						
Daytime Contact Number (414) 531 - 3550						
	AREA BELOW THIS LINE	FOR OFFICE	USE ONLY			
	PLANNING, DEVELOPMENT &	Parks Comm	ITTEE ACTION			
Date of De	ecision				N	
☐ APPROVED ☐ DENIED	Conditions		Land Reso	urces and Pa	rks Departm	ent
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SITE PLAN (SKETCH)					
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See Attached Site Plan (Sketch)					
DOA ID No.	ate BOA P/H Date	THIS AREA FOR OF	BOA Decision		
BOA ID No. BOA Appeal Da	ale BOA F/H Date	BOA Decision Date	☐ Approved	☐ Approved w/Conditions	☐ Denied

Business Plan for Lake Country Ice Castle, LLC

Proposed Administrative Office Location

N2989 El Donna Dr, Town of Rubicon

Owners

Paula & Brian Melter

Business Operators Mailing Address

Paula & Brian Melter W340N6296 Breezy Point Rd Oconomowoc, WI 53066 262.780.1655

Site Progress Since Prior Conditional Use Was Approved

Since the last update and conditional use approval for our indoor storage business in October 2014, we have fully complied with all of the provisions of the approval and have completed the following improvements to the site, thereby improving the overall area. Many of these items and improvements would be leveraged for the proposed business expansion.

These items included:

- Become state licensed as a Public Warehouse Keeper (to allow for storage of other's vehicles)
- Completely cleaned up the site (with three dumpsters full of debris from the building and outdoor lot areas)
- Installed an asphalt driveway and landscaped around the building and added driveway gates
- Added many building improvements including the extension of a natural gas line to the property (which 7 neighbors also took advantage of for their homes), installation of a well and septic holding tank, interior improvements such as insulation, heat, air conditioning, and plumbing, and complete resurfacing of the interior concrete floors.
- Completed all work without any complaints from the surrounding residents and greatly improved the quality and cleanliness of the property.

Type of Business Being Proposed

We wish to take and process orders and be a registered dealer for Ice Castle Fish Houses which are portable shelters to be used on frozen lakes.

Proposed Hours

There will be no standing business hours. Similar to our existing business, we will be open only by appointment. Order processing will take place in the existing office of the building. These orders will then be sent to the manufacturer to be produced.

Employees

The owners of the business would be the only employees.

Present and Future Building Plans

The current building has been upgraded with the last conditional use approval. The existing building has an office with a bathroom served by an approved holding tank, well, hot and cold softened water, air conditioning, heat, and a small kitchenette area. No additional improvements are needed to the building or property for the proposed business.

Outside Lighting

Outside LED lighting is currently mounted on the building above each window and door. These LED fixtures only cast light downward and not outward or upward. No additional outdoor lighting would be required.

Sanitary Facilities

The existing plumbing with working and approved well and working and approved holding tank would be utilized. No additional improvements are needed.

Off-Street Parking

The existing asphalt driveway and parking area would be utilized for any customers who have made an appointment and is more than adequate.

Signage

New signage, attached to the building would be added as required by the State of WI.

Hazardous Wastes

No hazardous wastes would be stored on the site.

Landscaping/Buffering

As part of the prior conditional use, landscaping, grading, and related items were improved on the site. No additional improvements would be proposed.

State Licensing Requirement

Some of the Ice Castle models fall below the state weight limit and definition of recreational vehicles and are considered trailers. However, from an administrative standpoint, the State of WI requires those taking and processing orders for Ice Castles, even those without a display lot or inventory, to be a registered RV dealer and have a registered salesperson. Upon approval of the conditional use, we would then apply for the proper state licenses.

Special Dealer Items of Note

Our proposed business will process orders and related paperwork for the ordering and purchase of an Ice Castle Fish House. While this does require becoming a state licensed RV dealer, there are many key differences between our proposed business and a "typical" RV or motor vehicle dealer.

Unlike a normal motor vehicle or recreational dealership, there will be no inventory of units to sell. We may procure one or two units to be stored indoors in the existing building to show as examples of the construction, color choices, available options and materials, and other choices to prospective buyers.

No service will be performed onsite and similar to our existing business, there will not be any long-term storage nor a display lot of any vehicles on the site. We will merely be taking orders for these items with possible short-term storage of completed units waiting for customer pickup.

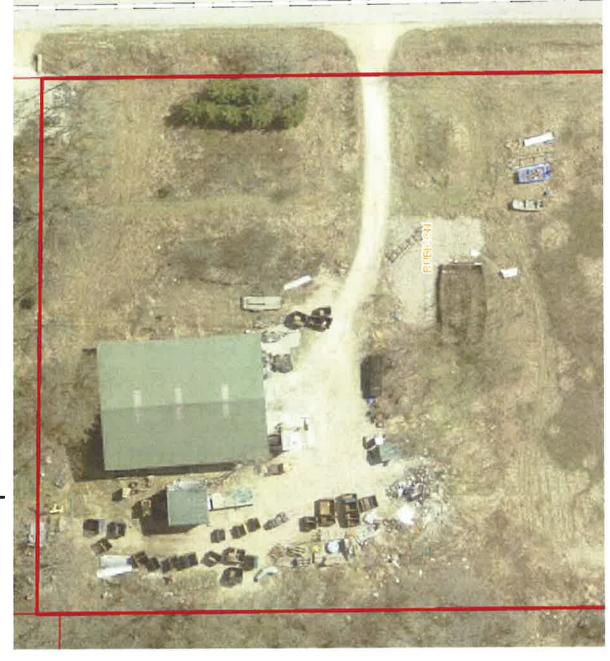
Surrounding Area

The area surrounding the property consists of a single family home to the north, continuation of the property to the south, farm fields to the west, and farm fields and a small trucking company to the east/southeast. None of these would be impacted by the proposed business or operations.

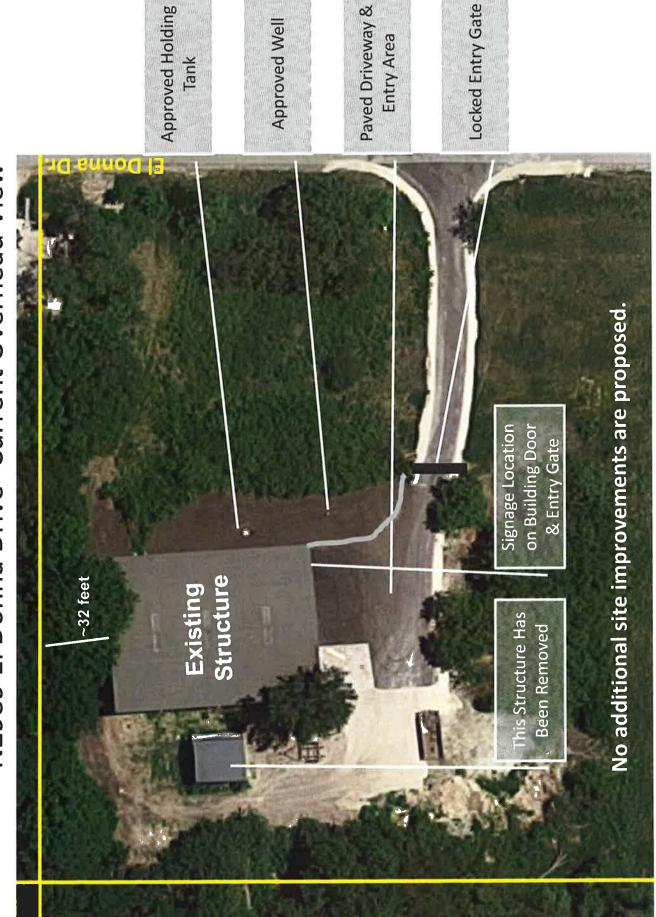
Additional State of WI Items

In addition to the RV Dealer License and Registered Salesperson license, the proposed business would obtain any and all state licenses (sales and use tax, seller permit, etc.), insurance, and related items as required to do business in the state of Wisconsin.

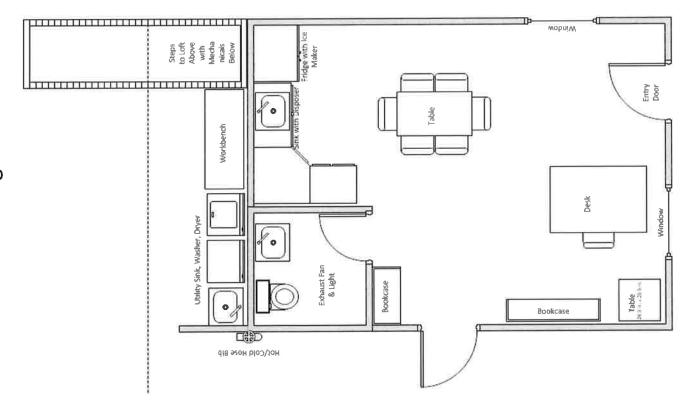
N2989 El Donna Drive- Prior Overhead View Upon Purchase in October 2014



N2989 El Donna Drive- Current Overhead View







DODGE COUNTY PLANNING, DEVELOPMENT AND PARKS COMMITTEE MINUTES December 7, 2015

The Dodge County Planning, Development and Parks Committee met on December 7, 2015 at 7:00 p.m. on the 1st Floor of the Administration Building, Juneau, Wisconsin.

Chairman Schaefer called the meeting to order. Roll Call was taken. Members present were Tom Schaefer, Allen Behl, Randy Grebel and Janice Bobholz. Joseph Marsik was excused. The staff present at the request of the Chairman were Joyce Fiacco, Dan Schultz-Parks Forman, Ted Dumke – Senior Land Surveyor, Dean Perlick and Joseph Giebel.

The Chairman asked the staff to confirm compliance with the open meeting laws and the public hearing notice requirements. Mr. Giebel noted that the meeting was properly noticed in accord with the open meeting law and noted that the required notices for the public hearings listed on the agenda were posted, mailed and published in accord with the statute and code requirements.

The agenda was reviewed.

Motion by Allen Behl to approve the agenda and allow the Chairperson to go out of order as needed to efficiently conduct the meeting. Second: Randy Grebel. Motion carried.

The hearing procedures were read into the record.

PUBLIC HEARING

Dodge County Planning, Development and Parks Committee – Petition to adopt an official Zoning Map for the Town of Elba under the Land Use Code, Dodge County, Wisconsin in order to facilitate the orderly development of the lands in the Town of Elba.

Motion by Randy Grebel to submit a favorable recommendation to the County Board on the petition to adopt an official zoning map for the Town of Elba as shown in Exhibit A.

Second by Janice Bobholz Vote 4-0 Motion carried.

PUBLIC HEARING

Bill Ehlenbeck, agent for Dodge County Parks – Request for a Conditional Use Permit under the Shoreland Protection Ordinance, Dodge County, Wisconsin to allow filling, grading and dredging within a Shoreland and Floodplain district associated with the replacement of a culvert. The property is located at the Derge Park Boat Ramp located in part of the SE ¼, NE ¼, Section 19, Town of Westford.

Dan Schultz, Parks Forman was present to present the conditional use permit request to the Committee.

Motion by Allen Behl to approve the conditional use permit to allow filling, grading and excavating within the shoreland area associated with the replacement of a culvert subject to the following conditions:

1. It shall be the responsibility of the applicant to obtain all other permits or approvals that

- may be required (e.g., Wisconsin Department of Natural Resources and/or U.S. Army Corps of Engineers) for the proposed project.
- 2. The replacement culvert shall not exceed the original dimensions of the culvert (no increase in depth or width);
- 3. The replacement culvert shall be placed at the same elevation and shall maintain the same flow line of the existing culvert;
- 4. All disturbed areas shall be leveled and graded (as needed) and seeded to permanent vegetation as soon as possible to prevent erosion of silt/sediment into the waterway.
- 5. The proposed project shall not obstruct flow and shall not increase the regional flood height.
- 6. All erosion control measures required by the applicable Federal, State, County and Local codes shall be in place and shall be maintained throughout the duration of the project in accordance with Best Management Practices.
- 7. All work shall be done in accord with the plans and specifications submitted on November 16, 2015
- 8. The decision of the Committee is valid for one year.

Second by Janice Bobholz Vote 4-0

Motion carried.

ZONING

Vanderloop Enterprises LLC – Request to allow issuance of Land Use Permit for Phase 2 of the construction of a commercial agricultural sales and service facility pending the final approval of the offer to purchase the additional road right-of-way along US Highway 151, from the State Department of Transportation and review and act on landscaping proposal for this site. The site is located in part of the SW ¼, NW ¼, Section 14, T12N, R14E, Town of Trenton, the site address being N8766 and N8750 Buckhorn Road.

Mr. Giebel informed the committee that on October 15, 2015, the Dodge County Board of Adjustment denied a variance request to allow the construction of a farm equipment service and sales facility building 6 ½ feet within the required highway setback lines of US Highway 151. In an attempt to resolve the setback issue, the owner has approached the State DOT with a request to purchase additional right-of-way back from the State in order to meet the County's setback requirements. According to the owner, the entire process to purchase the additional road right-of-way will take several months to complete the transaction. Mr. Giebel noted that at this time the applicant is asking the department to allow issuance of the land use permit for phase 2 of the project (construction of the sales facility) prior to final approval and transfer of the additional land at this location so that they continue construction of the facility. A copy of the proposed land purchase was presented to the committee for review.

Motion by Janice Bobholz to allow the staff to issue the land use permit for Phase 2 of the project contingent upon receiving a letter or e-mail correspondence from the State Department of Transportation or other applicable State Department conferring the tentative approval to sell the required road right-of-way to Vanderloop Enterpirses LLC.

Second by Randy Grebel

Vote 4-0

Motion carried.

Landscaping Proposal

Motion by Janice Bobholz to approve the alternate landscaping plan as proposed.

Second by Allen Behl

Vote 4-0

Motion carried.

TOWN REZONING PETITIONS

Joseph and Mary Roche – Part of the SW ¼, NE ¼, Section 3, Town of Portland - A request to rezone approximately 2-acres of land under the Town of Portland Zoning Ordinance from the A-1 Farmland Preservation Zoning District to the A-2 General Agricultural Zoning District has been submitted to the County Board of Supervisors for approval to allow for the creation of an approximate 2-acre non-farm residential lot at this location. County Board Recommendation

Motion by Randy Grebel to submit a favorable recommendation to the County Board of Supervisors to approve the request to rezone 2-acres of land under the Town of Portland Zoning Ordinance from the A-1 Farmland Preservation Zoning District to the A-2 General Agricultural Zoning District as proposed.

Second by Allen Behl Vote 4-0 Motion carried.

ADMINISTRATIVE BUSINESS

Planning and Development

1. Request for Committee Recommendation to Finance Committee for Reallocation of Unexpended Funds and Unanticipated Revenues between Accounts and Business Units within the Department.

Joyce Fiacco reviewed the Department budget with the Committee. She also reviewed a recommendation from the Committee which will be forwarded to the Finance Committee for Reallocation of Unexpended Funds and Unanticipated Revenues between Accounts and Business Units within the Department as reviewed with the Committee.

Motion by Allen Behl to support the recommendation to the finance committee for reallocation of the unexpended funds and unanticipated revenues between accounts and business units within the Department as discussed.

Second by Randy Grebel, Vote 4-0 Motion carried.

2. Consideration of recommendation to Finance Committee and County Board to carry-forward funds from 2015 to 2016

Joyce Fiacco reviewed the Department budget with the Committee and discussed the anticipated funds that will need to be carried over to the 2016 budget year because the Land Information Management System implementation project might not completed in 2015.

Motion by Janice Bobholz to support the recommendation to the finance committee to carry over certain funds to the 2016 budget for the projects that were not completed in 2015 as discussed.

Second By Randy Grebel Vote 4-0 Motion carried.

Economic Development

- Community Development Block Grant (CDBG) Housing Program Update;
 Dean Perlick indicated the department is waiting for some final data regarding the
 Community Development Block Grant Housing program and he will give an update at a later date.
- 2. Discuss Northwoods Paper Converting, Inc. Job Creation and Retention Requirements.

Dean Perlick provided the Committee with an update on the job creation and retention requirements for the Northwoods Paper Converting Inc. loan. He provided background on the loan agreement and reviewed the number of jobs filled.

Motion by Allen Behl to accept the job creation level achieved as substantially in conformance with the loan agreement.

Second by Randy Grebel, Vote 4-0 Motion carried.

- 3. Revolving Loan Fund Status Report.
 - Dean Perlick provided the Committee with an update on the revolving loan fund. The Mossflower Harbor loan is listed as delinquent. The Department is pursuing payment through the foreclosure process to try to recover some of the loan. The Mayville Hotel loan is listed as not current. The last two payments were received late. They are working with the owner to restructure the payments for this loan. There is \$340,000.00 available for loans at this time.
- 4. Discuss Results of ExporTech Lunch and Learn Program. Dean Perlick provided the Committee with information on the ExporTech Lunch and Learn program. A workshop/lunch and learn program was hosted by John Deere, Horicon and was offered to the area manufacturing companies and the area communities. The program was centered on the different global market opportunities that are available through this program.
- 5. Discuss Possible Changes to the Loan Repayment Schedule for Mayville Hotels, LLC Dean Perlick provided the Committee with a status update on the possible changes that may be made to the loan repayment schedule for the Mayville Hotels, LLC loan. The owner is exploring options to reduce the payment amount during the winter season.

Motion by Janice Bobholz to allow the submittal of an interest only monthly payment for a 6 month period starting in November subject to the submittal of the following:

- Financial reports for the business.
- A personal financial statement
- Listing of any open accounts and their status.

Second by Allen Behl Vote 4-0 Motion carried.

Parks

1. Consideration of recommendation to Finance Committee for carryover of funds to 2016. Dan Schultz provided the Committee with an update on the parks budget for 2015. He provided the committee with an update on the park projects that were included in the 2015 budget but that have not been completed yet. A recommendation will be forwarded to the Finance Committee with a request to carry over funds from the 2015 budget to the 2016 budget for projects that have not been completed yet.

Motion by Janice Bobholz to support the recommendation to the finance committee to carry over certain funds to the 2016 budget to cover the park projects that were not completed in 2015.

Second by Randy Grebel

Vote 4-0

Motion carried.

- 2. Review proposal to correct property boundary between Astico Park and Okeeg Cemetery Ted Dumke and Dan Schultz reviewed a proposal to correct the property boundary between Astico Park and Okeeg Cemetery. A boundary survey was reviewed by the Committee which showed the areas in dispute. The proposal to swap land between the County and the Cemetery Association is intended to clear up the boundaries so the cemetery fence is completely within the cemetery property and all of the park infrastructure, as well as a majority of the trees north of the fence will be on the County Park property. The cemetery officials gave general agreement to this arrangement during the on-site meeting on November 10, 2015. Pending resolution of the boundaries, the Parks staff is planning on replacing the damaged portion of the fence that was destroyed during the wind storms in July. No committee action is needed at this point.
- 3. Astico Park restoration update

Dan provided the Committee with an update on the Astico Park restoration activities. The logging crew work has been completed. There are a few brush piles that are remaining for cleanup and there are a few piles of firewood logs remaining for pickup. The road leading to the Danville Section of the park was closed prior to guardrails being installed. The guardrail installation is completed and all roads and walking trails are open.

4. Parks Report

Dan Schultz provided the Committee with an update on the Parks. The resurfacing project for the Wild Goose Trail segment from Juneau to north of CTH E has been completed. A grant request will be submitted this year to cover the final segment from Juneau to STH 60. The paving project at Ledge Park has been completed. The outer section of the road through the campground area was paved this year. An update on Fall Fest was given. Approximately \$2000.00 was raised this year at the festival.

OTHER BUSINESS

 Review and approve Wisconsin Fund Grants for 2015
 Mr. Giebel informed the Committee that the County requested and received payment of a Wisconsin Fund grant in the amount of \$5740.59. The staff requested payout of the Wisconsin Fund Grant for the following participant:

OWNER
Billings, Perry and Diane

TOWN Theresa

<u>GRANT AMOUNT</u> \$5740.59

	Second by: Allen Behl Vote: 4-0 Motion Carried						
2.	The minutes from the November 2, 2015 meeting were reviewed by the Committee.						
	Motion by Randy Grebel to approve the minutes as written.						
	Second by Janice Bobholz Vote: 4-0 Motion carried.						
3.	No Committee Member Reports						
4.	1. No additional Per Diems						
Motion by the order of the Chairman to adjourn the meeting.							
Meeting adjourned at 8:45 p.m.							
Respectfully Submitted,							
Allen Behl, Secretary							
	sclaimer: The above minutes may be approved, amended or corrected at the next committee seting.						

Motion by: Janice Bobholz to authorize the Wisconsin Fund Grant Payment,