

## MINUTES

Eau Claire County

### • PLANNING & DEVELOPMENT COMMITTEE •

**Date:** Tuesday, April 13, 2021

**Time:** 7:00 p.m.

\*Event link below can be used to connect to meeting and interact (by the chair) from computer or through the WebEx Meeting smartphone app.

**Join WebEx Meeting:** <https://eauclairecounty.webex.com> Meeting ID: **145 084 2426** Password: **K3BrwaAJj28**

\*Meeting audio can be listened to using this Audio conference dial in information.

**Audio conference:** 1-415-655-0001 Access Code: **1450842426##**

***For those wishing to make public comment, you must e-mail Rod Eslinger at Rod.Eslinger@co.eau-claire.wi.us at least 30 minutes prior to the start of the meeting. You will be called on during the public comment period to make your comments.***

*\*Please mute personal devices upon entry*

Members Present: Gary Gibson, Robin Leary, Dane Zook, James A. Dunning

Members Absent: Nancy Coffey,

Ex officio Present: Nick Smiar

Staff Present: Rodney Eslinger, Matt Michels, Jared Grande

#### 1. Call to Order and confirmation of meeting notice

Chairperson Gibson called the meeting to order at 7 pm and confirmed that the meeting was properly noticed.

#### 2. Public Comment (15 minute maximum)

None

#### 3. Public Hearings

- a. **Proposed Ordinance: File No. 20-21/126** "Amending the 1982 Zoning District Boundary Map for Town of Lincoln (Mark K & Barbara A Goings) / Discussion – Action

Matt Michels, Senior Planner for Eau Claire County presented the staff report. He stated the applicant is requesting to rezone 34.68 acres +/- of land from A-3 Agricultural District to A-P Agricultural Preservation District to allow the applicant to participate in farmland preservation. Matt reviewed an aerial map, site plan, soils, current zoning and planning designations, and adjacent land uses with the committee. Mr. Michels noted this is not a common request where a property wishes to rezone land into the A-P District. The Town of Lincoln recommended approval of the rezoning petition. Matt reviewed staff findings with the committee and gave his recommendation to approve the rezoning as presented.

Nick Goings, applicant, spoke in favor of the request and clarified for the committee that the A-P District matches his long-term goals for the property in keeping it in agriculture.

No one else spoke in favor or against the petition.

**ACTION:** Motion by Robin Leary to approve the Proposed Ordinance: File No. 20-21/126. Motion carried on a roll call vote: 3-0-0. Supervisor Dunning joined the meeting after this hearing.

- b. A conditional use permit (CUP-0006-21) request to amend CUP-0002-15 with proposed changes deemed substantial. Town of Pleasant Valley (Jeffery A Bemis) / Discussion – Action

Jared Grande, Land Use Manager for Eau Claire County, presented the staff report for a request to amend CUP-0002-15 that allowed the applicant to operate a micro-winery within the lower level of his residence. Mr. Grande reviewed the permit history with the committee and presented the background on how this matter was brought to the department's attention as a complaint. He provided a power point that included an overview of the application materials including a description of the request, the existing conditions, reviewed the adjacent land uses, site plan, relative zoning standards, and presented photos of the site. He indicated that the Town of Pleasant Valley has issued licenses to the applicant. The department also received a signed petition along with copies of an online petition from Bemis Bluff Winery patrons stating their support of the business and the amendment.

Jared reviewed his recommended conditions with the committee. He indicated that on Monday, April 12<sup>th</sup> the Town of Pleasant Valley Town Board conducted its hearing on the matter and voted to recommend approval of the CUP with four of their conditions along with staff's recommended conditions. The Town's recommended conditions were:

- 1) Only allowing 17 tables for outside seating and the parking lot size being adjusted accordingly to accommodate indoor and outdoor seating capacity,
- 2) No outdoor music is to be allowed at any time,
- 3) A review by the Town and the County in one year for compliance and possible minor modifications, and
- 4) All conditions of the new CUP must be met before outdoor seating is allowed.

Staff concluded that the applicant's request to amend CUP-0002-15 with the proposed changes considered a major modification appears to be consistent with the purpose of the zoning code, consistent with the standards for conditional use permits, consistent with the standards for approval of conditional uses in the A-P district, adheres to applicable zoning regulations, and adheres to 2017 Wisconsin Act 67 and Wis. Stat. 59.69(5e). Jared recommended approval subject to the conditions in the staff report along with the Town of Pleasant Valley's suggested conditions.

Jeff Bemis, property owner and applicant, spoke in support of the amendment. He stated that he was withdrawing from his request to have any outdoor music and is requesting only 24 outside tables instead of the 30 requested in the application materials. He noted that he does not make beer on site but had sold beer to patrons under his liquor license that town granted him. He addressed the fruit that was grown onsite, future expansion, on and off-site parking, a site plan, fence location, related noise impacts, trash and liter, sanitation, outside seating, food vendor, number of employees, and his current winery footprint in his structure.

Speaking in favor of the request were: Amanda Duce, Joanna Gohlke, Angela Lahn, Tammy Solsrud, Danielle Hawke, Alicia Canziani, Amanda Stange, Jill Balke.

Speaking in against the request were: Andrea Nyseth (spoke on behalf of her husband, Mark, neighbors: Dennis and Linda Hillestad, Loren and Sue Travis, and Jeremy Alleman), Wendy Nicolet Hagenss, and Dan Rhodes.

**ACTION:** Motion by Dane Zook to approve conditional use permit request to amend CUP-0002-15. Motion carried, 4-0-0.

During the committee's deliberations, the committee reviewed and analyzed each of the recommended conditions. The motion to approve included the town's conditions; adding to hours of operation the following verbiage, "Monday thru Sunday" at the end of the sentence; new condition "All rules and

regulations in Publication 302 Wisconsin Alcohol Beverage and Tobacco Laws for Retailers from the Wisconsin Department of Revenue must be adhered to; outdoor seating is limited to 17 tables; no outside music is allowed; Up to 4 employees are allowed for the agriculture-related business. The complete list of the approved conditions is attached to the conditional use permit.

4. Review of March bills / Discussion

The committee reviewed the March bills.

5. Review/Approval of March 23, 2021 Meeting Minutes / Discussion – Action

The committee reviewed the March 23, 2021 committee meeting minutes.

**ACTION:** Motion by Robin Leary to approve the March 23, 2021 meeting minutes as presented. Motion carried, 4-0-0.

6. Proposed Future Agenda Items / Discussion

- a. Next scheduled meeting - April 27, 2021

7. Adjourn

**Action:** Meeting adjourned by unanimous consent at 9:55 p.m.

Respectfully Submitted,



Rodney Eslinger  
Clerk, Committee on Planning & Development