

Plan Commission Special Meeting
April 12, 2005
Bradley Town Hall

Plan Commission Present: Ann Eckman, Harry Gladwin, Bill Jelinek *, Carolyn Lemke, Hal Shrage, Diana C. Smith.
Plan Commissioners Absent: Ben Brown.
Bradley Township Supervisors Present: Elsie Bartz, Jack Huston, Kevin Koth, *,

Interested Citizen/Business Participation:
Tom Arnott - Arnott Plumbing and Heating LLC
Gregg Carew - Premier Heating and Cooling
Lincoln County Zoning Resource Personnel:
Dan Bowers - Zoning Specialist
Dan Miller - Zoning Department Administrator

Agenda Item #1,
Chairperson Diana Smith called the Special Meeting to order at 1:38 P.M.
Chairperson Smith introduced Dan Miller, Zoning Dept. Administrator, Lincoln County, and Dan Bowers, Zoning Specialist, Lincoln County.

Agenda Item #2
Chairperson Smith opened the meeting by providing background on the omission of contractor shops within planned business district in the new zoning code. She explained that in the developing stages of the original Town of Bradley Land Use Plan, two business districts were utilized: planned business and crossroads mix. The intent was to not restrict or prohibit businesses, but that the Town of Bradley would retain some oversight in the planning process. Recently it was discovered that an applicant wanted to start a business in the vicinity of County Trunk A and business 51 North, which according to Bradley's Land Use Plan was designated and intended as a planned business district. The plan commissioners did not realize that the new zoning code did not allow for contractor shops in general business and crossroad mix district. The code does allow contractor shops in general business and crossroad mix districts with a conditional use permit. There are 3 or 4 contractor shops in the area which the Bradley Plan has designated as planned business district. If the plan were to be adopted as is, it would make these businesses legally non-conforming. There is no intent to make these businesses non-conforming, but the original land use plan was to identify and make this area a planned business district.

Chair Smith asked Dan Miller to comment:

He distributed copies of the Lincoln County zoning ordinance, division 17.3, land use descriptions and standards - item #6 which specifically explains contractor shops. He elaborated on what "expansion" would mean to an owner of a contractor shop. He explained that physical expansion could include additions to present structures or building an additional structure; however, any change to the "nature" of a business would not be permitted. He cited an example a plumbing

shop wanting to add an electrical service or a cabinet maker wanting to sell rental equipment. This would change the "nature" of the business. He further commented on the idea of adding a "C" (conditional use) to the planned business district to include contractor shop. This would be possible but in his opinion it would be problematic because 4 towns of the 16 have already adopted the zoning ordinance code. He did mention that the Town of Bradley could approach the Lincoln County Zoning Committee regarding the addition of "C", but suggested waiting until after December 23, 2005 so as to learn how all of the towns reacted to adoption of the zoning ordinance changes. He additionally suggested that the Town of Bradley clearly define what Bradley considers as a contractor shop.

Chair Smith read the description of contractor shop as it currently appears in item #6 in the description and standards.

Dan Miller noted that the 4 contractor shops businesses appear to be a bind, however, they may make additions but not change usage.

Chair Smith inquired how changes would be made.

Dan Miller - once the ordinances are adopted, a town may apply to the zoning committee for changes. The zoning committee would then have to decide whether to forward the requested changes to the Lincoln County Board. He said this typically could be a two month process. Dan was asked to explain the procedure of the meeting schedule for December 23, 2005. He explained that all Town Representatives would assemble together to present their respective list of requested changes and issue at a Lincoln County Zoning Committee hearing. The zoning committee refers its recommendations to the Lincoln County Board of Supervisors.

Chair Smith asked whether the idea of adding a "C" might be introduced at the December 23rd meeting, to which Dan Miller said the issue could be brought up. Chair Smith Commenting - There has been more than 8 years of intensive study, debate and extensive work by the Bradley Land Use Planning Commission plus several public meetings sponsored by the Bradley Town Board. The original land use plan clearly identified planned business district as its choice and preference to handle the majority of business development. The land use commissioners and Town Board reject spot rezoning which they believe could start a precedent. She reiterated that a planned business district designation provides Bradley Town with Town oversight which general business district does not. The proposal is to add contractor shop to planned business district as a conditional use permit. This is viewed as a solution, knowing that there may be objections to resolve in order too accomplish this goal. Continuing, she referred to an earlier meeting of the Lincoln county code review committee at which one of the questions was whether the Lincoln county zoning ordinance should have a commercial district zoning that requires quality designed standards for development. All town representatives present agreed. Although at the time the towns did not intend to use a type of planned business district, the representatives were already thinking that there should be such an option.

The chair read excerpts from the Town of Bradley Land Use Plan, focusing attention on the purpose of the town land use plan:

"The Town of Bradley Land Use Plan will allow the town to guide future land development in a way that preserves the rural character of the community, protects natural resources, enhances recreational tourism opportunities, and provides for efficient service delivery. The Town Land Use Plan includes background information, maps, images, goals, and objectives, and implementation strategies. More specifically, the town land use plan recommends how land within Bradley should be used over the next 20 years, based on public involvement and the Town's vision, goals, and objectives. These recommendations may form the basis for new or up dated tools to implement the plan, such as zoning and subdivision ordinances. The recommendations should also be used as a basis for day to day development decisions, such as rezoning, conditional use permits, subdivisions, and park land acquisitions. After adoption, the Town should occasionally consider logical amendments to the plan based on changing conditions in the community or new information. In addition the chair cited the plan's definition on planned business: Existing and planned high quality indoor retail, commercial service, and compatible office land uses, with generous landscaping, limited signage, and close attention to building and site design. Development character should reflect the existing or desired character of the community. Some existing General Business "area are proposed to redevelop to meet these higher standards."

Chair Smith further commented:

Although there has always been some disagreement between the Lincoln County Zoning Committee and the Town of Bradley regarding the extent of the Town's involvement in zoning issues, there has been efforts made to reach amicable agreement. It may be assumed that there will always be some degree of conflict because Lincoln County Zoning has their specific needs and requirements, and, the Town of Bradley has it's vision and goals. It is also recognized that there is a political zoning committee which is not elected by the people of Bradley, and Bradley does not have representation on the zoning committee of Lincoln County. The Lincoln County Zoning Committee makes ultimate decisions on not only what will happen on every permit, but also makes the policies on how the decision will be implemented. When the Land Use Planning Commission was putting together the Town of Bradley's plan it was envisioned and hope expressed that regarding zoning issues there would be a balanced playing field. That it wouldn't depend on who an applicant might know in the Lincoln county political arena, but that applications for consideration would come before an objective committee and be based solely on criteria presented, and that all applications would be treated the same. The hope was that the process would be democratic because this is the way the Town of Bradley Board functions. The current Bradley Board has consistently encouraged the Town's Citizens to take responsibility and participate in Town decisions. During the long planning process and interaction with the Lincoln County Zoning and Board of Supervisors, there was hope expressed by the County's Towns that the Towns and Lincoln County Zoning and Board of Supervisors, and as one result of this long planning process Bradley hoped to develop and maintain some control of it's future development, Planned Business District.

Chair Smith called for additional question and comments:

Generally, further questions and comments returned to the central concern of what might be done in relation to the issue of contractor shops. Dan Miller repeated that additions to present facilities were permissible, but changing the nature of the business was not. In response to a question Dan Miller suggested, again, that care was needed in defining contractor shops, re-examine the definition now in use by Bradley, and perhaps creating another category for contractor shops. When he was asked about getting the zoning committee to look at the issue of contractor shops, he suggested the possibility of an informal request to the zoning committee to reconsider and talk about contractor shops and whether they should be allowed in conditional use planned business districts. It is possible that the zoning committee would put the issue on the short list of concerns for the December 23rd meeting, but if not then Bradley might consider a more formal approach.

Chair Smith commented on cooperation between Lincoln County Zoning and Town's:

She related that recently during a county zoning committee meeting it's chair stated twice during the meeting that county zoning committee should make an effort to reach out and work with the Town's to make zoning ordinances work. He referred to the County - Town Zoning Plans as a changeable document and that the county zoning committee will always take the concerns of the Towns under consideration.

Dan Miller responding to a question stated that Town's could make changes after adoption:

He further noted that he understood the Town of Bradley's position on Planned Business District, and General Business District.

Chair Smith followed up on the reference to General Business District:

She read the description of General Business District, and pointed out that all of the businesses listed were appropriate for that category, but she emphasized that when permitted use comes in to play, the Town does not have any control. The issue of establishing a private helicopter pad was briefly discussed. It was agreed that this issue needed further attention.

Action/Recommendation to Bradley Town Board regarding Contractor Shops:

Bill Jelinek proposed that the Land Use Planning Commission continue to deliberate the issue on contractor shops at one of it's next meetings, Chair Smith polled the Commissioners present. All favored the proposal.

Agenda Item #3

There were no further questions for Dan Miller on the Town adoption of the zoning code. No action/recommendation to the Town Board.

Agenda Item #4

In lieu of the regular monthly meeting originally scheduled for Monday April 25, 2005, Chair Smith arranged with the Town Board permission for all Land Use Planning Commissioners to attend the Lincoln County informational/workshop

meeting on the new zoning ordinance code. The meeting is at 6:30 P.M.
Wednesday April 27, 2005 at the Health Care Center in Merrill.

Agenda Item #5

A motion to adjourn by commissioner Gladwin, seconded by commissioner
Jelinek was passed unanimously.

Recorder -
Hal Shrage