

RACINE COUNTY ECONOMIC DEVELOPMENT & LAND USE PLANNING COMMITTEE

SUMMARY MINUTES - MONDAY, April 17, 2017- 6:00 p.m.

**Ives Grove Office Complex Auditorium
14200 Washington Avenue, Sturtevant, WI 53177**

Committee present: David Cooke, Mark Gleason, Tom Pringle, Monte G. Osterman, Bob Grove, Tom Roanhouse, Tom Hincz

Youth in Governance
Representatives: Abram Fabela, absent and Alice Pennings, absent

Staff present: Brian Jensen, Development Services Superintendent
Rhonda McCormick, Staff Secretary

Chairman Cooke called the April 17, 2017, Racine County Economic Development and Land Use Planning Committee Public Hearing and Committee meeting to order at 6:00 p.m. He introduced the Committee and staff and explained public hearing and meeting procedures. Following are the agenda items and the Committee's actions.

PUBLIC HEARING

1. Clearwater Acres, LLP, Owner
6:02 Payne & Dolan, Inc., Agent
8:18

Amendment of Land Use Plan from the plan designations of Prime Agricultural Land, Extractive Resource, and Isolated Natural Area to Extractive (sand & gravel)

Rezone ±222.41 acres of property from A-1 Farmland Preservation District to M-4 Quarrying District; 6841 Caldwell Road; Secs.16 & 17, T4N, R19E, **Town of Waterford** (PINs 0160419-17001000, -16003000, -17007000, and -17008000)

For informational purposes only:

The purpose of this Land Use Plan amendment and rezone is to possibly allow mineral extraction (sand & gravel).

Brian Jensen reviewed the petition and public hearing testimony using text and slides. The Land Use Plan recognizes this property as an extractive resource. Approximately 60 acres of the approximate 222 acres will be mined.

Clint Weninger, the agent, was present and answered questions from the committee.

SPEAKING IN OPPOSITION

Nine residents were present and spoke in opposition to the petition.

STAFF RECOMMENDATION(S)

Staff recommends approval of the petitions, as the rezoning and land use plan amendment are consistent with the existing 2035 Comprehensive Land Use Plan and should provide a valuable resource to the community.

DECISION

PRINGLE MOVED, seconded by Gleason, to approve the Land Use Plan amendment and rezoning as they are consistent with the 2035 Comprehensive Land Use Plan; the rezoning is required by public necessity, convenience, general welfare and good zoning practice; and this rezoning will not be solely for the benefit of the owner. **Motion carried unanimously. VOTE: 7/0**

2. Clearwater Acres, LLP, Owner
6:42 Payne & Dolan – Clint Weninger,
8:19 Applicant

Conditional Use to establish and operate a non-metallic mineral extraction (sand & gravel) including earthmoving, crushing, washing, sorting, sizing, stockpiling, transportation and reclamation operation; located in the (Proposed) M-4 Quarrying District; 6841 Caldwell Rd.; Secs. 16 & 17, T4N, R19E, **Town of Waterford** (Parcel Id. Nos. 016041916003000; 016041917-001000, -007000, -008000)

Jensen reviewed the petition and public hearing testimony using text and slides. Approximately 60 acres will be mined in three phases, each phase will consist of approximately 20 acres. Payne and Dolan will repave a portion of the road from the pit truck entrance, south to Highway 83, to help with damage to the road caused by truck traffic. If approved, the applicant will be required to submit a financial assurance bond in favor of Racine County as obligee. Staff has reviewed the plans and has determined the operation will be in compliance with the county ordinance.

Clint Weninger, the applicant, was present and answered questions from the committee.

SPEAKING IN OPPOSITION

Five residents were present and spoke in opposition to the petition.

STAFF RECOMMENDATION(S)

Staff recommends approval of the conditional use petition, as this use appears to be permitted by underlying zoning, and based on other things going on in the area, the proposed use appears “to fit” with the uses in the district and will provide a valuable material asset to the community. The Racine County Conservationist has reviewed the current quarry operation and determined that the proposed quarry operation is in compliance reclamation requirements.

DECISION

PRINGLE MOVED, seconded by Gleason, to approve the conditional use petition, as this use is not hazardous, offensive, or otherwise adverse to the environment quality, water quality, or property values; this use appears to be permitted by underlying zoning; and, based on other things going on in the area, the proposed use appears to fit with the uses in this district. **Motion carried unanimously. VOTE: 7/0**

3. Steven B. Ament, Owner
7:24 Conserv FS/Thomas Koenecke,
8:35 Applicant

Amendment of Land Use Plan from the plan designation of Agricultural Land, Rural Residential Land (3.0 acres or more per dwelling unit) and Open Land to Industrial (.32 acre)

Rezone ±6.02 acres of property from A-3 General Farming District III to M-3 Heavy Industrial District; S. Beaumont Avenue; Sec.34, T43N, R20E, **Town of Dover** (Part of PINs 006032034-003000 and -020000)

For informational purposes only:

The purpose of this Land Use Plan amendment and rezone is for conversion of farmland to expand existing business.

Jensen reviewed the petition and public hearing testimony using text slides. The only change to the Land Use Plan would be a 30-foot strip of agricultural land to the west. Six acres to the north are already recognized as an M-3 use. If approved, any future development will require conditional use approval from the Town of Dover and Racine County Development Services.

Tom Koenecke, the applicant, was present and answered questions from the committee.

SPEAKING IN OPPOSITION

Four residents were present and spoke in opposition to the petition.

STAFF RECOMMENDATION(S)

Staff recommends approval of the Land Use Plan amendment and rezoning, as it is compatible with the uses in this area; the rezoning and Land Use Plan amendment are consistent with the existing 2035 Comprehensive Land Use Plan; and the rezoning is not illegal spot zoning.

DECISION

PRINGLE MOVED, seconded by Gleason, to approve the Land Use Plan amendment and rezoning, as the rezoning is consistent with the existing 2035 Comprehensive Plan and the rezoning is compatible with surrounding zoning. **Motion carried unanimously. VOTE: 6/1, with Osterman dissenting.**

4. Wilmot Union High School, Owner
7:37 Mark & Ryszarda Edens, Applicants
8:37

Amendment of Land Use Plan from the plan designation of Primary Environmental Corridor within Government Property to Primary Environmental Corridor

Rezone ±79.57 acres of property from P-2 Recreational Park District to C-2 Upland Resource Conservation District; S. English Settlement Avenue; Sec.13, T2N, R19E, **Town of Burlington** (PIN 002021913002000)

For informational purposes only:

The purpose of this Land Use Plan amendment and rezone is to further divide into three parcels for future residential development.

Jensen reviewed the petition and public hearing testimony using text and slides. The applicants intend to keep the property forested. Tree cutting will only occur where necessary to allow development of residences and access.

Mark Edens, the applicant, was present and answered questions from the committee.

COMMUNICATIONS

The Town of Burlington Planning and Zoning Committee and Town Board approved this rezoning and land use plan amendment on April 13, 2017.

STAFF RECOMMENDATION(S)

Staff recommends approval of the proposed Land Use Plan amendment and rezoning, as the rezoning is compatible with the area and is not illegal spot zoning. Staff requests that the applicant maintain the unique wooded features of the property by keeping tree cutting to a minimum.

DECISION

OSTERMAN MOVED, seconded by Pringle, to approve the Land Use Plan amendment and rezoning, as the rezoning is consistent with surrounding zoning and land uses, and this rezoning is in the public interest. **Motion carried unanimously. VOTE: 7/0**

5. JS Development, LLC, Owner
7:41 James Schilling, Applicant
8:38

Planned Unit Development Amendment of R-7 Multi-family Residential District/PUD Planned Unit Development Overlay District to include the construction of a building addition that will connect the two existing Elder Care Cottages of Wisconsin (CBRFs), construction of new internal sidewalk network and driveway, and the construction of 2 two-story 55 and over apartment buildings (10-1 bed units; 17-2 bed units); 7711 Big Bend Rd.; Sec. 12, T4N, R19E, **Town of Waterford** (Parcel Id. No's. 016041912017011)

Jensen reviewed the petition and public hearing testimony using text and slides. The original approved site plan consisted of five one-story buildings. Two of the five buildings have been constructed. The applicant is requesting to build two 2-story buildings, instead of the remaining three 1-story buildings.

James Schilling, the applicant, was present and answered questions from the committee.

DECISION

HINCZ MOVED, seconded by Pringle, to approve the amendment, as this use is not harmful, hazardous, offensive or otherwise adverse to the property values in the County and its communities; this use appears to be permitted by underlying zoning; an, based on other things going on in the area, the proposed use appears to fit with the uses in this district. **Motion carried unanimously. VOTE: 7/0**

6. JSC Woods, LLC Joseph Cramer, Rezone ±38.9 acres from A-1 Farmland Preservation District to A-2 General Farming and Residential District II; of Sec. 28, T4N, R19E, **Town of Waterford** (Parcel Id. No's. 016041928009-010 &-040).
7:47 Owner
8:39 Andrew Cramer, Agent

For informational purposes only:

The purpose of this rezoning is to divide the inherited parcel into approximately four equal parcels among siblings.

Jensen reviewed the petition and public hearing testimony using text and slides. The Land Use Plan does not recognize this property as prime agriculture land.

Andrew Cramer, the agent, was present and answered questions from the committee.

FOR INFORMATION ONLY

Austin Roth, a neighbor, was present and expressed some concern regarding lot lines.

STAFF RECOMMENDATION(S)

Staff recommends approval of the petition.

DECISION

PRINGLE MOVED, seconded by Grove, to approve the rezoning petition, as this rezoning is compatible with surrounding zoning and uses, and this rezoning is consistent with the existing 2035 Comprehensive Plan as it is not identified as Prime Agricultural Land.

Motion carried unanimously. VOTE: 7/0

7. Rose Investments, LLC, Owner
7:55 Copart, Applicant
Conditional Use to occupy the existing site and buildings with an undamaged and damaged vehicle auction platform fulfillment center known as Copart; located in the B-5 Highway Business District; 1521 Waukesha Rd.; Sec. 10, T4N, R21E, **Town of Raymond** (Parcel Id. No. 012042110055000)

Jensen reviewed the petition and public hearing testimony using text and slides. Vehicles would be brought onsite and stored temporarily. Inventory will not be stacked or dismantled. No repairs or service will occur onsite. A panel fence around the storage yard is proposed. Auctions will be held online. A notice of zoning violation was issued on the property, as Copart began storing vehicles onsite without proper approval from the Town of Raymond or the Racine County Development Services Office.

Trent Hoban, the applicant, was present and answered questions from the committee.

SPEAKING IN OPPOSITION

Joe and Jeannie Heinrichs were present and spoke against the petition.

STAFF RECOMMENDATION(S)

Staff does not support the request, as the use is not accordance with the purpose and intent of Chapter 20 and does promote the health, safety, aesthetics and general welfare if the county.

DECISION

OSTERMAN MOVED, seconded by Pringle, to deny the conditional use petition, as this use is not in accordance with the purpose and intent of Chapter 20 and public health, safety and welfare; this use is hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality or property values in the County and its communities as hazardous fluids from vehicles stored at this site may potentially contaminate soils on this site and groundwater in this area; and based on other things going on in the area, the proposed use does not appear to fit with the uses in this district and neighborhood.

Motion carried unanimously. VOTE: 7/0

COMMITTEE MEETING

PLEASE NOTE: While the following agenda items are up for discussion and action before the Committee and the Committee may ask questions of the petitioners or affected neighbors, this portion of the agenda is a committee meeting and not a public hearing, and public hearing testimony may not be taken. All are welcome to attend.

1. Decisions on preceding petitions
2. Review, discussion & possible approval of the March 20, 2017, summary minutes
8:46

DECISION

PRINGLE MOVED, seconded by Gleason, to approve the March 20, 2017, summary minutes.
VOTE: 6/0, Cooke abstained from the vote, as he was not in attendance at the previous meeting.

3. Review, discussion & possible recommendation the following plat:
8:47 Dover Ridge - Final Plat
8:48 Section 7, Town 3 North, Range 20 East, **Town of Dover**

Jensen reviewed the petition using text and slides. Some minor modifications are needed and additional language must be added to the face of the plat.

STAFF RECOMMENDATION(S)

Staff recommends approval of the final plat.

DECISION

PRINGLE MOVED, seconded by Hincz, to approve the final plat, with state recommendations.
Motion carried unanimously. VOTE: 7/0

4. Review, discussion and possible recommendation to amend Section 20-1008(f) Accessory Uses
8:48 and Structures and Section 20-1226 (6) Uses Permitted Conditionally, Chapter 20, Zoning, of the
8:49 Racine County Code of Ordinances

Section 20-1008(f) - If approved, this recommendation will amend subsection F, and will add greater storage area may be allowed if approved by the EDLUP Committee for home occupation materials and may be associated with conditional use approvals in the A-2 zoning district.

STAFF RECOMMENDATION(S)

Corporation Counsel reviewed the proposed amendments and had no objections.

DECISION

PRINGLE MOVED, seconded by Grove, to approve amendment to Section 20-1008(f) Accessory Uses and Structures. **Motion carried unanimously. VOTE: 7/0**

Section 20-1226 (6) - This amendment is in response to a previous petition where a property owner was renting out the residence on the property while parking a dump truck on the property. The committee directed staff to add the words, by the occupant, to be sure the property is occupied by the person parking the truck on site. "By the occupant" is the wording that is added.

DECISION

PRINGLE MOVED, seconded by Grove, to approve amendment to Section 20-1226 (6) Uses Permitted Conditionally, Chapter 20, Zoning, of the Racine County Code of Ordinances. **Motion carried unanimously. VOTE: 7/0**

5. Review, discussion & possible action on Report No. 2017-57 by the County Executive reappointing George Bieneman, B. Jean Schaal as full members of the Racine County Zoning Board of Adjustment and Jon Hendersen (Alternate). Mr. Hendersen informed Development Services that he is unable to continue to serve as the alternate to the Board of Adjustment.

6. Review, discussion, & possible action on referrals from the Racine County Board of Supervisors

Three referrals were received and filed.

7. Other business as authorized by law

8. Adjourn

There being no further business, **GROVE MOVED, seconded by Pringle,** to adjourn at 8:52 p.m. **Motion carried unanimously. VOTE: 7/0**