

RACINE COUNTY ECONOMIC DEVELOPMENT & LAND USE PLANNING COMMITTEE

SUMMARY MINUTES - MONDAY, February 16, 2015 - 6:00 p.m.

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

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

Youth in Governance Representatives: Meredith Freidheim
Josh Graf - Excused

Staff present: Julie Anderson, Director of Public Works & Development Services
Brian Jensen, Development Services Superintendent
Rhonda McCormick, Staff Secretary

Chairman Gleason called the February 16, 2015 Racine County Economic Development and Land Use Planning Committee Public Hearing and Committee meeting to order at 6:01 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. St. Mary's Congregation Church, Conditional Use to occupy the existing building and site with
6:03 Owners the Women's Resource Center located in the P-1, Institutional
7:39 Women's Resource Center, Park District on Parcel Id. No. 006032022046010; 23303
Applicant Church Road; Sec. 22, T3N, R20E, **Town of Dover**.
For informational purposes only, Originally used as the St. Mary's Grade School and most recently leased by the Burlington Area School District.

Director Julie Anderson reviewed the petition and public hearing testimony using text, maps, and slides. The surrounding land use and zoning were identified on maps. The exterior of the building will remain unchanged at this time. Some interior remodeling will take place to bring the building up to current code. One additional parking space will be added to the southeast corner of the structure. Public sewer serves the property.

Cherie Griffin, applicant and Executive Director of Women's Resource Center, along with Sheriff Christopher Schmaling with the Racine County Sheriff's Office were present, and both answered questions from the committee.

SPEAKING IN FAVOR

Cary Madrigal, Liz Makke, and Jane Babik were present and spoke in favor of the petition.

COMMUNICATIONS

A letter from Kurt Wahlen supporting the petition was read into the record.

STAFF RECOMMENDATION(S)

Staff recommends approval with standard conditions.

DECISION

OSTERMAN MOVED, seconded by Dawson, to approve the petition, as the use is in accordance with the purpose and intent of Chapter 20 and public health, safety and welfare; it will provide a valuable need for the people of Racine County; and the applicant has demonstrated a need for this service. The use appears to be permitted by underlying zoning and based on other things going on in the area, the use appears to fit with the uses in the district.

YOUTH REPRESENTATIVES' ADVISORY VOTES:

Youth Representative Freidheim: aye

Motion carried unanimously. VOTE: 7/0

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| 2.
6:37
7:40 | Thomas M. & Susan Farchione,
Owners
Thomas E. Farchione; Applicant | <u>Conditional Use</u> to operate off-road vehicles on an existing privately owned, non-commercial off-road trail; located in the A-2 General Farming & Residential District II on Parcel Id. No. 0100420018020 & 010042027018030; 23816 Apple Road; Sec. 27, T4N, R20E, Town of Norway . |
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Anderson reviewed the petition and public hearing testimony using text, maps, and slides. The surrounding land use and zoning were identified. Susan and Thomas M. Farchione, owners, gave written permission to Thomas E. Farchione, their son, to act as agent in this matter. The site consists of ±28.36 acres, located north of County Trunk Highway K and approximately 1600' east of County Trunk Highway S, and is currently zone A-2 General Farming and Residential Zoning District. The property is adjacent to the Goose Lake Branch Canal. There are no mapped floodplains or wetlands in the area of the off-road trail. The off-road track is located 500' from the neighbor to the northwest, approximately 700' from the neighbor to the southwest, and 900' to 950' feet from the homes to the east. The applicant's proposed hours of operation are Monday through Friday, from 3:00 p.m. to 7:00 p.m., and Saturday and Sunday, from 12:00 p.m. to 6:00 p.m. Anderson noted that an ordinance was adopted on November 2011 to regulate privately owned off-road trails.

Thomas E. Farchione was present and answered questions from the committee. A Notice of Violation was issued to the property owners on November 12, 2014, for construction of an off-road trail without a conditional use permit. Thomas E. Farchione stated that he spoke with Jarmen Czuta, Zoning Administrator with the Racine County Public Works and Development Services Department, and did what was required of him at that time. Supervisor Pringle pointed out that at the time the first notice of violation was issued, information was given to the applicant that outlined how to obtain a permit, yet no permit was issued. Farchione stated that he knows it can be noisy, but riding occurs only a couple of hours off and on throughout the day and not at obscene hours. He further stated that there is nowhere to ride in this area without driving for several hours. Supervisor Pringle noted that Bong Recreation Area has dirt bike trails and is only minutes from the Farchione home. Per Mr. Farchione, the bikes have mufflers and the decibel levels are normal according to the American Motor Association. (No documentation was provided to support this claim.) People, other than family, are allowed to use the track. No more than three people are on the track at one time. There may be 6 to 9 people waiting to use the track, with 4 to 5 trucks and or trailers on the property for loading and unloading the motorcycles. No money is collected for use of the track. A tractor with a bucket is used to wet down the track to keep dust at a minimum. 50 cc up to 450 cc bikes use the track.

A professional grader, a friend of Thomas E. Farchione, did some of the grading and made sure all water run-off remained the same. Chairman Gleason noted that a professional grader had to be aware that a

grading/site permit would be needed for that project. Bikes are maintained for safety. The track was built in 2000 and started out small and progressively grew over the years.

Supervisors Pringle and Roanhouse referenced portions of a police report filed on September 23, 2014, by neighbors Kevin and Amanda Anderson. The Andersons commented that the noise is annoying, even with the windows closed. The Anderson neighbors stated that they do not necessarily have an issue with the neighbor riding, except that the amount of riders at one time and amount of days that they ride seems excessive.

Director Anderson clarified that at the time this track was built, there was not an ordinance in place. If complaints were made regarding motorbike trails in the past, they were dealt with on a nuisance basis. An ordinance regulating off-road trails was adopted in 2011. Prior to the ordinance being adopted, if a resident called the office to inquire about a private track, he/she would have been told a permit wasn't required. However, the individual would have also been told that the track could not be used for commercial riding and other stipulations.

Director Anderson informed the committee that a permit may possibly be needed from the DNR, given the proximity of the track to the Goose Lake Branch Canal. No DNR permit is on file for the grading done near this shoreland.

For informational purposes, Director Anderson shared a similar incident that occurred in the early 2000's. Ross Martin initially started running motorcycles on his property in the Town of Dover, then switched to snowmobiles. The County found out he had a contract with Polaris to run snowmobiles professionally. He then began running 4 x 4 mule type all terrain vehicles. He was using the track for training purposes. Neighbors were complaining and police reports were filed. The track use was offensive to the neighbors. The County dealt with this issue as objectionable and as a nuisance for many years before eventually taking the property owner to court and getting an injunction placed on Martin to stop the activity on the property. Martin eventually sold the property. There was no ordinance in effect at the time, and it was this issue that prompted the County to adopt an ordinance to avoid similar problems in the future.

SPEAKING IN FAVOR

Chris Cox and Timothy Sitters, friends of Thomas E. Farchione, were present and spoke in favor of the petition.

SPEAKING IN OPPOSITION

Epifamo Munoz Jr., Dave Hegyera, Bill and Elizabeth Weber, and Kevin and Amanda Anderson, surrounding neighbors of 23816 Apple Road, were present and each spoke in opposition to the petition.

For the record, Director Julie Anderson stated that she is not related to Kevin and Amanda Anderson.

FOR INFORMATION

Chris Zortman was present and asked if the committee knew what the noise ordinance is for the Town of Norway. The committee responded that they were not familiar with the Town's noise ordinance.

COMMUNICATIONS

The following communications were received in the Development Services Office:

- a letter from Kevin and Amanda Anderson opposing the petition; and
- a letter from the Town of Norway asking the County to hold open the conditions until they are reviewed at their Planning Commission Meeting on Wednesday, March 4, 2015.

STAFF RECOMMENDATION(S)

Staff recommends denial, as this use is not in accordance with the purpose and intent of Chapter 20 and public health, safety, and welfare; the noise, dust, safety, and the effect of the proposed use upon existing neighboring development, natural beauty, and general quality of life in the surrounding area would be negatively impacted by this proposal; and the use appears to be hazardous, harmful, offensive, or otherwise adverse to the environmental quality and property values in the County due to excessive noise and dust. Staff recommends removal of the existing trail and re-grading or restoring the site to its original condition within 60 days of this denial. In addition, based on other things going on in the area, the proposed use does not appear to fit with the uses in this district, as the motorcycle jumps, noise and dust generated from this use are incompatible with the residential development in this area.

SUPERVISOR PRINGLE MOVED, seconded by Supervisor Osterman, to deny the petition, as this use is not in accordance with the purpose and intent of Chapter 20 and public health, safety, and welfare; the noise, dust, safety, and the effect of the proposed use upon existing neighboring development, natural beauty, and general quality of life in the surrounding area would be negatively impacted by this proposal; and the use is hazardous, harmful, offensive, or otherwise adverse to the environmental quality and property values in the County. In addition, based on other things going on in the area, the use does not appear to fit with the uses in this district as the noise and dust generated from this use are incompatible with the residential development in this area.

YOUTH REPRESENTATIVES' ADVISORY VOTES:

Youth Representative Freidheim: aye

Motion carried unanimously. VOTE: 7/0

DISCUSSION AFTER VOTE

Julie Anderson explained that this is a complex issue. The track was in existence before some of the neighbors moved to the area. If the riding would have been done respectfully and within reason knowing neighbors are nearby, it could possibly be an acceptable use. However, when done with little regard to neighbors, the use becomes objectionable and constitutes a nuisance.

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 January 19, 2015, summary minutes
7:45

PRINGLE MOVED, seconded by Dawson, to approve the January 19, 2015, summary minutes.
Motion carried unanimously. VOTE: 7/0

3. Update on possible future proposed text amendments to the Racine County Code of Ordinances
7:45 **(For information only--This is not a discussion/action item.)**

Director Anderson noted that due to some recent zoning issues regarding bee keeping and the use of residential homes for transient travelers, staff is working on developing new language and definitions to clarify the ordinance.

4. Review, discussion & possible action on referrals from the Racine County Board of Supervisors
7:47
7:48

PRINGLE MOVED, seconded by Grove, to receive and file the below-listed referrals.

YOUTH REPRESENTATIVES' ADVISORY VOTES:

Youth Representative Freidheim: aye

Motion carried unanimously. VOTE: 7/0

- a) Funds requested for the 2015 regional planning program in Southeastern Wisconsin from Southeastern Wisconsin Regional Planning Commission.
- b) Notification of Class I License Modification from WM Mercury Waste, Inc.
- c) Notice of Public Hearing on February 17, 2015, from the City of Franklin.
- d) Community Open House and a Public Hearing at Racine City Hall on February 25th, 2015 at 3:00 pm. from Brian F. O'Connell.

5. Other business as authorized by law.
7:49

There will not be a meeting on March 2, 2015. If the need arises, a special meeting may be scheduled on a date to be determined. The March 16, 2015, Economic Development and Land Use Planning Committee public hearing/meeting will remain as scheduled.

6. Adjourn
7:53

There being no further business, **PRINGLE MOVED, seconded by Grove,** to adjourn at 7:53 p.m.

YOUTH REPRESENTATIVES' ADVISORY VOTES:

Youth Representative Freidheim: aye

Motion carried unanimously. VOTE: 7/0