

RACINE COUNTY ECONOMIC DEVELOPMENT & LAND USE PLANNING COMMITTEE

SUMMARY MINUTES - MONDAY, June 15, 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: Caleb Celano, unexcused; Garret Wilkins, excused

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

Chairman Gleason called the June 15, 2015 Racine County Economic Development and Land Use Planning Committee Public Hearing and Committee meeting to order at 6:01 pm. 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. Raymond School District #14 Conditional Use to construct an ±18,362 sq.-ft. addition to the existing school; located in the P-1 Institutional Park District; 2659 76th Street; Section 21, Town 4 North, Range 21 East, **Town of Raymond** (Parcel Id. No. 012042121011000)
- 6:05 Eppstein Uhen Architects, Agent
8:31

Julie Anderson reviewed the petition and public hearing testimony using text, maps and slides. A new gymnasium will be added to the school. Additional parking will be added and traffic flow through the property will be reorganized. Setbacks have been met. The Town of Raymond is reviewing the storm water drainage plan. To keep the construction and school schedules intact, staff has issued an early start permit to allow grading and foundation work to begin.

Mark Lewandowski and Rachel Hicks, with Eppstein Uhen Architects, were present and answered questions from the committee.

FOR INFORMATION ONLY

Gail Rygiewigz, an abutting property owner, was present and expressed her concerns for a proposed swale adjacent to her property.

DECISION

PRINGLE MOVED, seconded by Dawson, to approve the conditional use petition, as the project meets the minimum zoning requirements; this use is not harmful, offensive or otherwise adverse to the environmental quality or property values in the County and its communities; and his use will provide a valuable service to the community and complies with all other provisions of Chapter 20, such as yards, height, parking, traffic, highway access and performance standards.

Motion carried unanimously. VOTE: 7/0

2. Parkview Sand & Gravel, LLC
6:11 William J. Pavin, Owner
8:32
- Conditional Use to continue a non-metallic (sand and gravel) extraction operation deeper than the water table, including crushing, washing, and concrete and asphalt recycling and reclamation; located in the M-4 Quarrying District; 31844 Washington Avenue (CTH "D"); Section 34, Town 4 North, Range 19 East, **Town of Waterford** (Parcel Id. No. 016041934015000)

Julie Anderson reviewed the petition and public hearing testimony using text, maps and slides. This site spans two municipalities, the Town of Waterford and the Village of Rochester. The only portion of the site the committee needs to review is the section located in the Town of Waterford. Ninety-four of the one hundred forty-seven acres are open from previous mining activities. Approximately fourteen acres have been reclaimed, with five acres in the process of being restored. Staff has visited the site and met with William Pavin.

William Pavin, owner, was present and answered questions from the committee.

STAFF RECOMMENDATION(S)

Staff will be working with the owners to establish a reclamation bond. Staff recommends approval, subject to Town of Waterford approval.

DECISION

GROVE MOVED, seconded by Dawson, to approve the petition, as underlying zoning permits this use; the proposed use fits with the uses in the district; and the 2035 Comprehensive Land Use Plan supports this use. **Motion carried unanimously. VOTE: 7/0**

3. Jeffery & Judith Kreger
6:23
8:35
- Rezone ±1.69 acres from R-3 Suburban Residential District (Sewered) to R-3A Suburban Residential District (Sewered); 7312 Big Bend Road & vacant lands; part of the NE ¼, SW ¼, Section 12, Town 4 North, Range 19 East, **Town of Waterford** (Parcel Id. Nos. 0160419-12040000 and -12042000)

Julie Anderson reviewed the petition and public hearing testimony using text, maps and slides. The zoning change will bring these lots into compliance with the Land Use Plan.

Jeffery Kreger was present and answered questions from the committee.

STAFF RECOMMENDATION(S)

Staff recommends approval of the petition, as the proposed rezoning is consistent with the Land Use Plan, and it repairs a lot line issue.

DECISION

PRINGLE MOVED, seconded by Dawson, to approve the rezoning petition, as both parcels will comply with the R-3A zoning district requirement; the rezoning is compatible with surrounding zoning and uses; and the rezoning is consistent with the 2035 Comprehensive Land Use Plan that recommends this area for Medium-Low Density Residential (19,000 square feet to 39,999 square feet per dwelling unit). The Town

of Waterford has not yet acted on this request. After the Town has approved the request, this petition will be sent in the form of an ordinance to the Racine County Board of Supervisors for their consideration. Before the Board may take final action on the ordinance, it must receive two readings, which will be scheduled after the Development Services Office receives notification of Town approval. Following the second reading, if the County Board votes to approve the ordinance, this rezoning is approved subject to the ordinance being signed by the County Executive. **Motion carried unanimously. VOTE: 7/0**

4. William & Susan Arostegui
6:26 Lawrence Henning, Applicant
8:36
- Conditional Use to occupy an existing property with a landscape business (DBA Henning Landscape Management, LLC) and to construct a ±40' x ±60' pole barn for cold storage; located in the A-2 General Farming and Residential District II; 29614 Mount Tom Road; Section 2, Town 2 North, Range 19 East, **Town of Burlington** (Parcel Id. No. 002021902004010)

Julie Anderson reviewed the petition and public hearing testimony using text, maps and slides. The cold storage will be used to store landscape equipment. The abutting properties consist of farmland. The nearest home is located 700 feet from the nearest business structure. There will be no access to the property by the public or customers. All maintenance of equipment will be done off site. There will be no inside or outside salt storage on the property. Debris from job sites will be dropped off at other locations.

Lawrence Henning was present and answered questions from the committee.

COMMUNICATIONS

The Town of Burlington Planning and Zoning Commission and Town Board approved this petition, subject to there being no customer sales on the property.

STAFF RECOMMENDATION(S)

Staff is not opposed to this request; however, staff would like to see the site remain under control, with all equipment continuing to be stored inside the building.

DECISION

OSTERMAN MOVED, seconded by Pringle, to approve the conditional use petition, as the proposed use is compatible with the area; underlying zoning permits the proposed use; and based on the other things going on in the area, the proposed use fits with the uses in the district. **Motion carried unanimously. VOTE: 7/0**

Discussion followed regarding the fuel storage tank and whether the county has authority to regulate them.

5. Review, discussion and possible recommendation on proposed text amendments to Chapter 20, Zoning, of the Racine County Code of Ordinances
6:41
8:42
- (a) Amend Section 20-1 Definitions and create Sections 20-1021 Beekeeping; Section 20-1022 Beekeeping Notification and Plan Review; and Section 20-1023 Prohibited Conduct, Inspection and hive removal. Julie Anderson stressed to all present that this is just a draft ordinance.

- Dr. Patti Nagi, U.W. Extension, answered questions from the committee. Dr. Nagi also provided informational material for both the public and the committee.
- Peter Poli, President of the Racine Kenosha Beekeepers' Association, spoke on behalf of a group of beekeepers. He offered his insight on beekeeping and shared excerpts of ordinances adopted by other towns and states as examples.
- Debbie Fuller and Don Graig shared their knowledge of beekeeping and provided information packets to the committee.
- Harry Wait expressed his concern for over-regulated agricultural ordinances in Racine County.
- Many other people were present to oppose the proposed ordinance as written in the presented draft; however, they were in favor of creating a new ordinance that supports beekeeping. A number of suggestions were offered for what they deemed to be a well-written beekeeping ordinance.

STAFF RECOMMENDATION(S)

Staff recommends laying over the proposed ordinance indefinitely in order to allow staff time to further research beekeeping issues and ordinance language.

DECISION

GROVE MOVED, seconded by Hincz, to indefinitely lay over the proposed ordinance in order to allow staff time to further research beekeeping issues and to prepare an apiculture ordinance that will be brought back to the committee at a future meeting. **Motion carried unanimously. VOTE: 7/0**

- (b) Amend Section 20-1 Definitions and amend Section 20-1339 Highway-Oriented Uses
- The Racine County Code of Ordinances lacks a definition that clearly explains tourist rentals Clarification of short-term transient rentals for homes being rented for less than 30 days is needed.
 - The County received a complaint from the Town of Norway regarding a resident providing short-term rentals of two dwellings on a lake. The resident was not cited; however, the Development Service Office sent a courtesy letter to the owner notifying him that County ordinance does not allow tourist rentals.

SPEAKING IN FAVOR

Dan Delgato, Chris Haines, Sally Nantel and Jennifer and Kevin Robers were present and voiced their opinions for allowing vacation rentals to continue.

COMMUNICATIONS

An email from Fred and Chris Jasser expressing their concern that a county-wide ban may be issued regarding short tem rentals.

STAFF RECOMMENDATION(S)

Staff recommends laying over this issue to allow staff to further research the proposed ordinance.

DECISION

PRINGLE MOVED, seconded by Grove, to lay over the proposed ordinance in order to allow staff time to further research the matter. **Motion carried unanimously. VOTE: 7/0**

(c) Amend Section 20-144 Hearings

Proposed amendments include:

- change "Planning and Development Committee" to its current name, "Economic Development and Land Use Planning Committee";
- revise outdated language regarding town notification procedure; and
- change language regarding how publications for notices of amendments of zoning maps are sent to the DNR.

DECISION

PRINGLE MOVED, seconded by Osterman, to move forward with the draft text amendments and forward them in the form of an ordinance to the Racine County Board of Supervisors for their consideration, with a recommendation for approval. **Motion carried unanimously. VOTE: 7/0**

(d) Amend Section 20-1142 Banded Racing Pigeons

The proposed amendment is to completely remove the language from the ordinance, as it is no longer applicable.

DECISION

PRINGLE MOVED, seconded by Dawson, to move forward with the proposed amendment and forward it in the form of an ordinance to the Racine County Board of Supervisors for their consideration, with a recommendation for approval. **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. Decision on preceding petitions
2. Review, discussion & possible approval of the May 18, 2015, summary minutes
8:49

DECISION

GROVE MOVED, seconded by Pringle, to approve the May 18, 2015, summary minutes. **Motion carried unanimously. VOTE: 7/0**

3. Baumeister Trust
8:49 Reesman Excavating & Grading,
8:50 Applicant
- Site Plan Review to continue a non-metallic (sand and gravel) extraction operation, including crushing, washing, washing and recycling; located in the M-4 Quarrying District; 5057 Warren Road; Sections 18 and 19, Town 2 North, Range 19 East, **Town of Burlington** (Parcel Id. Nos. 0020219-19011001 and -18027000)
For informational purposes only: The applicant is proposing no changes to the existing mining operation. The reclamation plan remains unchanged.

Julie Anderson reviewed the petition using text maps and slides. The site is in compliance and no complaints have been made about this property. A reclamation bond is on file with Racine County.

STAFF RECOMMENDATION(S)

Staff recommends approval of this petition.

DECISION

PRINGLE MOVED, seconded by Dawson, to approve a two-year extension for the subject non-metallic mining operation. The Committee granted approval of the petition, as the proposed use is allowed; as underlying zoning permits this use; the proposed use fits with the uses in the district; and the 2035 Comprehensive Land Use Plan supports this use. **Motion carried unanimously. VOTE: 7/0**

4. GZK Enterprise, LLC, SNIKNEJ
8:51 Co., Spokes, Inc., Global Hotels,
9:28 Inc & Racine County Convention
Visitors Bureau, Inc.
Ray Stibek, Applicant
- Site Plan Review to conduct a 2-day indoor/outdoor music festival featuring food and craft vendors referred to as Summer SRIM Fest, in the B-2 Community Business District and B-3 Commercial Service District; 14015 Washington Avenue, Section 13, Town 3 North, Range 21 East, **Town of Yorkville** (Parcel Id. Nos. 018032113-014020, -010040, -010020, -008030, -008040, & -014010)

Julie Anderson reviewed the petition using text maps and slides. Municipal sewer serves the site. The Town Board and Town Planning Commission approved this event at their June 8, 2015, meeting. Racine County Sheriff Schmaling sent an e-mail stating he feels the applicant has a solid plan in place for public safety. After reviewing the submitted plan, there was confusion as to how many people were expected to attend the event. The number submitted to the county was 8000 and the number submitted to the town was 2000 people.

Ray Stibek, the applicant, was not present to answer questions from the committee, nor was a representative sent to speak on his behalf.

Pete Hansen, Town of Yorkville Chair, was present and stated that Mr. Stibek was at the town meeting and briefly summarized the town approval. Peter Hansen suggested to the committee that this request be laid over in order to allow Julie Anderson and him an opportunity to meet with Ray Stibek to clear up the discrepancies.

Tom Hammond, owner of Culvers, was present and stated that the information he had received estimated that 1000 people might attend this event and he did not have a problem with that number; however, 8000 people was a different matter.

Julie Anderson expressed her concern that the applicant was not present and recommended that this item be laid over. She suggested that a conference call meeting could be arranged in order to address questions and concerns.

The committee discussed whether or not to lay over the request. Hincz made a motion to deny, seconded by Grove. Discussion continued. A roll call vote to lay over the petition was taken. The vote failed $\frac{3}{4}$ with Roanhouse, Hincz, Grove and Gleason dissenting. A roll call vote to deny was called.

DECISION

HINCZ MOVED, seconded by Grove, to deny the request as presented. The Committee took this action as there are inconsistencies between the application submitted to the Town of Yorkville and the application submitted to the Racine County Development Services Office; the proposed area appears to be far too small to safely hold this type and size of entertainment event; neither the applicant nor a representative to speak on his behalf appeared before the Committee tonight to answer their questions and address their numerous concerns. **Motion carried unanimously. VOTE: 7/0**

5. Chico's Investments, LLC
9:30 Mike Ciecko, Applicant
9:32

Site Plan Review to amend site plan from phase "B" & "F" proposed buildings to outdoor storage area; 22841 Durand Avenue; Section 26, Town 3 North, Range 20 East, **Town of Dover**
(Parcel Id Nos. 006032026-023000 & -023001)
For informational purposes only: Rezoning & conditional use originally granted September 25, 1996, and amended April 7, 1997, for self-storage facility

Julie Anderson reviewed the petition using text maps and slides. Originally, this area was approved to allow storage buildings on the back of the property. The applicant would now like to utilize the space for outside storage. The proposed outside storage would not be located near any of the surrounding homes.

STAFF RECOMMENDATION(S)

Staff recommends approval of this petition.

DECISION

PRINGLE MOVED, seconded by Dawson, to approve the site plan. **Motion carried unanimously. VOTE: 7/0**

6. Oakwood Hills Civic Assoc
9:33 Don Colagrossi, Agent
9:34

Site Plan Review to construct a pavilion and garage for the members of Oakwood Hills Civic Association to hold meetings and provide shelter for members; located in the R-4 Urban Residential District I; 32917 Robers Street, Lots 16-18, 5th Addition to Oakwood Hills; Section 17, Town 2 North, Range 19 East, **Town of Burlington**
(Parcel Id. No. 002021917120000)

Julie Anderson reviewed the petition using text maps and slides. Only items related to the park would be stored in the garage.

STAFF RECOMMENDATION(S)

Staff recommends approval, subject to town approval.

PRINGLE MOVED, seconded by Grove, to approve the site plan. Motion carried unanimously. VOTE: 7/0

7. Review, discussion, and possible action on Report 2015-16 by the County Executive reappointing
9:35 Scott Chase to the Racine County Board of Adjustment. Term is set to end June 30, 2018.

GROVE MOVED, seconded by Pringle, to recommend that the Racine County Board of Supervisors confirm the reappointment of Scott Chase to the Racine County Board of Adjustment. Motion carried unanimously. VOTE: 7/0

8. Review, discussion, and possible action on Report No. 2015-15 by the County Executive
9:35 reappointing Chris Bennett to the Western Racine County Sewerage District Commission for
9:36 a term to expire on June 30, 2020

PRINGLE MOVED, seconded by Dawson, to recommend that the Racine County Board of Supervisors confirm the reappointment of Chris Bennett to the Western Racine County Sewerage District Commission. Motion carried unanimously. VOTE: 7/0

9. Review, discussion & possible action on referrals from the Racine County Board of Supervisors
9:36

GROVE MOVED, seconded by Pringle, to receive and file the following referrals:

- Wisconsin Department of Natural Resources notice of proposed solid waste disposal facility: Northern Expansion-West of the Waste Management WI-Metro Disposal Facility located on South 124th Street in the City of Franklin; and
- Wisconsin Department of Natural Resources notice of pending application for proposed Wetland Individual Permit in the City of Burlington.

Motion carried unanimously. VOTE: 7/0

10. Other business as authorized by law

There will not be a meeting on July 6, 2015. If the need arises, a special meeting may be scheduled on a date to be determined. The July 20, 2015, Economic Development and Land Use Planning Committee public hearing/meeting will remain as scheduled.

11. Adjourn

There being no further business, **GROVE MOVED, seconded by Dawson, to adjourn at 9:37 p.m. Motion carried unanimously. VOTE: 7/0**