

RACINE COUNTY ECONOMIC DEVELOPMENT & LAND USE PLANNING COMMITTEE**SUMMARY MINUTES - MONDAY, March 21, 2016 - 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

Youth in Governance
Representatives: Garret Wilkins (present); Caleb Celano (absent)

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

Chairman Gleason called the March 21, 2016, Racine County Economic Development and Land Use Planning Committee Public Hearing and Committee meeting to order at 6:00 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. Jo Ann Halladay, Owner
6:04
9:03
Conditional Use to occupy an existing site with an equine rescue & educational facility to provide care and shelter for neglected horses; located in the A-2 General Farming and Residential District II, 1904 51st Drive; Sec. 23, T3N, R21E, **Town of Yorkville** (PIN 018032123004000)

Julie Anderson reviewed the petition and public hearing testimony using text and slides. This is an A-2 conditional use request to occupy the site with an equine rescue facility as a 501(3)c non-profit to temporarily care for neglected horses. This will not be a boarding facility. The property consists of sixteen acres.

Jo Ann Halladay, the owner, was present and answered questions from the committee. The facility will assist law enforcement in neglect cases and seizures. It is hoped to be a resource for out-of-state law enforcement, also.

COMMUNICATIONS

The Racine County Land Conservation Division performed a technical review of the property. Manure management and water run-off plans were assessed. Sixteen acres allow for the maximum of 14 horses.

STAFF RECOMMENDATION(S)

Staff recommends approval, as the proposed use is compatible with the area; underlying zoning permits this use and complies with Chapter 20; and, based on the other things going on in the area, the proposed use fits with the uses in the district.

DECISION

PRINGLE MOVED, seconded by Grove, to approve the petition, as the proposed use is not hazardous, harmful, offensive, or otherwise adverse to the environmental quality or property values in the County and its communities. In addition, the proposed use is compatible with the area; underlying zoning permits it; and, based on the other things going on in the area, the proposed use fits with the uses in the district and provides a needed service for the health of equine (horse family) in Racine County and Southeastern Wisconsin.

YOUTH REPRESENTATIVE ADVISORY VOTE:

Youth Representative Wilkins: aye

Motion carried unanimously. VOTE: 6/0

2. Voss Trust, Owner
6:04 Browns Lake Sanitary District,
9:04 Applicant
Lynch & Associates, Agent

Amendment of Land Use Plan from the plan designation of Residential-Sewered (25,000 sq. ft. to 1.49 acre per dwelling unit) to Commercial (Contains ± 3.3 acres)

Rezone less than 1 acre of property from B-6 Water-Oriented Business District & R-3 Suburban Residential District (sewered) to B-3 Commercial Service District; 30615 Durand Avenue (CTH E); Sec. 34, T3N, R19E, **Town of Burlington**
(PIN 002031934042000)

For informational purposes only:

The purpose of this rezoning is to construct a building and asphalt parking area to headquarter the Browns Lake Sanitary District maintenance facility.

Anderson reviewed the petition and public hearing testimony using text and slides. The surrounding land use, zoning, and floodplains were identified on maps. A navigable waterway, via Browns Lake, runs through the property. A small dam that the sanitary district takes care of is located on the property. This property is located at 30615 Durand Avenue on the south side of Browns Lake and consists of 4.3 acres.

Tim Lynch and Kurt Petrie, representatives of the Sanitary District, were present and answered questions from the committee. Currently, the equipment is stored in a building on the south side of Durand Avenue, and lake access is on Peninsula Drive. The proposed facility would provide a single location and more efficient access for the operation. There will be no signage, and the only lights will be motion censored above the main doors. The building will be screened as much as possible on the condominium side and on the Marine Drive side.

STAFF RECOMMENDATION(S)

Staff recommends approval of the petition, as the Town of Burlington approved this Land Use Plan amendment and rezoning on February 11, 2016. This rezoning is in the public interest, and this utility will provide safe access to Browns Lake for weed harvesting equipment utilized by the sanitary district. This rezoning is not illegal spot zoning.

DECISION

PRINGLE MOVED, seconded by Grove, to approve the petition, as this rezoning is in the public interest; it will provide a valuable service for Racine County, the Town of Burlington, and Browns Lake; and this rezoning will not be solely for the benefit of the owner.

YOUTH REPRESENTATIVE ADVISORY VOTE:

Youth Representative Wilkins: aye

Motion carried unanimously. VOTE: 4/2 with Osterman and Hincz dissenting.

3. Voss Trust, Owner
6:32 Browns Lake Sanitary District,
9:11 Applicant
Lynch & Associates, Agent

Shoreland Conditional Use to construct a 70' x 130' building and asphalt parking area to headquarter the Browns Lake Sanitary District maintenance facility; located in the (Proposed) B-3 Commercial Service District; 30615 Durand Avenue (CTH E); Sec. 34, T3N, R19E, **Town of Burlington** (PIN 002031934042000)

Anderson reviewed the petition using text and slides. The property is located on the northeast corner of Durand Avenue and Marine Drive. Currently, the majority of the property is zoned B-3, and smaller portions of the site are zoned Commercial Service District B-6, Water Oriented Business District, and R-3, Suburban Residential District. Commercial uses exist to the south, across Durand Avenue. Primary environmental corridor and floodplains exist on the property and will not be disturbed, per submitted plans. An existing cold-storage building, located in the southeast area of the parcel, will be removed. The proposed building will be headquarters to the Browns Lake Sanitary District maintenance facility for weed harvesting operations on Browns Lake. During the summer season, five employees are on staff, with two year-round supervisors. This use is considered a utility and is permitted in any zoning district.

Tim Lynch and Kurt Petrie, representatives of the Sanitary District, were present and answered questions from the committee. Hours of operation will be 7:00 a.m. to 4:00 p.m., Monday through Friday, and 9:00 a.m. to 12:00 p.m. on Sunday. The site will not be clear-cut.

COMMUNICATIONS

- An email dated March 16, 2016, from Diane Baumeister, Town of Burlington Administrator, stating that the Town approved the conditional use, land use plan amendment and rezoning at their February 11, 2016, meeting.
- A phone call on March 18, 2016, at 10:50 a.m., received by Julie Anderson from David Lynch expressing his support for this petition.
- An email from Wally Brown, supporting this petition.
- An email from Marilyn Lynch, dated March 21, 2016, opposing this petition.
- An email from David Trask, dated March 21, 2016, opposing this petition.

SPEAKING IN FAVOR

Mike Weygand, Ed Impens, Kim Deriaz and Vicki Vue were present and spoke in favor of the petition.

SPEAKING IN OPPOSITION

Mark Siebenaller, Jim Galezewski, Robert Jensen, Kevin Duffy, Claude Lois and David Trask were present and spoke against the petition, and shared concerns about property values, noise, lights, traffic, the environment and a business being located on the lake when there are no others.

STAFF RECOMMENDATION(S)

Staff recommends approval of this petition.

DECISION

PRINGLE MOVED, seconded by Grove, to approve the petition, as the proposed use is not hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality, shoreland cover, or property values in the County and its communities. In addition, the proposed use is compatible and is permitted by underlying zoning.

YOUTH REPRESENTATIVE ADVISORY VOTE:

Youth Representative Wilkins: aye

Motion carried unanimously. VOTE: 5/1, with Osterman dissenting

4. John & Kathleen Maiwald
7:34
9:21

Rezone ±37.93 acres from A-3 General Farming District III to A-2 General Farming & Residential District II, located 7441 Townline Road, part of the NW ¼, SW ¼ of Sec. 7, T4N, R20E, **Town of Norway**. (PIN 010042007075000)

For informational purposes only:

The purpose of the rezoning is to allow construction of a single-family residence and a pole barn.

Anderson reviewed the petition using text and slides. This property consists of 37.93 acres and is currently vacant. The surrounding land use and zoning were identified on maps. Primary Environmental Corridor is present on this parcel. The 2035 Land Use Plan recognizes that certain development may be accommodated without jeopardizing the integrity of the environmental corridor. Buildings must be kept off steep slopes. Limited residential development in environmental corridors would be limited to upland environmental corridors at an overall density of no more than one dwelling unit per five acres of upland resources.

John Maiwald, the owner, was present and answered questions from the committee.

SPEAKING IN FAVOR

Jeff Hanson, an abutting property owner, spoke in favor of this petition.

STAFF RECOMMENDATION(S)

Staff recommends approval. The Town of Norway approved this request at their February 11, 2016, meeting. The adjacent 40.08 acres cannot be sold separately from this parcel. It may be sold to an adjoining property with code required frontage to a public road. This rezoning is compatible with surrounding zoning and uses and is not illegal spot zoning, as the surrounding lands are also zoned A-2.

DECISION

GROVE MOVED, seconded by Pringle, to approve the petition, as this rezoning is in the public interest, as it will limit the number of homes constructed on this site and preserve the Primary Environmental Corridor in accordance with the adopted county preservation plan.

YOUTH REPRESENTATIVE ADVISORY VOTE:

Youth Representative Wilkins: aye

Motion carried unanimously. VOTE: 6/0

5. Kevin & Tracy Jacobson

7:39

9:28

Conditional Use to occupy an existing parcel and outbuilding for the production of apple related products with a Home-Based Agricultural Related Business (HBARB) known as Jacobson Orchards; located in the A-2 General Farming and Residential District II, 25911 Malchine Road. Sec. 21, T4N, R20E, **Town of Norway** (PIN 010042021012010)

Anderson reviewed the petition using text and slides. The property is currently 3.8 acres, and if approved, the applicants will acquire additional acreage to meet the minimum required by ordinance. The applicants request to establish a bakery that would be used for baking pies and pastries from the site during the four month fall season. No alcohol related products will be produced or sold from the site.

Kevin & Tracy Jacobson, the applicants, were present and answered questions from the committee.

COMMUNICATIONS

Nineteen letters were submitted from area residents in support of this request.

STAFF RECOMMENDATION(S)

Staff recommends approval, with the condition that that incidental accessory merchandise does not become the primary items for sale. The main product sold will be apples and apple related items.

DECISION

PRINGLE MOVED, seconded by Osterman, to approve the petition, as the proposed use is compatible with the area; underlying zoning permits it; and, based on the other things going on in the area, the proposed use fits with the uses in the district.

YOUTH REPRESENTATIVE ADVISORY VOTE:

Youth Representative Wilkins: aye

Motion carried unanimously. VOTE: 6/0

6. JS Development
7:49 James Schilling, Applicant
9:33

Planned Unit Development Amendment to allow construction of a building addition for use as “Adult Day Services”: that will connect the two existing Elder Care Cottages of Wisconsin (CBRF’s), construction of a new internal sidewalk network and the construction of a 19-unit single-family (age restricted to 55 and over) condominium development known as Woodside Cottages Condominium; located in the R-7/PUD Multifamily Residential District / Planned Unit Development Overlay District, 7711 Big Bend Road. (STH 164); Sec. 12, T4N, R19E, **Town of Waterford** (PIN 016041912017011)

Anderson reviewed the petition using text and slides. The property owner is requesting an amendment to the Planned Unit Development that was approved on July 20, 2009. If approved, the plan changes from a five building layout to three buildings, plus nineteen individual cottages.

The site is located on the east side of STH 164 in the Tichigan Lake area and consists of 9 acres.

The Town of Waterford laid over this item at their March 17, 2016, meeting due to many questions and concerns.

James Schilling, the applicant, was present and answered questions from the committee. Woodside Cottages has been operating for five years. The market has become saturated with assisted living in the Burlington and Waterford areas. To remain competitive in this market, Schilling would like to offer “Adult Day Services”, as well. Items discussed were; emergency vehicle access, enforcement of the 55 and older restriction, the option to rent or own the cottages.

Tom Hincz commented that the Town of Waterford does not have any ordinances for R7/PUD. The size of the structures, setbacks and lot sizes do not meet town ordinance.

STAFF RECOMMENDATION(S)

Staff recommends approval for the construction of a building addition that will connect the two existing Elder Care Cottages and a new internal sidewalk.

Staff recommends denial for the construction of nineteen cottages, as it does not appear to be a safe and efficient system for traffic and access for emergency vehicles based on the width of the roads. This use does not fit with the previously approved conditional use.

Supervisor Osterman suggested dividing the vote into two parts. The first vote will be for the connection of two existing buildings. The second vote will be for the construction of nineteen cottages.

DECISION

OSTERMAN MOVED, seconded by Grove, to divide the vote into two parts.

Motion carried unanimously. VOTE: 6/0

DECISION

PRINGLE MOVED, seconded by Osterman, to approve the construction of a building addition for use as “Adult Day Services” that will connect the two existing Elder Care Cottages and a new internal sidewalk network, as this use is not harmful, offensive, or otherwise adverse to the community as it will provide a safe access for the occupants of the existing Elder Care Cottages; and, based on other things going on in the area, the proposed addition and sidewalk appear to fit with the uses in the district.

YOUTH REPRESENTATIVE ADVISORY VOTE:

Youth Representative Wilkins: aye

Motion carried unanimously. VOTE: 6/0

DECISION

PRINGLE MOVED, seconded by Osterman, to deny the construction of a 19-unit single-family (age restricted to 55 and over) condominium development, as this use is not in accordance with the purpose and intent of Chapter 20 and public health, safety, and welfare; this use does not appear to be permitted by underlying land use plan as a residential development; and, based on other things going on in the area, the proposed use of 19-single family units with reduced road width, “T” turnaround, removal of trees to be preserved on this site, Town stormwater drainage concerns, and the fact that the units do not meet the Town minimum square feet requirement for single-family residences, do not appear to fit with the uses in this district.

Motion carried unanimously. VOTE: 5/0, with Hincz abstaining

7. Brian & Judy Cumbridge

8:10
9:36

Conditional Use to construct and utilize a privately owned off-road trail for off-road vehicles; located in the A-2 General Farming and Residential District II, 9590 W. Seven Mile Road.; Sec. 5, T4N, R21E, **Town of Raymond** (PIN 012042105027040)

Anderson reviewed the petition using text and slides. The property consists of 5.04 acres and is located on the north side of 7 Mile Road. The property owner is requesting a conditional use for the construction and use of a privately owned off-road trail for off-road vehicles (motorized and non-motorized two wheel vehicles.) The owner submitted a list of thirteen neighbors in support of this petition.

Brian Cumbridge, the applicant, was present and answered questions from the committee. Construction of the track began in late 2015 before the owners were aware of the fact that this use requires a permit. All work and use of the track immediately ceased upon realization a permit was required. The track would be a personal practice area for the owners' three sons who participate in beginner motocross competition. A water tank with pump will be used to keep dust at a minimum. The proposed hours of riding are Tuesday, Wednesday, and Thursday; weather permitting, from 1:00 p.m. to 6:00 p.m., two Saturdays a month and no riding on Sundays.

SPEAKING IN FAVOR

Arlene Beeman, Larry Siegel, and John Peppe were present and spoke in favor of the petition.

SPEAKING IN OPPOSITION

Russel and Elizabeth Jenks, Emilia Melendez, Alan Schafer, Carl and Becci Richards, James and Kimberly Renner, and Scott Smith were present and spoke in opposition to the petition.

DECISION

GROVE MOVED, seconded by Pringle, to deny the petition, as this use is harmful, offensive, or otherwise adverse to the environmental quality and property values in the County and its communities as demonstrated by public testimony and significant opposition at the public hearing. Based on other things going on in the area, the proposed use does not appear to fit with the uses in the district, given the noise, as well as other environmental concerns of property owners in the immediate area. The committee discussed how these trails have been nuisances within the county for many years and surrounding property owners do not like them.

YOUTH REPRESENTATIVE ADVISORY VOTE:

Youth Representative Wilkins: nay

Motion carried unanimously. VOTE: 6/0

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 February 15, 2016, summary minutes
9:42

DECISION

GROVE MOVED, seconded by Osterman, to approve the February 15, 2016, summary minutes.

Motion carried unanimously. VOTE: 6/0

3. Gunderson Grain Farms, Owner
9:42 American Surveying Co., Inc., Agent
9:47

Note: The Town of Raymond Planning Commission and Town Board approved the Conditional Use at their January 25, 2016, meeting. There had been no previous action by the Town on this matter; therefore, a one-year wait for reapplication for the conditional use petition does not apply. This item was laid over at the February 15, 2016, meeting to allow staff and Corporation Counsel review of submitted signed petition.

Reconsideration of Conditional Use denial by the EDLUPC to construct a ±4800 sq.-ft. Industrial building for the fabrication of sheet metal products for utilization in the heating and air conditioning industry, with future expansion, DBA All-Pro, LLC; located in the M-1 Light Industrial & Office District; Section 30, Town 4 North, Range 21 East,
Town of Raymond
(PIN 012042130047060)

Chairman Mark Gleason read the following statement. "The July 20, 2015, denial of the conditional use was based on a mistake. The Committee's finding that the proposed use does not fit with the uses in the district is mistaken. In fact, the proposed use fits within the permitted uses in the M-1, Light Industrial and Office District as set forth in Section 20-736. Moreover, in the months since the Committee's July 20, 2015, denial, Town of Raymond has expressed its clear support for the proposed use on the basis that underlying zoning permits it and, on January 25, 2016, voted to approve the conditional use. Also, on September 9, 2015, the Town of Norway submitted their written support for approval of this conditional use. The noted mistake and change in conditions or new circumstances warrant this body's reconsideration."

Gary Kastenson, Town of Raymond Chairman, was present and asked the Committee to reconsider this petition.

DECISION

HINCZ MOVED, seconded by Pringle, to reconsider the Committee's denial of the conditional use at their July 20, 2015, meeting.

Motion carried unanimously. VOTE: 6/0

STAFF RECOMMENDATION(S)

Staff recommends approval of the reconsideration request, as the zoning on this property is correct and has been in place for many years. The location along USH 45 will not increase traffic. No outside storage will be allowed. The Town of Raymond unanimously approved this petition on January 25, 2016. The Town of Norway submitted a letter of support for this conditional use on September 9, 2015.

DECISION

HINCZ MOVED, seconded by Grove, to approve the original conditional use petition, as this use appears to be permitted by existing and long-standing underlying zoning; it was unanimously approved by the Town of Raymond at their January 25, 2016, meeting; it received support from the Town of Norway; and this use complies with all other provisions of Chapter 20, such as lot width and area, yards, height, parking, traffic, highway access, submitted operation plan, and performance standards.

Motion carried unanimously. VOTE: 6/0

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

No referrals were submitted for review.

5. Other business as authorized by law

There will not be a meeting on April 4, 2016. If the need arises, a special meeting may be scheduled on a date to be determined. The April 18, 2016, Economic Development and Land Use Planning Committee public hearing/meeting will remain as scheduled.

Staff commented that they would be willing to revisit ordinance language regarding motorcycle tracks. The Economic Development and Land Use Planning Committee then directed staff to revise ordinance language relative to private motorcycle tracks in the A-2 zoning district.

6. Adjourn
9:51

There being no further business, **GROVE MOVED, seconded by Pringle**, to adjourn at 9:51p.m.

Motion carried unanimously. VOTE: 6/0