

**RACINE COUNTY ECONOMIC DEVELOPMENT & LAND USE PLANNING COMMITTEE****SUMMARY MINUTES - MONDAY, November 16, 2015 - 6:00 p.m.**

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

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Committee present: Mark Gleason, Tom Pringle, Monte Osterman, Tom Roanhouse,  
Tom Hincz, Mike Dawson

Committee excused: Bob Grove

Youth in Government

Representatives present: Garret Wilkins

Youth in Government

Representative not present Caleb Celano

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

Chairman Gleason called the November 16, 2015, 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. Justin & Jody Niemyjski, Owners Conditional Use to allow a private airstrip (constructed without conditional use approval) to remain; located in the A-2 General Farming and Residential District II; 11711 W. 4¼ Mile Road; Sections 19 & 30, Town 4 North, Range 21 East, **Town of Raymond**  
(Parcel Id. Nos. 012042119034000 and 012042130012000)

Brian Jensen reviewed the petition and public hearing testimony using text and maps. The airstrip runs along the eastern side of the property. A-2 General Farming and Residential District II Zoning surround the property. Photos of similar aircraft owned by the owner were shown. The airplanes and airstrip are for personal use only.

Justin & Jody Niemyjski, the owners, were present and answered questions from the committee. Niemyjski and his son have been flying and utilizing the airstrip on their property for fourteen years. When they began flying, they contacted the state for approval, and there were no laws in place at that time. However, that has since changed. Paperwork has been filed with the State of Wisconsin Department of Transportation – Wisconsin Bureau of Aeronautics and Federal Aviation Administration (FAA) and they are waiting to hear back them. Flying is only a hobby and Niemyjski primarily fly during the daytime hours. There are no runway lights and the owners do not plan to add any. Restoration of airplanes is done on site. All maintenance is done at a public airport. One of the aircrafts flown from the property is a Beechcraft D18S. This aircraft is larger and louder than the other aircrafts. Justin Niemyjski said, he does not fly this aircraft very often and it has been flown from his property just six times this past year. Very rarely do other visiting airplanes fly onto the property. The airstrip is not frequently used. Flight plans do not need to be filed; the air space around the Niemyjski property is rural and unrestricted. Including the airplanes that belong to Justin Niemyjskis, son, there are six planes on the property. Both Justin Niemyjski and his son hold valid pilots licenses.

SPEAKING IN FAVOR

Seven surrounding neighbors were present and voiced their support for the continued use of the airstrip. The neighbors agreed that they all enjoy watching the planes come and go and the noise is not bothersome.

SPEAKING IN OPPOSITION

Two neighbors, a couple, were present and voiced their concerns about noise, primarily from the Beechcraft D18S aircraft. One of them has a health issue that can be exacerbated by the planes flying overhead. In addition, this neighbor is concerned with how low the planes fly over his home; it causes the house to shake. Another neighbor was present and stated he has a son with emotional issues and the Beechcraft D18S aircraft aggravates him.

COMMUNICATIONS

An email from, Michael Ferry, Program Manager Federal Aviation Administration, outlining recommendations. These are not requirements and staff has not yet reviewed them.

STAFF RECOMMENDATION(S)

Staff recommends to lay over, so a complete review of the FAA communication can be done.

DECISION

**PRINGLE MOVED, seconded by Dawson**, to lay over, in order to allow a review of the recommendations put forth by the Federal Aviation Association (FAA) and reviews the FAA recommendations with staff to determine adherence to the recommendations.

**DISCUSSION FOLLOWED:** the committee discussed whether to allow the Beechcraft D18S aircraft to continue flying from the Niemyjski property. It was decided that the Beechcraft D18S aircraft would be prohibited from using this airstrip until the Committee makes a final decision. The maker of the motion and the second agreed to amend the motion to prohibit the flying of the Beechcraft D18S aircraft until further notice.

**YOUTH REPRESENTATIVES' ADVISORY VOTES:**

Youth Representative Wilkins:            nay

**Motion carried. VOTE: 4/2 with Supervisors Hincz and Roanhouse dissenting.**

2. James Hall, Owner  
6:40 Renee Smikowski, Applicant  
7:14

Rezone approximately 4.10 acres of property from A-3 General Farming District III to R-2 Suburban Residential District (Unsewered) or R-2S Suburban Residential District (Sewered); Jensen Parkway, Section 1, Town 4 North, Range 19 East, **Town of Waterford** (Parcel Id No. 016041901072000)

For informational purposes only: The purpose of the rezoning is to allow construction of a single-family residence and pole barn.

Jensen reviewed the petition and public hearing testimony using text and maps. The Land Use Plan does allow low-residency in this area. Driveway access will be from Jensen Parkway. Municipal sewer will service the home. The Town of Waterford Planning Commission reviewed and approved this rezoning.

Adam and Renee Smikowski, the applicants, were available to answer questions from the committee.

STAFF RECOMMENDATION(S)

Staff recommends approval, as this rezoning is consistent with 2035 Land Use Plan and is compatible with surrounding land uses.

DECISION

**HINCZ MOVED, seconded by Pringle**, to approve, as the Waterford Town Board approved this rezoning; this rezoning is compatible with surrounding zoning and uses; and, this rezoning is in the public interest, as municipal sewer will serve the future home.

**YOUTH REPRESENTATIVES' ADVISORY VOTES:**

Youth Representative Wilkins: aye

**Motion carried unanimously. VOTE: 6/0**

3. Cretex Materials, Inc. Conditional Use to continue a non-metallic mining (limestone) extraction operation; located in the M-4 Quarrying District; 31405 Bushnell Road (STH 142); Section 4, Town 2 North, Range 19 East, **Town of Burlington** (Parcel Id. Nos. 002021904010020 & 002021904006000)  
6:45 Carl Beck, Agent  
7:15

Jensen reviewed the petition and public hearing testimony using text and maps. This portion of the mining operation meets the proposed extraction plan. The remaining materials to be extracted are in the southern portion of the property. Approximately 10 to 15 acres still need to be mined.

Carl Beck, the agent, was available to answer questions from the committee.

DECISION

**PRINGLE MOVED, seconded by Dawson**, to approve as this 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; this use appears to be permitted by underlying zoning; based on other things going on in the area, the proposed use appears "to fit" with the uses in the district; the use appears to be in the public interest by providing a valuable site asset and promoting the welfare of the community; and, Racine County staff has reviewed the current quarry operation and determined that the proposed quarry operation in compliance with previous conditions and requirements.

**YOUTH REPRESENTATIVES' ADVISORY VOTES:**

Youth Representative Wilkins: aye

**Motion carried unanimously. VOTE: 6/0**

4. Paul Ferguson Conditional Use to raze the existing residence and detached garage and construct a paved surface display area for the parking of sales inventory associated with Manheim Milwaukee; located in the B-5 Highway Business District; 503 27<sup>th</sup> Street; Sec. 1, T4N, R21E, **Town of Raymond** (Parcel Id. Nos. 012042101-041000 & -042000)  
6:50 Greg Schaal, Applicant  
7:16 R.A. Smith National, Inc., Agent

Jensen reviewed the petition and public hearing testimony using text and maps. If approved the lots will need to be combined. There will be no new access off 27<sup>th</sup> Street. Wetlands are located at the back portion of the property and will be untouched. The current sanitation system will need to be abandoned.

This request will require approval from the Town of Raymond as well as the Village of Caledonia, as Caledonia has review and approval rights associated with properties along the I-94 corridor. Greg Schaal, the applicant, and Troy Hartjes, the agent, were available to answer questions from the committee.

STAFF RECOMMENDATION(S)

Staff recommends approval as this use is permitted by underlying zoning and based on other things going on in the area; the conditional use appears to fit with the uses in the district.

DECISION

**PRINGLE MOVED, seconded by Dawson,** to approve 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.

**YOUTH REPRESENTATIVES' ADVISORY VOTES:**

Youth Representative Wilkins: aye

**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 October 19, 2015, summary minutes  
7:17

**PRINGLE MOVED, seconded by Dawson,** to approve the October 19, 2015 summary minutes.

**YOUTH REPRESENTATIVES' ADVISORY VOTES:**

Youth Representative Wilkins: aye

**Motion carried unanimously. VOTE: 6/0**

3. Laketa Holdings, LLC, Owner  
7:17 DBA Country Rose Café & Bakery  
7:18 Bower Design & Construction,  
Agent  
Site Plan Review for a ±1316 square-foot addition to an existing building (Country Rose Café & Bakery) in order to create more working space for the bakery; located in the B-3 Commercial Service District; 19319 Washington Avenue; Sec. 7, T3N, R21E, **Town of Yorkville** (Parcel Id. No. 018032107001010)

Jensen reviewed the petition. The proposed addition will expand the kitchen. The dining area will not increase. The number of employees will remain the same. The property is served by a holding tank and grease trap.

STAFF RECOMMENDATION(S)

Staff recommends approval as all conditions and setbacks are met.

**DECISION**

**PRINGLE MOVED, seconded by Dawson**, to approve, subject to Town of Yorkville approval and standard conditions.

**YOUTH REPRESENTATIVES' ADVISORY VOTES:**

Youth Representative Wilkins: aye

**Motion carried unanimously. VOTE: 6/0**

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| 4. Michael & Valerie Iverson<br>7:19<br>7:22 | <u>Site Plan Review</u> to amend the October 21, 2013, conditional use approval to allow a first-floor, one-bedroom residential quarters within an existing commercial building; located in the B-3 Commercial Service District; 8006 Big Bend Road; Sec. 1, T4N, R19E, Town of Waterford |
|--|---|

Jensen reviewed the petition. In the past, the Committee has reviewed and approved different proposed businesses to occupy this property. None of the proposed businesses that were approved by the committee succeeded. The applicants are requesting lower-level living quarters and storage only on the upper level. Accessory to the commercial use, living quarters in commercial buildings, is an allowed use in the B-3 zoning district. Per the owner, a business office is currently operating from the western portion of the property.

Due to health issues, the applicants were not present.

**STAFF RECOMMENDATION(S)**

Staff recommends to lay over this request until the town building inspector submits a report is the structure meets building codes for the proposed use.

**DECISION**

**OSTERMAN MOVED, seconded by Pringle, lay over.**

**DISCUSSION FOLLOWED:** Supervisor Tom Hincz submitted current photos of the property for the committees review. Hincz believes the property is inhabitable and the town most likely will not approve this request. Supervisor Osterman withdrew his request to lay over the second agreed.

**OSTERMAN MOVED, seconded by Hincz, to deny** as the principal use of a commercial structure is intended for commercial uses. Commercial uses traditionally are conducted on the entry level of a structure, thus providing public ease of access to businesses within commercial structures, and accessory residential use should occur in areas of a commercial building that are incidental to the commercial use (i.e., 2<sup>nd</sup> floor, etc.). In addition, creating a first-floor residence within a commercial building does not allow for an easy transition to further development of commercial area. For these reasons, the Committee did not feel the request complied with the ordinance.

**YOUTH REPRESENTATIVES' ADVISORY VOTES:**

Youth Representative Wilkins: aye

**Motion carried unanimously. VOTE: 6/0**

5. Review, discussion, and possible recommendation concerning an amendment to Resolution No. 2014-87, to include required mapping to accompany text in accordance with the previously adopted Racine County Farmland Preservation Plan

Jensen explained to the committee that some of the maps and text in the Farmland Preservation Plan, approved in 2014 by the County Board, did not meet DATCP minimum standards for certification. Without DATCP certification, participants in the Farmland Preservation program in the Towns of Burlington and Waterford, may not receive agricultural tax credits. The maps and text have been amended and certified by DATCP. Staff would like to move this resolution to the County Board for a 1<sup>st</sup> and 2<sup>nd</sup> Reading at the December 1 meeting.

**DECISION**

**HINCZ MOVED, seconded by Pringle**, to forward a resolution to the County Board of Supervisors, with a recommendation of approval. The committee requested that 1<sup>st</sup> and 2<sup>nd</sup> reading occur at the December 1, County Board meeting.

**YOUTH REPRESENTATIVES' ADVISORY VOTES:**

Youth Representative Wilkins: aye

**Motion carried unanimously. VOTE: 6/0**

6. Racine/Kenosha Beekeepers presentation to EDLUPC regarding proposed Racine County zoning ordinance beekeeping language. This is strictly for information only and no decisions will be made by the Committee on this item at this meeting. Time limit of presentation by beekeeper group representative will not exceed 15 minutes. This is not a public hearing, but rather it is a status update only.

This matter will be revisited on a later date to be determined.

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

There were no referrals for review.

8. Other business as authorized by law

7:30

There will not be a meeting on December 7, 2015. If the need arises, a special meeting may be scheduled on a date to be determined. The December 21, 2015, meeting has been canceled due to the lack of a quorum of committee members. The January 18, 2016, Economic Development and Land Use Planning Committee public hearing/meeting will remain as scheduled.

9. Adjourn

7:31

There being no further business, **PRINGLE MOVED, seconded by Dawson**, to adjourn at 7:31 p.m. Motion carried unanimously. VOTE: 6/0