

RACINE COUNTY ECONOMIC DEVELOPMENT & LAND USE PLANNING COMMITTEE

SUMMARY MINUTES - MONDAY, April 21, 2014 - 6:00 p.m.

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

Committee present: Tom Pringle, Monte G. Osterman, Bob Grove, Pamela Zenner-Richards, Kenneth Lumpkin, David Cooke, Mark Gleason

Staff present: Julie Anderson, Director of Public Works & Development Services
Jarmen Czuta, Zoning Administrator
Rhonda McCormick, Staff Secretary

Chairman Gleason called the April 21, 2014 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. David & Lora Jutrzonka, Amendment of Land Use Plan a portion of the property
6:02 Owners from Commercial to Industrial (contains ± 13.4 acres)
6:58 James Jutrzonka, Agent

Rezone from A-2 General Farming & Residential District II to M-3 Heavy Industrial District (contains ± 5.6 acres); 1137 27th Street; Parcel Id. No. 012042112006050; Section 12, Town 4 North, Range 21 East, **Town of Raymond.**

For informational purposes only: The purpose of this rezoning is to allow expansion of the existing compost operation.

Julie Anderson reviewed the petition and public hearing testimony using text, maps and slides. In 2008, there was no Comprehensive Land Use Plan in place and the subject property was rezoned M-3. The purpose of this rezoning is to allow expansion of the existing compost operation by rezoning a portion of the property from Commercial to Industrial.

Lora Jutrzonka, property owner, and James Jutrzonka, agent, were present and explained to the Committee how the proposed expansion would enable the operation to move material through the composting stages faster and more efficiently. The Jutrzonkas also answered questions from the Committee regarding odor, the amount of material on site and what types of material make up the compost. This operation is permitted and regulated by the Wisconsin DNR.

FOR INFORMATION ONLY-

Jon Hendersen, owner of the Raymond Business Park, was present and expressed his concerns about odor and the view of a larger compost site seen from his rental offices and its effect on potential renters, the impact on property values and tax-added development along I-94. He stated that this operation pays agricultural-rate taxes, not commercial or industrial taxes.

DECISION

GROVE MOVED, seconded by Cooke, to approve the Land Use Plan amendment, subject to Town of Raymond approval.

GROVE MOVED, seconded by Zenner-Richards, to recommend approval of this rezoning, subject to Town of Raymond approval, as it is compatible with surrounding zoning and uses; this rezoning will not actually adversely affect the surrounding property values; and this rezoning creates a consistent Land Use Plan and zoning districts. When 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 ordinance procedure can move forward, a legal description of the property that is to be rezoned must be submitted to this office. Once a legal description has been received and the Town of Raymond has approved the rezoning, the ordinance will be scheduled for two readings in front of the County Board. Following the second reading, if the County Board approves the ordinance, this rezoning will be approved, subject to the ordinance being signed by the County Executive. Motion carried unanimously. VOTE: 7/0

Julie Anderson commented that the applicants have submitted a time table for inclusion in the file for grinding the material in the unapproved area.

2. James Malloy et al, Owners Street Vacation Request to vacate unconstructed portions of Lakeside Drive, Grand View Drive, and River View Drive; located in Buena Park 3rd Addition; Section 23, Town 4 North, Range 19 East; **Town of Waterford**.
6:37
7:01

Julie Anderson reviewed the petition and public hearing testimony using text, maps and slides. Per State Statutes, 50% of the right of way goes to each property owner. If approved, this request will go back to the County Board for their May meeting, for a 2nd reading.

Anderson stated for the record, this process has been done to comply with statutory requirements concerning discontinuance of a street pursuant to Wis. Stats. Ch. 66.1003.

Applicant Jim Malloy was available to answer questions for the Committee.

COMMUNICATIONS

A letter from Attorney John Knutson, on behalf of Patricia Serak, stated his client has no objection to vacating the road, subject to verification of an updated survey, at no cost to the client, that the dwelling as built on lots 40-42 does not encroach on the client's adjacent property, including the 12.5 feet of road to be abandoned, and it meets set back requirements. A Survey was submitted for inclusion in the file.

STAFF RECOMMENDATION(S)

Staff recommends this request move forward.

DECISION

GROVE MOVED, seconded by Zenner-Richards, to approve the street vacation. Motion carried unanimously. VOTE: 7/0

3. James Malloy et al, Owners Rezone from R-1 Country Estate District to R-3A Suburban Residential District (sewered); located along (proposed vacated) unconstructed portions of Lakeside Drive, Grand View Drive, and River View Drive; located in Buena Park 3rd Addition; contains multiple lots; Section 23, Town 4 North, Range 19 East; **Town of Waterford.**
- 6:44
7:04

Julie Anderson reviewed the petition and explained to the Committee that parcels under the same ownership need to be combined into one parcel, per owner, and recorded with the Register of Deeds Office and proof of recording submitted to Racine County Development Services. Regarding a question of accessory structures being allowed in the primary environmental corridor, Anderson stated it is allowed; however, there is a limit on the amount of tree removal that may occur so that the corridor is preserved to the extent possible.

STAFF RECOMMENDATION(S)

Staff recommends approval, subject to Town approval.

DECISION

PRINGLE MOVED, seconded by Cooke, to recommend rezoning approval, subject to Town approval, as this rezoning is compatible with surrounding zoning and uses; this rezoning will not actually adversely affect the surrounding property values; and, this rezoning is in the public interest as it creates a consistent Land Use Plan and zoning districts. Motion carried unanimously. VOTE: 7/0

COMMITTEE MEETING

1. Decisions on preceding petitions
 2. Review, discussion & possible approval of March 17, 2014, summary minutes.
- 7:06

DECISION

GROVE MOVED, seconded by Pringle, to approve the March 17, 2014 summary minutes. Motion carried unanimously. VOTE: 7/0

3. David Jutrzonka, Owner
7:06 James Jutrzonka, Agent
7:57

Amend the August 18, 2008 conditional use to allow storage area expansion of the existing compost operation; (Proposed zoning) M-3 Heavy Industrial District; 1137 27th Street; Parcel Id. No. 012042112006050; Section 12, Town 4 North, Range 21 East, **Town of Raymond**.

Julie Anderson reviewed the petition using text maps and slides. Anderson stated she had driven to the location and took some photos. The conditional use was approved in 2008 and consisted of 8 acres. The water run off is to the south in newly established water retention ponds. The current operational area complies with the DNR permit; however, expanding to the unapproved area, with stockpiles, is not in compliance. The applicants have submitted a timetable to clean up the area that was used for stockpiling materials to be ground up for composting.

The applicants answered questions regarding the material that makes up the compost, where it comes from, and odor. The petitioners also explained why they had moved material to the unapproved area. The petitioners further explained that the products that come to the site for composting include yard waste as well as 2 trucks per week of vegetable and bread waste from Walmart stores. These items are also used in the compost mix.

To expand the composting area another 4.3 acres will allow them to process the materials more efficiently. Their DNR permit allows them to compost up to 20,000 cubic yards of material. They currently process up to 10,000 cubic yards.

STAFF RECOMMENDATION(S)

Staff recommends approval of this petition, subject to strict conditions.

DECISION

OSTERMAN MOVED, seconded by Pringle, to deny the petition. The supervisors discussed whether the petition should be denied. A roll call vote was called. Motion failed, due to lack of majority. VOTE: 3/4, with Zenner-Richards, Grove, Cooke and Lumpkin dissenting.

COOKE MOVED, seconded by Zenner-Richards, to approve the petition. Discussion followed regarding conditions. Julie Anderson suggested to the Committee that staff could do further research and come back to the Committee with results in terms of conditions, if that is what the Committee would like to see. There was no vote taken on the motion to approve.

GLEASON MOVED, seconded by Osterman, to lay over the petition in order to further research this application and possible conditions. Motion carried unanimously. VOTE: 7/0

4. Andrew Delimat, Owner
8:05 Timothy Delimat, Applicant
Lisa Morrissey, Agent
- Site Plan Review for a ±30' x ±40' temporary tent for the sales of firework novelties from June 20 - July 5, 2014; located in the B-3 Commercial Service District; 8427 Big Bend Road (STH 164); Parcel Id. No. 016041901034000; Section 1, Town 4 North, Range 19 East, **Town of Waterford**.

For information only: This request was previously approved in 2012.

Julie Anderson reviewed the petition. This application has previously been approved for six consecutive years and will require approval from the Town of Waterford Police Department. There have been no complaints about this site.

STAFF RECOMMENDATION(S)

Staff recommends approval of this petition.

DECISION

PRINGLE MOVED, seconded by Osterman, to approve the request to construct and occupy a 30'x40' temporary tent for the time period of June 20, 2014, through July 5, 2014. Motion carried unanimously. VOTE: 7/0

5. Greg & LuAnn Himebauch,
8:06 Owners
- Review and approval of conditions of approval granted March 17, 2014. Located in the A-2 General Farming & Residential District II; 34422 High Drive (STH 20); Parcel Id. No. 016041931001010; Section 31, Town 4 North, Range 19 East, **Town of Waterford**.

Julie Anderson reminded the Committee that they had approved a home-based agricultural related business (HBARB) request last month, to enable LuAnn Himebauch to make flavored butters on her property. Ms. Himebauch had reviewed the approval conditions and understands the conditions of approval. The Town also approved this conditional use.

STAFF RECOMMENDATION(S)

Staff recommends approval of the conditions as presented.

DECISION

PRINGLE MOVED, seconded by Zenner- Richards, to approve the conditions of the conditional use permit. Motion carried unanimously. VOTE: 7/0

6. MABKGPNB, LLC
8:07 Rich Koehnke, Agent
- Site Plan Review to construct two additional mini-warehouse buildings (± 30' x ± 120.25' & ± 30' x ± 160.42'); located in the B-3 Commercial Service District; 19031 Spring Street (CTH C); Parcel Id. No. 018032120020001; Section 20, Town 3 North, Range 21 East; **Town of Yorkville**.

Julie Anderson reviewed the petition using text and maps and slides. Anderson noted the area already consists of mini-warehouses, and this plan would add two buildings to the far west end of the property.

STAFF RECOMMENDATION(S)

Staff recommends approval of this petition, with conditions and no outside storage.

DECISION

PRINGLE MOVED, seconded by Cooke, to approve the petition, subject to Town approval and standard conditions. Motion carried unanimously. VOTE: 7/0

7. Gary & Linda Seidler, Owners Site Plan Review to construct a ± 40' x ± 180' self storage building; located in the B-3 Commercial Service District; 8323 Big Bend Road (STH 164); (previously a portion of) Parcel Id. No. 016041904045000; Section 1, Town 4 North, Range 19 East; **Town of Waterford**.
- 8:08
8:09

Julie Anderson reviewed the petition using text, maps and slides. If approved, this new addition will complete the build out of this property. There have been no complaints for this existing use. There is no outside storage for this use.

DECISION

GROVE MOVED, seconded by Pringle, to approve the petition, subject to standard conditions. Motion carried unanimously. VOTE: 7/0

8. Willkomm Development, LLP Site Plan Review to replace existing CNG (Compressed Natural Gas) equipment (± 26' x ± 26') and construct a new canopy (± 35' x ± 29.5'); located in the B-3 Commercial Service District; 820 South Sylvania Avenue; Parcel Id. Nos. 018032113011000, 018032113009021, 018032113012000; Section 13, Town 3 North, Range 21 East; **Town of Yorkville**.
- 8:10
8:11
- Chad Millring, Agent

Julie Anderson reviewed the petition using text, maps and slides.

STAFF RECOMMENDATION(S)

Staff recommends approval of this petition, with conditions.

DECISION

PRINGLE MOVED, seconded by Zenner - Richards, to approve the petition, subject to Town approval and standard conditions. Motion carried unanimously. VOTE: 7/0

9. Review, discussion, and possible request for resolution on authorizing Wisconsin
8:10 Department of Natural Resources Notice of Discharge Grant.
8:11

Julie Anderson explained that last summer some well contamination occurred on Brever road in Burlington. A farm in the area was identified as a possible source. This DNR Grant will help the farm better manage its manure. If approved, this request will go to Finance and Human Resources Committee on May 6, 2014.

DECISION

PRINGLE MOVED, seconded by Osterman, to approve and forward the request to Finance and Human Resources Committee. Motion carried unanimously. VOTE: 7/0

10. Review, discussion, and possible action on Report No. 2014-2 by the County Executive
8:13 appointing Supervisor Tom Roanhouse to the Eagle Lake Management District Board

PRINGLE MOVED, seconded by Osterman, to recommend confirmation of Supervisor Tom Roanhouse to the Eagle Lake Management District Board. Motion carried unanimously. VOTE: 7/0

11. Review, discussion, & possible action on referrals from the Racine County Board of
8:14 Supervisors

GROVE MOVED, seconded by Pringle, to receive and file the following referrals:
Motion carried unanimously. VOTE: 7/0

- Copy of Letter regarding Notification of Proposed Revocation of Air Permits (Nos. 99-JSB-283, 09RSG-132, 11-RSG-078, 252005820-F01 AND 252005820-F12) from Wisconsin Department of Natural Resources.
- Copy of Relocation Order Regarding CTH Y Roundabout in the Town of Norway from Public Works & Development Services.

12. Other business as authorized by law

There was no other business.

13. Adjourn
8:15

There being no further business, **PRINGLE MOVED, seconded by Grove**, to adjourn at 8:15 p.m. Motion carried unanimously. VOTE: 7/0