

**MINUTES
KENOSHA COUNTY
PLANNING, DEVELOPMENT & EXTENSION EDUCATION COMMITTEE
Wednesday, July 12, 2017**

Minutes of the Kenosha County Planning, Development & Extension Education Committee public hearing held on Wednesday, July 12, 2017 at 6:00 p.m. in the Kenosha County Center Public Hearing Room, 19600 -75th Street, Bristol, Wisconsin.

Members Present: Supervisors Erin Decker, John Poole, Jill Gillmore, Steve Bostrom

Members Excused: Michael Skalitzky

Youth In Governance Representatives Present: Julia Arturi and Jonathan Filiatreault

UW-Extension Staff Present: Leigh Presley and Nancy Retana

Also in Attendance for the public hearings on land use items:

Andy M. Buehler, Director, Division of Planning and Development

April A. Webb, Senior Administrative Assistant

The meeting was called to order at 6:00 p.m. by Chairman Decker.

1. **Certification of Compliance with Wisconsin Open Meetings Law:** The committee certified that all requirements of the Wisconsin Open Meetings Law had been met
2. **Feature Program “Tractor Safety”:** Leigh Presley, Agriculture Educator, presented an update regarding the Tractor Safety programs she has been administering. Committee members participated in a hands-on session pertaining to the check point process every tractor user should perform prior to starting and working with a tractor.
3. **Youth In Governance Policy Recommendations – Updates:** The committee briefly discussed: youth serving more than one year and how to address the attendance percentage dropping off after November. This will be continued in more detail on the August agenda.
4. **nEXT Generation Cooperative Extension Reorganization Update:** Ms. Presley announced that Bev Baker has been appointed as the new Area Extension Director for the Kenosha and Racine Counties UW Extension offices. Leigh noted that the new area directors would hold more of an administrative role and will not be providing programming activities. Ms. Baker is attending training sessions and utilizing some vacation days at this time; she plans to attend the August PDEEC meeting.
5. **UW-Extension Educator/Program updates:** Leigh introduced Nancy Retana, Communications and Educational Support Specialist, to the committee. Nancy noted that she is providing communications and grant writing support to the UW Extension office, as well as to the divisions of Parks and Planning and Development. She has been assisting the Parks Division with marketing for their 90th Anniversary and summer recreational

programs. Her work with the Planning office has been regarding the Compass Points newsletter and Zoning Ordinance graphics.

6. **UW-Extension Director's Report:** Ms. Baker plans to attend the August meeting and will provide updates at that time.

Chairman Decker called for a brief recess prior to reconvening for the Public Hearing portion of this meeting.

After a brief recess, the Public Hearing was called to order at 7:00 p.m. in the Public Hearing Room (Recording #2 of 2).

Chairman Decker called for introductions of committee members, youth in governance, and staff.

7. **Arthur A. Naber & Paul J. Naber**, 3405 S. Browns Lake Dr., Burlington, WI 53105 (Owner), requesting a **rezoning** from A-2 General Agricultural Dist., C-2 Upland Resource Conservancy Dist. & C-1 Lowland Resource Conservancy Dist. to A-2 General Agricultural Dist., R-2 Suburban Single-Family Residential Dist., C-2 Upland Resource Conservancy Dist. & C-1 Lowland Resource Conservancy Dist. on Tax Parcel #95-4-119-024-0300 located in the S ½ of Section 2, T1N, R19E, Town of **Wheatland** **(1:12)**

Staff recommended tabling this item to allow additional time for the owner to submit soil boring information related to the corresponding Certified Survey Map (CSM).

- Supervisor Poole made a motion to **table** the rezoning request of Arthur & Paul Naber. The motion was seconded by Supervisor Gillmore and passed unanimously by those PDEEC members present. Youth In Governance: Arturi – aye; Filiatreault – aye.
8. **Tabled Request of Brightonwoods Orchard Inc.**, 1072 288th Ave., Burlington, WI 53105 (Owner), **William H. Stone**, 1072 288th Ave., Burlington, WI 53105 (Agent), requests an **amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (map 65 of the comprehensive plan)** from "Farmland Protection", "PEC" & "SEC" to "Farmland Protection", "General Agricultural & Open Land", "PEC" & "SEC" on Tax Parcel #30-4-220-083-0301 located in the SW ¼ of Section 8, T2N, R20E, Town of **Brighton** **(3:37)**
 - Supervisor Gillmore made a motion to **remove from the table** agenda items #8-11 Brightonwoods Orchard Inc. requests for a Comprehensive Plan Amendment, rezoning and conditional use permit and Moore rezoning. The motion was seconded by Supervisor Bostrom and passed unanimously, including YIG.

William Stone was in attendance to speak to this item.

Others to speak FOR the petition:

Charles McGonegal, winery manager/operator, 11927 184th Avenue, Bristol, provided information regarding the licensure of the winery and the wine making process.

Susan Crane, Town of Brighton, noted the Town Plan Commission and Town Board worked very hard with the applicant and residents putting in due diligence to come to an amicable outcome for all concerned and that the Town Board had recommended approval of the application.

Others to speak Against the petition:

Ted Johnson, Elkhorn, WI, Attorney representing the Decatur's at 1081 288th Avenue, the neighbor to the east of the subject property, expressed concerns regarding the legal uses under the A-3 zoning, retail sales of items not made on the premises, the hot dog stand, and traffic concerns.

- Supervisor Poole made a motion to **approve** and recommend to the Kenosha County Board of Supervisors the request for a Comprehensive Plan Amendment for Brightonwoods Orchard Inc. and William H. Stone. The motion was seconded by Supervisor Gillmore and passed on the following roll call vote: Poole – aye; Gillmore – aye; Bostrom – aye; Decker – aye. Youth In Governance: Arturi – aye; Filiatreault – aye.

9. **Tabled Request of Brightonwoods Orchard Inc.**, 1072 288th Ave., Burlington, WI 53105 (Owner), **William H. Stone**, 1072 288th Ave., Burlington, WI 53105 (Agent), requesting a **rezoning** from A-1 Agricultural Preservation Dist. & C-2 Upland Resource Conservancy Dist. to A-1 Agricultural Preservation Dist., A-3 Agricultural Related Manufacturing, Warehousing and Marketing Dist. & C-2 Upland Resource Conservancy Dist. on Tax Parcel #30-4-220-083-0301 located in the SW ¼ of Section 8, T2N, R20E, Town of **Brighton (12:56)**

William Stone was in attendance to speak to this item. Mr. Stone noted he was requesting condition #3 be removed from the Conditional Use Permit conditions. Condition #3 is regarding widening the driveway.

Supervisor Bostrom noted concerns regarding specifics of retail sales and addressing potential traffic hazards, which would not be addressed if condition #3 were eliminated under the Conditional Use Permit.

- Supervisor Poole made a motion to **approve** and recommend to the Kenosha County Board of Supervisors the rezoning request of Brightonwoods Orchard Inc. and William H. Stone. The motion was seconded by Supervisor Gillmore and passed on a 3-1 vote with Supervisor Bostrom voting nay. Youth In Governance: Arturi – aye; Filiatreault – aye.

10. **Tabled Request of Brightonwoods Orchard Inc.**, 1072 288th Ave., Burlington, WI 53105 (Owner), **William H. Stone**, 1072 288th Ave., Burlington, WI 53105 (Agent), requesting a **Conditional Use Permit** to allow retail sales in the A-3 Agricultural Related Manufacturing, Warehousing and Marketing Dist. on Tax Parcel #30-4-220-083-0301 located in the SW ¼ of Section 8, T2N, R20E, Town of **Brighton (42:39)**

William Stone was in attendance to speak to this item.

Supervisor Poole suggested a circular driveway as an option to alleviate some of the traffic concerns. Mr. Stone noted that at this time that was not a viable option, but could possibly provide this improvement in the future (possibly 3 years down the road).

Susan Crane and Charles McGonegal spoke in favor of the application. Mr. McGonegal provided additional information on the alcohol licensing and wine-making process.

Attorney Ted Johnson and Mary Ann Decatur, 1081 288th Avenue, spoke in opposition of the application.

- Supervisor Poole made a motion to **approve** the request for a Conditional Use Permit for Brightonwoods Orchard Inc. and William H. Stone, striking condition #3 and subject to the following conditions:

1. Subject to the application stamped received by the office of Planning and Development on January 19, 2017.
2. Subject to that approved by the Town of Brighton at their June 12, 2017 Town Board meeting (Exhibit B, attached).
3. Subject to any newly proposed outdoor lighting installations being reviewed and approved by the Kenosha County Department of Planning & Development prior to installation. Any subsequent modifications to existing light fixtures (repair/replacement, etc.) or installation of new lighting fixtures shall be made in accordance with Kenosha County site plan review lighting standards requiring full cutoff fixtures with light shields parallel to yard grade.
4. Subject to all rules and requirements of the Kenosha County Sanitary Code and Private Sewage System Ordinance and Comm 83 and 85 of the Wisconsin Administrative Code.
5. Subject to all rules and requirements of the Kenosha County Stormwater Management, Erosion Control and Illicit Discharge Ordinance.
6. Subject to a zoning permit being applied for and issued by the Department of Planning and Development prior to commencing construction or placement of any building(s).
7. Subject to receiving a permit from the Kenosha County Division of Highways for any and all proposed access points to the abutting County Trunk Highway including any incidental items proposed to be located within the right-of-way of the abutting County Trunk Highway. The permit must be fully executed prior to commencing any preliminary grading work.
8. No changes or expansion of the submitted plan of operation, change in use, and/or proposed addition(s) to any existing building(s) or proposed new building(s) shall take place without the petitioner reapplying for a Conditional Use

Permit to the Planning, Development and Extension Education Committee for its review and approval.

9. It is the total responsibility of the petitioner to assure and guarantee that the above stated conditions are fully complied with. Any deviation from the approved plans and conditions shall result in the issuance of a citation and associated stop work order until such time as the project is brought back into compliance. Continuance of the project shall result in a recommendation for revocation of the Conditional Use Permit.
10. If property ownership shall happen to change then it is the responsibility of the person(s) that signed these conditions to notify new owner of all above stated conditions of approval. Any changes or deviations from the above referenced approved plans will require additional review and approval and will be subject to additional fees by Planning and Development.
11. Pursuant to section 12.29-5(k) of the Kenosha County General Zoning & Shoreland/Floodplain Zoning Ordinance, this conditional use permit approval shall not be valid unless recorded by the applicant in the office of the Kenosha County Register of Deeds within 5 days after the issuance of the permit. Any recording fees shall be paid by the applicant. Said recording document is to be prepared by the Kenosha County Department of Planning & Development.

The motion was seconded by Supervisor Gillmore and passed unanimously by those PDEEC members present. Youth In Governance: Arturi – aye; Filiatreault – aye.

11. **Tabled Request of Kenneth A. & Elizabeth A. Moore**, 30010 49th Ave., Salem, WI 53168 (Owner), requesting a **rezoning** from A-2 General Agricultural Dist., M-3 Mineral Extraction Dist. & C-1 Lowland Resource Conservancy Dist. to R-1 Rural Residential Dist. & C-1 Lowland Resource Conservancy Dist. on Tax Parcel #30-4-220-311-0210 located in the NE ¼ of Section 31, T2N, R20E, Town of **Brighton (1:22:41)**

Kenneth Moore was in attendance to speak to this item.

Susan Crane, Town of Brighton, spoke in favor of the application.

- Supervisor Gillmore made a motion to **approve** and recommend to the Kenosha County Board of Supervisors the request for a rezoning for Kenneth A. & Elizabeth A. Moore. The motion was seconded by Supervisor Bostrom and passed unanimously by those PDEEC members present. Youth In Governance: Arturi – aye; Filiatreault – aye.
10. **Review and Possible Approval – Proposed Amendments to Chapter 14 Kenosha County Subdivision Control Ordinance – (1:28:56)** Proposed amendments to Chapter 14 Kenosha County Subdivision Control Ordinance updating it to be compliant with current legislation as referenced in Chapter 236 and 703 of State Statutes. Chapter 14 of the Kenosha County Municipal Code is available for viewing at the Planning & Development office during normal business hours 8 am -noon and 1 pm - 5 pm, Monday – Friday

Chairman Decker noted that it was the consensus of the Committee to table this item

until the August meeting to allow staff additional time to arrange for a representative from SEWRPC to present the information at that time.

- Supervisor Gillmore made a motion to **table** the Proposed Amendments to Chapter 14 Subdivision Control Ordinance as presented. The motion was seconded by Supervisor Bostrom and passed unanimously by those PDEEC members present. Youth In Governance: Arturi – aye; Filiatreault – aye.

12. **CERTIFIED SURVEYS AND OTHER LAND DIVISIONS**

Staff noted that there was one CSM scheduled for this evening, however, since the Naber rezoning was tabled, staff will present the corresponding CSM at the August meeting instead.

- Supervisor Bostrom made a motion to table the Naber Certified Survey Map until the August agenda. The motion was seconded by Supervisor Gillmore and passed unanimously by those PDEEC members present. Youth In Governance: Arturi – aye; Filiatreault – aye.

13. **APPROVAL OF MINUTES - APPROVED**

- Supervisor Gillmore made a motion to approve the minutes as presented of the June 14, 2017 Planning, Development and Extension Education Committee meeting. The motion was seconded by Supervisor Bostrom and passed unanimously by those PDEEC members present.

14. **CITIZEN COMMENTS - NONE**

15. **ANY OTHER BUSINESS ALLOWED BY LAW**

Mr. Buehler noted that there was one new item and the two tabled items from this evening for the August 9 agenda.

16. **ADJOURNMENT**

- Supervisor Bostrom made a motion to adjourn the meeting. The motion was seconded by Supervisor Gillmore and passed unanimously by those PDEEC members present. The meeting adjourned at 8:30 p.m.

The next regularly scheduled meeting of the Planning, Development & Extension Education Committee will be held on Wednesday, August 9, 2017.