

**MINUTES
KENOSHA COUNTY
PLANNING, DEVELOPMENT & EXTENSION EDUCATION COMMITTEE
Wednesday, July 11, 2012**

Minutes of the Kenosha County Planning, Development & Extension Education Committee meeting and public hearing held on Wednesday, July 11, 2012 at 6:00 p.m. at the Kenosha County Center, 19600 -75th Street, Bristol, Wisconsin.

Members Present: Supervisors Kimberly Breunig, Erin Decker, Michael Underhill, Rick Dodge, and Michael Skalitzky

Youth In Governance Representatives Present: Colin Barushok and Bianca Ricker

UW-Extension Staff Present: Tedi Winnett, Director, UW-Extension, Steve Branca, John de Montmollin, Barbara Larson, Kristen Lie, Aimee Martinez, Bethany Sorce, Rose Skora

Also Present: Max Cruz, horticulture intern, was in attendance for the UW-Extension portion of the meeting.

Staff Present: Andy M. Buehler, Director, Division of Planning Operations
April A. Webb, Administrative Secretary

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

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. **UW-Extension Orientation – Part II:** Tedi Winnett provided an overview of the organizational structure and funding partnerships for Kenosha County UW-Extension. She also described the many roles of the Extension educators as teaching, facilitating, program development, evaluation, community partner, volunteer developer, subject matter expert/technical resource, scholar/researcher and lifelong learner. Extension educators provided numerous examples throughout the presentation.
3. **Educator/Program Updates:** these were covered in the above presentation.

Chairman Breunig 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.

4. **PUBLIC HEARING ON PROPOSED COMPREHENSIVE PLAN AMENDMENT - WILLIAM G. HOFFMANN - SALEM**

Public Hearing on Proposed Comprehensive Plan Amendment, William G. Hoffmann, 30725 114th St., PO Box 457, Wilmot, WI 53192 (Owner), requests an amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (Map 65 of the

comprehensive plan) from Commercial to Medium-Density Residential on Tax Parcel #67-4-120-303-0895 located in the SW ¼ of Section 30, T1N, R20E, Town of Salem. FYI – S side of 114th St., approx. 0.1 mi east of 308th Ave.

A public hearing was conducted regarding a Comprehensive Plan Amendment for William G. Hoffmann.

William and Carrie Hoffmann were in attendance to speak to this item.

- Supervisor Skalitzky made a motion to **approve** and recommend to the Kenosha County Board of Supervisors the request of William G. Hoffmann, 30725 114th St., PO Box 457, Wilmot, WI 53192 (Owner), requests an amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (Map 65 of the comprehensive plan) from Commercial to Medium-Density Residential on Tax Parcel #67-4-120-303-0895 located in the Town of Salem. The motion was seconded by Supervisor Decker and passed on the following roll call vote: Decker – aye; Underhill – aye; Dodge – aye; Skalitzky – aye; Breunig – aye. Youth In Governance: Barushok - aye; Ricker – aye. (Begin #0:32 - Motion #3:17 / Digital)

5. **WILLIAM G. HOFFMANN – REZONING – SALEM – APPROVED**

William G. Hoffmann, 30725 114th St., PO Box 457, Wilmot, WI 53192 (Owner), requests a rezoning from B-2 Community Business Dist. to R-4 Urban Single-Family Residential Dist. on Tax Parcel #67-4-120-303-0895 located in the SW ¼ of Section 30, T1N, R20E, Town of Salem. FYI – S side of 114th St., approx. 0.1 mi east of 308th Ave.

- Supervisor Decker made a motion to **approve** and recommend to the Kenosha County Board of Supervisors the rezoning request of William G. Hoffmann, 30725 114th St., PO Box 457, Wilmot, WI 53192 (Owner), requests a rezoning from B-2 Community Business Dist. to R-4 Urban Single-Family Residential Dist. on Tax Parcel #67-4-120-303-0895 located in the Town of Salem. The motion was seconded by Supervisor Skalitzky and passed unanimously. Youth In Governance: Barushok - aye; Ricker – aye. (Begin #3:25 - Motion #6:47 / Digital)

6. **PUBLIC HEARING - PROPOSED COMPREHENSIVE PLAN AMENDMENT - EVERETT & MARY MYERS REVOCABLE TRUST - PARIS**

Public Hearing on Proposed Comprehensive Plan Amendment, Everett & Mary Myers Revocable Trust, 13215 7th St., Union Grove, WI 53182-9417 (Owner), requests an amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (Map 65 of the comprehensive plan) from Farmland Protection to Suburban-Density Residential on part of Tax Parcel #45-4-221-121-0200 located in the NE & NW ¼ of Section 12, T2N, R21E, Town of Paris. FYI – S side of CTH “A” (7th St.) approx. ¼ mile east of the intersection with CTH “MB” (136th Ave.).

A public hearing was conducted regarding a Comprehensive Plan Amendment for Everett & Mary Myers Revocable Trust.

Everett and Mary Myers were in attendance to speak to this item.

- Supervisor Decker made a motion to **approve** and recommend to the Kenosha County

Board of Supervisors the request of Everett & Mary Myers Revocable Trust, 13215 7th St., Union Grove, WI 53182-9417 (Owner), requests an amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (Map 65 of the comprehensive plan) from Farmland Protection to Suburban-Density Residential on part of Tax Parcel #45-4-221-121-0200, Town of Paris. The motion was seconded by Supervisor Skalitzky and passed on the following roll call vote: Decker – aye; Underhill – aye; Dodge – aye; Skalitzky – aye; Breunig – aye. Youth In Governance: Barushok - aye; Ricker – aye. (Begin #7:27 - Motion #9:34 / Digital)

7. **EVERETT & MARY MYERS – REZONING – PARIS – APPROVED**

Everett & Mary Myers, 13215 7th St., Union Grove, WI 53182-9417 (Owner), requests a rezoning from A-1 Agricultural Preservation Dist. & C-2 Upland Resource Conservancy Dist. to A-1 Agricultural Preservation Dist., C-2 Upland Resource Conservancy Dist. & R-2 Suburban Single-Family Residential Dist. on Tax Parcel #45-4-221-121-0200 located in the NE & NW ¼ of Section 12, T2N, R21E, Town of Paris. FYI – S side of CTH “A” (7th St.) approx. ¼ mile east of the intersection with CTH “MB” (136th Ave.).

- Supervisor Decker made a motion to **approve** and recommend to the Kenosha County Board of Supervisors the rezoning request of Everett & Mary Myers, 13215 7th St., Union Grove, WI 53182-9417 (Owner), requests a rezoning from A-1 Agricultural Preservation Dist. & C-2 Upland Resource Conservancy Dist. to A-1 Agricultural Preservation Dist., C-2 Upland Resource Conservancy Dist. & R-2 Suburban Single-Family Residential Dist. on Tax Parcel #45-4-221-121-0200 located in the Town of Paris. The motion was seconded by Supervisor Underhill and passed unanimously. Youth In Governance: Barushok - aye; Ricker – aye. (Begin #11:16 - Motion #13:52 / Digital)

8. **TOWN OF SALEM – CONDITIONAL USE PERMIT – SALEM – APPROVED**

Town of Salem, PO Box 443, Salem, WI 53168 (Owner), Craig McGrew, 3609 Driftwood Drive N. #201, Lafayette, IN 47905 (Agent), requesting a Conditional Use Permit to allow the placement of a cellular and digital communication facility on an existing municipal water tower in the I-1 Institutional Dist. on Tax Parcel: #66-4-120-274-0121 located in the SW & SE ¼ of Section 27, T1N, R20E, Town of Salem. FYI - NW corner of Wilmot Rd. & 245th Ct.

Patrick Casey, Town Administrator, and Craig McGrew, AT&T, were in attendance to speak to this item.

- Supervisor Decker made a motion to **approve** the request of Town of Salem, PO Box 443, Salem, WI 53168 (Owner), Craig McGrew, 3609 Driftwood Drive N. #201, Lafayette, IN 47905 (Agent), requesting a Conditional Use Permit to allow the placement of a cellular and digital communication facility on an existing municipal water tower in the I-1 Institutional Dist. on Tax Parcel: #66-4-120-274-0121 located in the Town of Salem, subject to the following conditions:

1. Subject to the application dated June 14, 2012 and stamped received by the office of Planning and Development on June 14, 2012 and all corresponding plans and attachments.

2. Subject to that approved by the Town of Salem Town Board on July 9, 2012 (Exhibit A, attached).
3. Subject to the conditions present in the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance Section 12.29-8(b)21a a through k; cellular communication facilities in the I-1 Institutional District (shown below):

- a. The developer shall prepare a plan showing the number and potential location of all antenna sites needed in the County to complete the communication network. Propagation maps showing the existing and proposed signal of the carrier or service provider within all of Kenosha County and within six (6) miles of the county boundary. Propagation maps shall include areas served through roaming agreements with other service providers if applicable.

Note: The aforementioned requirement (a) is satisfied per the information provided in the application submitted by the petitioner.

- b. All antennas shall be constructed on existing structures, such as, but not limited to, water towers, public buildings, existing utility towers, farm silos, barns, or other communication towers, or
- c. The applicant must demonstrate that the proposed antenna cannot be accommodated on an existing tower or facility due to one of the following reasons:
 - 1) The planned equipment would cause radio frequency interference with other existing towers and facilities, considering the existing and planned use for those facilities.
 - 2) The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented.
 - 3) Existing towers or facilities do not have space on which proposed equipment can be placed so it can function effectively.
 - 4) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or facility or to adopt an existing tower or facility for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - 5) Applicant demonstrates that there are other limiting factors that render existing towers and facilities unsuitable.

Note: The aforementioned requirements (b & c-1 through c-5) are satisfied due to the fact that said petition is for the co-location of equipment on an existing water tower.

- d. In the event that the Department of Planning and Development determines that it is necessary to consult with a third party in considering the factors listed in subsection c above, all reasonable costs and expenses associated with such consultation shall be borne by the applicant. If it is determined by the consultant that such antennas cannot be co-located on existing structures, freestanding tower structures may be permitted, but such structures shall be designed to support the proposed antennas

and three additional sets of communication antennas. The developer shall agree, in writing, to make the structure available for co-location by other companies for communication equipment at a reasonable return. Height and visibility issues shall be incorporated as part of the review.

Note: The aforementioned requirement (d) is not applicable due to the fact that said petition is for the co-location of equipment on an existing water tower.

- e. The developer shall provide a site plan, including all existing and proposed structures, an access and parking plan, a landscaping and drainage plan, and building plans for all proposed structures as well as photo simulations of the proposed facility from points of interest as identified by the Department of Planning and Development. A photo simulation shall not be smaller than 8 inches by 10 inches.

Note: The aforementioned requirement (e) is satisfied per the information provided in the application submitted by the petitioner.

- f. All new communication towers and accompanying service buildings shall be a minimum of 200 feet from any property line and/or residential district.

Note: The aforementioned requirement (f) is satisfied per the information provided in the application submitted by the petitioner.

- g. All new communication towers shall be of a monopole design and shall be constructed of non-reflective material of uniform color.

Note: The aforementioned requirement (g) is not applicable due to the fact that said petition is for the location of equipment on an already existing water tower.

- h. The telecommunications company shall remove all antennas, tower structures, equipment shelters and/or other communication facilities from the site within 45 days after the termination of use.
 - i. All applicable federal, state, and local rules regarding the environmental effects of radio frequency and other telecommunication emissions shall be complied with.
 - j. The telecommunication facility, including the antenna or antenna structure shall not interfere with radio and television reception based upon Federal Communication Commission (FCC) regulations.
 - k. The proposed antenna and/or communication tower shall not result in restriction or interference with air traffic or air travel to or from any existing or proposed airport or airstrip.
4. The tower shall maintain a red warning light at the top for night signals and a strobe light for day and fog conditions.

Note: This is a reiteration of the lighting requirement stated in the January 12, 2011 conditional use permit for construction of the water tower.

5. All federal and state licenses shall be filed with the Department of Planning and Development.
6. A zoning permit shall be issued prior to the placement of any equipment on the property.
7. Any change of the submitted plan of operation, change in use, and/or proposed addition(s) to any existing principal building(s), or proposed new principal building(s), or new antenna shall require the petitioner to reapply for a Conditional Use Permit to the Kenosha County Land Use Committee for its review and approval.
8. 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.
9. 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.

Craig McGrew signed the conditions indicating he had read them and agreed to comply with them.

The motion was seconded by Supervisor Skalitzky and passed unanimously. Youth In Governance: Barushok - aye; Ricker – aye. (Begin #14:38 - Motion #17:40 / Digital)

9. **REVIEW AND POSSIBLE APPROVAL OF RESOLUTION: REQUEST TO APPROVE THE APPOINTMENT OF KAY GOERGEN TO SERVE ON THE KENOSHA COUNTY BOARD OF ADJUSTMENTS - APPROVED**

Andy Buehler, Division Director . explained that Ms. Goergen's appointment was up for renewal to the Kenosha County Board of Adjustments. The term of the appointment would be July 1, 2012 through June 30, 2017. Mr. Buehler explained that staff was supportive of the appointment and requested a favorable PDEEC recommendation of this re-appointment to the County Board.

- Supervisor Dodge made a motion to **approve** and recommend to the Kenosha County Board of Supervisors the re-appointment of Kay Goergen to serve on the Kenosha County Board of Adjustments. The motion was seconded by Supervisor Decker and passed unanimously. Youth In Governance – Barushok – aye; Ricker – aye. (Begin #19:10 - Motion #20:44 / Digital)

10. **REVIEW AND POSSIBLE APPROVAL OF REVISED LAND USE FEE SCHEDULE - APPROVED**

Andy Buehler, Division Director, explained that with the recent approval of the FEMA floodplain maps, property owners will need to obtain for their lending institutions a Letter of Map Amendment – Out As Shown (LOMA – OAS) indicating the property is out of the floodplain as shown on the FEMA maps. Property owners may obtain the information from the County website and file the packet of information on their own, or as a new service planning staff will assemble the packet of information and submit to FEMA.

- Supervisor Skalitzky made a motion to **approve** the revised Land Use Fee Schedule. The motion was seconded by Supervisor Underhill and passed unanimously. Youth In Governance – Barushok – aye; Ricker – aye. (Begin #21:05 - Motion #22:35 / Digital)

11. **CERTIFIED SURVEYS AND OTHER LAND DIVISIONS - APPROVED**

- Supervisor Decker made a motion to **approve** the following certified surveys, subject to conditions. The motion was seconded by Supervisor Underhill and passed unanimously by those PDEEC members present. (Motion #24:00 /Digital)

- 1) Everett & Mary Myers Revocable Trust (Owner), Everett Myers (Agent) - Part of the Northwest Quarter of Section 12, Township 2 North, Range 21 East, Town of Paris. For informational purposes only this parcel is located on the south side of County Trunk Highway “A” (7th Street), approximately 0.2 miles east of County Trunk Highway “MB” (136th Ave).

Requesting approval of a Certified Survey Map (dated May 8, 2012 by Glen A. Marescalco of Marescalco Countywide Surveying, Inc.) to subdivide a 133.00-acre parcel into one (1) 2.83-acre parcel and one (1) approximately 130-acre remnant parcel on Tax Parcel #45-4-221-121-0200.

Conditional Approval subject to the following:

- a) Compliance with any conditions put forth by the City of Kenosha.
- b) Compliance with any conditions put forth by the Town of Paris.
- c) Subject to making the following revisions to the C.S.M.:
 - Label proposed parcel as “Lot 1”.
 - Label Everett and Mary Myers as “Owner/Subdivider”.
 - Indicate the lot area in square feet (in addition to acres).
 - Illustrate Principle Structure Setback Lines
 - On Sheet Two, reference to “Nancy Myers” should read “Mary Myers”.
 - Add a signature block area for the City of Kenosha.
 - Revise the Kenosha County Land Use Committee signature block on Sheet Two to read:

Education Committee Approval

This certified survey map was hereby approved by the Kenosha County Planning, Development & Extension Education Committee on this _____ day of _____, 20__.

Kimberly Breunig Chairwoman

- d) Subject to adding the following notes to the C.S.M.:
- Zoning: R-2 Suburban Single-Family Residential District & C-2 Upland Resource Conservancy District
- e) Subject to drafting and recording with the Kenosha County Register of Deeds an easement for ingress and egress, as illustrated on Sheet One of the CSM.
- f) Pursuant to Section 15.07-9(4)(c) of the Kenosha County Sanitary Code and Private Sewage System Ordinance (shown below), the existing private on-site wastewater treatment system (POWTS) currently servicing the southerly residence (located on the remnant parcel) must either be replaced or the residence removed.

“Discovery of an Existing POWTS Meeting Criteria in Comm. 83.32 - Wisconsin Administrative Code - Any existing POWTS that will continue to serve an existing structure and is a part of or a remnant parcel of a plat subdivision or certified survey map as described under this section shall be evaluated by a licensed plumber or POWTS inspector to document compliance with Comm. 83.32(1)(a) through (h), Wisconsin Administrative Code. The evaluator shall provide to the Sanitarian a written report regarding its compliance. Any POWTS found to be in non-compliance of this portion of the Wisconsin Administrative Code shall be in violation of this ordinance and must have the Sanitary Permit issued for the replacement POWTS prior to or at the time of application submittal to the County for the land division approval. The County will issue orders and require the owner to enter an installation agreement as part of their land division application.”

Prior to recordation of the certified survey map, either a sanitary permit for the replacement POWTS to serve the southerly residence shall be applied for and issued or the southerly residence shall be razed.

- g) Subject to sending an electronic copy of the revised CSM showing the aforementioned changes to the Kenosha County Department of Planning and Development office to receive sign-off prior to the surveyor preparing the recordable CSM document for signatures. The county contact is Luke Godshall who can be contacted at the following e-mail address: Luke.Godshall@kenoshacounty.org.

- h) Subject to the rezoning being approved on proposed Lot 1 from A-1 Agricultural Preservation District and C-2 Upland Resource Conservancy District to R-2 Suburban Single-Family Residential District and C-2 Upland Resource Conservancy District.
- i) The certified survey map shall not be released for recording until such time as the rezoning ordinance is signed by the County Executive.
- j) No land division shall be recorded if any portion or part of the parent parcel has any unpaid taxes or outstanding special assessments without prior approval of the local and Kenosha County Treasurer.
- k) Subject to receiving the original certified survey as approved by City of Kenosha and Town of Paris.
- l) Subject to submitting the recordable copy of the Certified Survey Map (CSM) with signatures to the Kenosha County Planning & Development office along with the appropriate Register of Deeds recording fees within six (6) months of receiving conditional approval from the Kenosha County Planning, Development & Extension Education Committee. The Kenosha County Planning & Development office will submit the CSM along with the appropriate fees to the Register of Deeds for recording immediately upon receiving the recordable CSM and fee payments. Failure to submit the CSM with the required fees within the six (6) month time limit will render the CSM null and void. Failure to meet these conditions will require that the CSM be resubmitted for approval by the Kenosha County Planning, Development & Extension Education Committee.

12. **APPROVAL OF MINUTES - APPROVED**

- Supervisor Decker made a motion to approve the minutes as presented of the June 13, 2012 Planning, Development and Extension Education Committee meeting. The motion was seconded by Supervisor Skalitzky and passed unanimously. (Motion #24:36 – Digital)

13. **CITIZEN COMMENTS - NONE**

14. **ANY OTHER BUSINESS ALLOWED BY LAW - NONE**

Chairman Breunig noted that Ben Fiebelkorn, Senior Land Use Planner, who is in the audience this evening will Staff the August 8th Committee meeting as Mr. Buehler will be out of the office at that time.

15. **ADJOURNMENT**

- Supervisor Underhill made a motion to adjourn the meeting. The motion was seconded by Supervisor Skalitzky and passed unanimously. The meeting was adjourned at 7:27p.m.

The next regularly scheduled meeting of the Planning, Development & Extension Education Committee will be held on Wednesday, August 8, 2012.