

MINUTES

**TOWN OF YORKVILLE
JOINT TOWN BOARD/PLAN COMMISSION
TOWN BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, DECEMBER 8, 2014**

Call to Order

Town Board Chair Peter Hansen called the meeting to order at 6:00 p.m.

Roll Call

The following Board members were present: Peter Hansen, Sherry Gruhn and Terrence McMahon. The following Plan Commission members were present: Peter Hansen, Sherry Gruhn, Gary Fink, Douglas Nelson, Barbara Geschke, Robert Root and Nathan Skewes. Also present were Tami Lema, Brian Lehman, Pete Bailey representing American Surveying Company, Rafael Vargas II representing Echo Consulting and Associates, Luis Arenas, Scott Litwin, Donald Wilks, Racine County Sheriff's Deputy James Evans, Yorkville Stormwater District Commission Chair Stephen Nelson, Attorney Tim Pruitt, Engineer Mark Madsen, Code Enforcement Officer Terrence O'Brien, Clerk-Treasurer Michael McKinney and two other attendees.

Approval of Minutes

Motion (McMahon, Gruhn) to approve the November 24, 2014 Town Board meeting minutes as submitted, Motion Carried (MC).

Approval of Financial Reports

Motion (Gruhn, Hansen) to approve the November Town and Stormwater financial reports as submitted, MC.

Approval of Town Invoices

Motion (McMahon, Gruhn) to approve payment of Town invoices in the amount of \$27,965.72, MC.

Approval of Stormwater Invoices

Motion (McMahon, Gruhn) to approve payment of Stormwater invoices in the amount of \$23,697.20, MC.

New and Unfinished Business – Discussion and possible action on all of the following:

Request submitted by Mark Porcaro (with Tami Lema as applicant) for occupancy approval for the property located at 19529 Durand Avenue (STH 11) (Parcel ID # 018-03-21-31-035-100) in the A-3 (General Farming III) Zoning District to permit occupancy of the existing building at this address with a small engine repair business called "Grove Outdoor Power"

Tami Lema and Brian Lehman appeared before the Town Board and Plan Commission to discuss this application. Lema and Lehman provided the following information on the application:

- Proposed activity would be a small engine (such as lawnmowers and snowblowers) repair business at the site called “Grove Outdoor Power”, with a tentative opening date of March 1, 2015
- Machines would be stored behind the building within a fenced-in area with privacy slat while waiting for service or to be picked up
- Grove Outdoor Power would have 1 full-time employee and 2 part-time employees
- Proposed business hours are 8:00 a.m. to 5:00 p.m. on Monday through Friday and 8:00 a.m. to 12:00 p.m. on Saturday, with potential extended hours during winter and to allow customers to drop off machines before 8:00 a.m., with no equipment being operated before 8:00 a.m.
- Usage of the existing ground and wall signage infrastructure on the property for any new business signage
- No plans to offer any equipment rental

Motion (Fink, Nelson) to recommend approval of the request submitted by Mark Porcaro (with Tami Lema as applicant) for the property located at 19529 Durand Avenue (STH 11) (Parcel ID # 018-03-21-31-035-100) in the A-3 (General Farming III) Zoning District for occupancy of the existing building at this address with a small engine repair business called “Grove Outdoor Power”, with no conditions, MC.

Motion (McMahon, Gruhn) to accept the Plan Commission’s recommendation and to approve the request submitted by Mark Porcaro (with Tami Lema as applicant) for the property located at 19529 Durand Avenue (STH 11) (Parcel ID # 018-03-21-31-035-100) in the A-3 (General Farming III) Zoning District for occupancy of the existing building at this address with a small engine repair business called “Grove Outdoor Power”, with no conditions, MC.

Public Hearing – The Town Board and Plan Commission will hold a joint public hearing to hear public comment on a request submitted by Gerhardt and Helen Schattner (with American Surveying Company, Inc. as agent) for variance and conditional use approval for the property located at 14314 Spring Street (CTH C) (Parcel ID # 018-03-21-12-015-000) in the A-2 (General Farming and Residential II) Zoning District to permit parking of one semi-tractor/trailer combination on the property less than six-hundred (600) feet from any residential district and less than one-hundred (100) feet from any other residence

Hansen opened the public hearing at 6:12 p.m.

Pete Bailey of American Surveying Company appeared before the Town Board and Plan Commission to discuss this application. He provided the following information on the application:

- Proposed activity would be parking, primarily during weekend and overnight hours, of one semi-tractor/trailer combination on the property, which is owned by the abutting property owner to the east and is used for the delivery of crushed stone materials. He stated that this proposal requires a variance as this vehicle will be parked less than

six-hundred (600) feet from any residential district and less than one-hundred (100) feet from any other residence.

- The trailer may occasionally carry crushed stone materials while parked on-site
- No on-site storage of crushed stone materials would be allowed
- The vehicle would use the existing farm field entrance to the property for access to and from Spring Street (CTH C)
- Only emergency service or repair of the vehicle would be allowed on-site
- No storage of vehicle fuel, engine oil or other lubricants on-site
- No on-site garbage or refuse storage would be allowed
- Weekly hours of operation from 5:00 a.m. on Monday to 5:00 p.m. on Saturday, with the vehicle returning at any time during the week, depending upon the scheduling of loads and driving time limitations
- Installation and usage by this vehicle of a 12-inch thick crushed stone turn-a-round, with dimensions of 76 feet by 100 feet and a setback of 25 feet from the Spring Street (CTH C) right-of-way line, to avoid backing out onto or in from the roadway
- Drainage from the turn-a-round would be directed towards existing drainage along Spring Street (CTH C)
- The applicant will return for variance and conditional use approval if the applicant plans to haul anything other than crushed stone materials

McKinney noted that he received an e-mail from a neighboring property owner in favor of the application.

With no other comments forthcoming, Hansen closed the public hearing at 6:19 p.m.

Request submitted by Gerhardt and Helen Schattner (with American Surveying Company, Inc. as agent) for variance and conditional use approval for the property located at 14314 Spring Street (CTH C) (Parcel ID # 018-03-21-12-015-000) in the A-2 (General Farming and Residential II) Zoning District to permit parking of one semi-tractor/trailer combination on the property less than six-hundred (600) feet from any residential district and less than one-hundred (100) feet from any other residence

Motion (Fink, Geschke) to recommend approval of the request submitted by Gerhardt and Helen Schattner (with American Surveying Company, Inc. as agent) for the property located at 14314 Spring Street (CTH C) (Parcel ID # 018-03-21-12-015-000) in the A-2 (General Farming and Residential II) Zoning District for variance and conditional use approval to permit parking of one semi-tractor/trailer combination on the property less than six-hundred (600) feet from any residential district and less than one-hundred (100) feet from any other residence, with no conditions, MC.

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the request submitted by Gerhardt and Helen Schattner (with American Surveying Company, Inc. as agent) for the property located at 14314 Spring Street (CTH C) (Parcel ID # 018-03-21-12-015-000) in the A-2 (General Farming and Residential II) Zoning District for variance and conditional use approval to permit parking of one semi-tractor/trailer combination on the property less than six-hundred (600) feet from any residential district and less than one-hundred (100) feet from any other residence, with no conditions, MC.

Public Hearing – The Town Board and Plan Commission will hold a joint public hearing to hear public comment on a request submitted by Luis Arenas (with Echo Consulting and Associates, LLC as agent) for conditional use approval for the property located at 15230 Ives Grove Road (Parcel ID # 018-03-21-11-002-000) in the A-2 (General Farming and Residential II) Zoning District to permit a commercial horse boarding and training operation for up to 27 horses in the existing facilities at the site

Hansen opened the public hearing at 6:21 p.m.

Rafael Vargas II of Echo Consulting and Associates appeared before the Town Board and Plan Commission on behalf of the applicant to discuss this application. He provided the following information on the application:

- Proposed activity would be a private horse boarding and training operation for up to 27 horses in the existing facilities at the site, which include an indoor sand arena for training, a pole barn for boarding and a pole barn for training, riding and boarding horses
- 18 horses are currently boarded at the facility, with 14 of those horses owned by the property owner
- The property owner charges boarders \$150 per month for each horse
- Facility currently has 20 10-foot by 10-foot box stalls, to which the property owner would like to add another 5 stalls
- No horses are allowed outside to pasture, as no facilities exist for outdoor pasturing
- The property owner would only allow friends and family to keep horses in the facility
- A wooden fence would be constructed to secure the perimeter around these facilities (the east property line is currently fenced in), with the entrance to the fenced-in area controlled by a metal mobile fence
- A gravel entrance driveway leads to a gravel parking area that would accommodate trailers and a maximum of 12-15 vehicles
- Parking would typically be limited to 3-4 cars during the day, with no more than four horse trailers to be kept on the property at any one time
- Disposal of manure throughout the year on the undeveloped portions of the property, with emergency manure removal by Waste Management if necessary
- Short-term manure storage within the arena
- Proposed hours of operation every day from 7:00 a.m. to 9:00 p.m., which would be exceeded only when going to or returning from a rodeo, special training facility or county fair
- Weekday hours of operation to be used for cleaning and grooming horses, with weekend hours of operation primarily for training on a year-around basis
- The property owner would require prior notification before any individual boarding a horse in the facility is allowed on the property
- Plans for two training events at the facility each year that are held by a Spanish fraternity organization to train and prepare the horses for local events such as parades
- Attendance at the training events would be approximately ten, not including friends or family of the attendees
- The property owner and his sons would be the facility's employees
- Vargas would be responsible for property management and would require registration, including background checks, of all applicants interested in boarding or training horses at the facility

- Disposal of non-animal waste in an on-site waste receptacle
- Use of outdoor lighting on the barn that illuminates the parking lot
- Construction of a 4-foot by 8-foot (32 square foot) sign at the entrance of the facility

Vargas and/or the Town Board and Plan Commission discussed the following issues:

- Whether the amount of space available is enough to accommodate 27 horses
- Whether any drainage issues would be caused by this activity
- Whether the proposed activity is a private or commercial enterprise
- For what purpose the chickens are kept on the property. Vargas stated that the property owner keeps approximately 200 chickens on the property as a hobby. He noted that the eggs produced by the chickens are given to family members and added that the chickens are not slaughtered.
- Whether the entrance driveway to the property from 53rd Drive could be graveled to prevent mud and manure from being tracked onto the roadway. Vargas noted that three neighbors also use this driveway and added that the driveway could be graveled.
- Whether the improvements, including the parking area, would impact the existing mound system on the property
- The Board requested that the property owner contact the building inspector to request a final inspection and to apply for a building permit for the chicken coop. Vargas agreed to do this within 30 days.
- Whether outside bathroom facilities are necessary as part of the proposal
- Reports that a bull was loose on a neighboring property. Vargas confirmed that the bull was used as part of the training done with the horses boarded there, adding that the training usually lasts several hours.

Donald Wilks (5103 152nd Avenue, Kenosha) spoke against the application and commented on the need to ensure that, due to how close to the property line the existing buildings are, any new fences constructed do not encroach on his property.

Scott Litwin (15300 Ives Grove Road) spoke against the application and commented on the following related to the application:

- Was originally told by realtor when he purchased his property that the barn was for personal use
- Drinking parties and large social gatherings began to take place on the property in spring, with large numbers of cars, loud music and loud vehicle exhaust
- Garbage has been burned on the property
- Weekends tend to be very busy, with up to a dozen vehicles parked on the property
- Access driveway is very close to his home
- Manure has been stored within 30 to 40 feet of the property line, causing fly infestation issues
- Activity on the property has slowed down this fall

Racine County Sheriff's Deputy James Evans commented on the following related to the application:

- Additional patrols have been conducted in the area because of complaints from neighbors

- Up to 12 to 15 cars have been parked on the property
- Horse riders have ridden their horses down the middle of the roadway
- Music-related complaints have been a major issue on the property
- Chickens are roaming freely on neighboring properties

Code Enforcement Officer Terrence O'Brien commented on the following related to the application:

- Concerns over manure disposal and the housing of horses
- That this area is too developed to accommodate such a use

With no other comments forthcoming, Hansen closed the public hearing at 7:13 p.m.

Request submitted by Luis Arenas (with Echo Consulting and Associates, LLC as agent) for conditional use approval for the property located at 15230 Ives Grove Road (Parcel ID # 018-03-21-11-002-000) in the A-2 (General Farming and Residential II) Zoning District to permit a commercial horse boarding and training operation for up to 27 horses in the existing facilities at the site

The Town Board and Plan Commission discussed the following issues related to this application:

- Whether the Wisconsin Department of Natural Resources would have any concerns over how manure is stored or disposed of on the property
- Whether sprinklers would be necessary in the buildings on the property
- Whether the proposed activity on the property is commercial or private. Pruitt felt that, given the activity taking place, this is likely a commercial enterprise.
- Whether any restrictions exist on the number of horses that can kept on a property of this size

Hansen noted that Racine County Planning and Development Department staff recommended denial of this application to the Racine County Economic Development and Land Use Planning Committee due to the small lot size and proximity to local residences. The Board and Plan Commission agreed to conduct a site visit on the property on Saturday, December 13, 2014, at 9:00 a.m.

Motion (Fink, Nelson) to recommend tabling this application until the joint Town Board/Plan Commission meeting scheduled for Monday, January 12, 2015, at 6:00 p.m., MC.

Motion (Gruhn, McMahon) to accept the Plan Commission's recommendation and to table this application until the joint Town Board/Plan Commission meeting scheduled for Monday, January 12, 2015, at 6:00 p.m., MC.

Reports

Code Enforcement Officer's Report: O'Brien reported to the Board on the following:

- Plea agreement entered into with the owner of the property located at 1932 51st Drive
- Dismissal of the citation against the owner of the property located at 1131 55th Drive

- Upcoming trial involving the owner of the property located at 17806 Spring Street

Building Inspector's Report: The Building Inspector was not present to provide his report to the Board.

Motion (McMahon, Hansen) to accept the Building Inspector's report as submitted, MC.

Engineer's Report: Madsen reported to the Board on the following:

- Progress on engineering work for the 2015 reconstruction of 69th Drive and 59th Drive

Yorkville Stormwater Utility District Report: Stephen Nelson reported to the Board on the following:

- A meeting with a property owner along the East Branch of the Root River Canal to mark trees to be saved there during the upcoming canal obstruction clearing project
- Upcoming winter schedule for the remainder of the canal obstruction clearing project

Clerk's Report: McKinney reported to the Board on the following:

- A request from the property owner at 15617 50th Road to divide the property by certified survey map. Discussion focused on whether the number of past divisions of the property would prevent the proposed division at this time without submission of a subdivision plat. The Board asked Pruitt and Madsen to investigate this issue.

Other – Comments, questions and suggestions

No comments, questions or suggestions were provided.

Adjournment

Motion (Fink, Nelson) to adjourn, MC. The meeting was adjourned at 7:52 p.m. The next scheduled Town Board meeting is Monday, December 22, 2014, at 6:00 p.m.

Michael McKinney
Clerk-Treasurer