

MAY 23, 2016 Plan Commission Meeting

The Plan Commission met Monday, May 23, 2016 at the Town Hall in New Munster. Chairman William Glembocki opened with the *Pledge of Allegiance* at 7:00 p.m.

Present for the Plan Commission: Clayton Wagner, Randy Schulz, Dennis Robers, Vince Mosca, Paul DeLuisa and Sue Riley. Mary Ochoa Petersen was absent. Also present: Town Supervisors Andrew Lois, Kelly Wilson, Town Clerk Sheila Siegler, Town Attorney Jeff Davison, Town Building Inspector Tim Popanda, Phillip Kirsch, Johanna Kirsch, Art Naber, Paul Naber, Dennis Pugeseck, Peggy Pugeseck, Andrea DeLaune, Marilyn Magnuski, Donna Rateike, Dennis Rateike, Ray Arbet, John Winkleblack, Brian Kerkman, Don Lodarek, Lauren Lodarek, Jerry Schuerman, Kurt Dowell, Bruce Maki, Colleen M. Geren, Mark Slobodnik, David Nienhaus, T. J. Crichton, Tom Cosgrove, Bradd Epping, and Megan Epping.

Meeting agenda notices were posted on the town website, town hall and transfer station and *Kenosha News* and *Westosha Report* newspapers were notified. Additionally, property owners abutting Tax Parcel #95-4-119-024-0300 and #95-4-119-023-0200 were notified by First Class Mail.

Public comments -

Chairman said if there is no objection from a Plan Commission member, he will entertain the public comments later in the meeting after the Temporary Use Permit proposal has been presented. It may save some questions.

Temporary Use Permit - Application from Phillip Kirsch, 33130 73rd St., Burlington, WI 53105 (Owner/Agent); Arthur A. Naber & Paul J. Naber, 3405 S. Browns Lake Dr. #3, Burlington, WI 53105 (Owner), requesting approval of a temporary use (Section VII.B.12.36-5(a)(5) of the Kenosha County Zoning and Shoreland/Floodplain Zoning Ordinance, which states that all temporary uses require the Board of Adjustments to hear and grant an application in any district) to temporarily operate an agricultural tourism/event barn in the A-2 General Agricultural District & C-2 Upland Resource Conservancy District on Tax Parcel #95-4-119-024-0300 & 95-4-119-023-0200 located on the north side of 73rd St. at the intersection with 332nd Ave.

Phillip Kirsch, 33130 73rd St. explained his proposal for the property. They want to purchase and clean up. They need a Temporary Use Permit in order to use this Agriculture - 2 zoned property in order to do anything other than ag-related activities such as pumpkin farm/sales, Christmas tree farm/sales, etc. Other possible non-Ag activities: special events such as hosting weddings, barn dances, corporate meetings, and educational and recreational activities for school children. Wedding barns are very popular at this time. There are several in the Burlington area.

Chairman Glembocki asked for Public Comments.

Kurt Dowell, 33225 75th St., lives directly across from property. Traffic is biggest concern. This is bringing people into the neighborhood. Not set up for that type of traffic this proposal will bring in. This is a residential area, not a commercial site. This activity is a commercial activity.

Kurt Dowell asked if there would be liquor license. Kirsch said the caterer would have the license. All music would be inside.

Peggy Pugeseck, 7307 331st Ave., said 73rd St. is the only access into the Lilly Lake area on the north side for the public beach and launch as well as all the homeowners traffic. Busy now, can't walk on 73rd St. because there is no shoulder and ditches.

Don Lodarek, 7828 328th Ave., said this would likely be all weekend traffic. Heavy traffic on Hwy W and 73rd St. now. This will add to it.

Megan Epping, 33189 73rd St., lives across from the proposed entrance. She asked for an explanation of the traffic entering and leaving. Phillip Kirsch explained the separate ingress and egress routes.

Megan Epping said she has a concern for lights shining into their house every Friday and Saturday night. It would be quite annoying and there would be noise from the barn. She doesn't know if her family wants to hear that every Friday and Saturday. Cars already go so fast on 73rd St. and now there would be more.

Phillip Kirsch said he doesn't know about the frequency. It would not be every Friday and Saturday night. Realistically, if they can do 10 receptions a year, they would be in good shape.

Bruce Maki, 7503 337th Ave. asked about the barn's capacity. Phillip Kirsch said the first floor capacity would be 143. Could increase to maybe 200 if they build out back of the barn.

Joseph Winkleback, 7310 330th Ave. said he has no problem with the business. It is just

not the right place for this. This property was not meant for this purpose.

Andrea DeLaune, 32825 Geneva Rd. said there is nothing temporary about the use. She doesn't understand why we are even hearing this. They should have to rezone. She asked if they want to put that much money into the property for a temporary use.

Kirsch responded the wedding barn is a TUP and they would have to apply yearly but if they do what is agreed to the permit is renewed. If there are problems, he wouldn't expect it to be renewed.

Town Attorney Jeff Davison reiterated that Kirsch would have to renew every year. If you screw up, you don't get it the next year. The plan commission can put on any conditions they wish.

Andrew Lois said there is lots to do before you can open the door. The town could not stop a pumpkin farm or a Christmas tree farm. You will need a huge parking lot and a lot of work with this proposal.

Mark Slobodnik, 7510 Lilly Lake Rd. said this is his summer home. Noise and traffic would be magnified by this proposal.

Ray Arbet, 7145 327th Ave. said this is a good idea but it is a commercial development in a residential area. 73rd St. would need reconstruction. Great idea but not the place for it.

Phillip Kirsch said his brother runs Enchanted Valley Acres near Madison and they use country roads there. They have no problems.

Dennis Pugesek, 7307 331st Ave. said county roads and farm roads are different than a residential street. This will not work for hundreds of additional cars.

Building Inspector Tim Popanda said he and the fire chief were asked to report on this proposal. He's given his report to the Kirsch family listing his concerns for the site and safety features of the building.

This is an 1880 - 1899 barn, structurally sound but he elaborated on his concerns. (Copy attached.) If this approved, he would ask that a temporary occupancy permit be required for each rental. 10 in one year would be a lot of work on his and the fire chief's part. The ingress/egress driveways would have to support fire trucks and be rated for 80,000 pounds.

Kurt Dowell said people here surround the spot and none are in favor.

Chairman Glembocki closed the public comments at 7:57 p.m. and asked the plan commission for any comments or questions.

Phillip Kirsch said the capacity with tables would be 143 or 149. He would put all new wood along the bottom eight feet of the barn instead of fire-proofing with drywall. The wedding venue would be open May 1 - October in 2017.

Commissioner Clayton Wagner said he was at the property 1.5 hours last week. The entrance driveway is too narrow. All this would have to be upgraded. Residents would hear music from a long way. Kirsch would need a 10" gravel base and you can't put gravel on C-2 property. He believes this is a major safety issue. You can't get the fire truck back there. Even pumpkin farms can bring in a lot of cars.

Phillip Kirsch said it is not their intent to use the house for human habitation. It would be storage only. He said this would be a substantial investment. A TUP can be only issued for 180 days.

Commissioner Paul DeLuisa said he lived in the neighborhood 10 years ago and traffic is a problem. His personal feeling, this is the wrong place for a good idea.

Delivery semis, loud music with barn doors open during occupancy, employees going back and forth, outdoor lighting, traffic directions, parking lot and driveway, signs would need to be policed, would need employees with first aid skills, etc. were discussed.

Commissioner Sue Riley asked about the bathrooms. If you have to use the luxury portable toilets and go out in a pouring rain, that is not a good situation. Kirsch said the handicapped bathroom would be on blacktopped area but there would not be a covered area connecting the barn and portable toilets.

Commissioner Dennis Robers asked if Kirsch would handle ag products from others. Kirsch said they would only have their own ag products. They would like the farm petting zoo and the animals would need to be taken care of. They might rent farm animals for only warm weather use.

If this moves forward as a favorable recommendation to the town board, Building Inspector Tim Popanda would like as a condition that every individual event would have to be reviewed and permitted. Kirsch asked for approval of the entire operation.

Town Attorney Davison said if there is a motion to deny, there would be no need for

conditions. If a motion to approve, conditions can be discussed such as maximum capacity and individual event permit.

Commissioner Clayton Wagner moved to deny the Temporary Use Permit requested by Phillip and Johanna Kirsch for Tax Parcel #95-4-119-024-0300 and #95-4-119-023-0200 to temporarily operate an agricultural tourism/event barn in the A-2 zoning district and recommend denial to the town board. Commissioner Dennis Robers seconded. Motion to deny was unanimous.

Commissioner Paul DeLuisa moved to adjourn at 8:35 p.m. Commissioner Vince Mosca seconded. Motion carried.

Respectfully submitted,

Sheila M. Siegler, Town Clerk