

MINUTES

PLAN COMMISSION OF THE TOWN OF POLK, WASHINGTON COUNTY

POLK TOWN HALL 3680 Hwy 60, Slinger, WI. 53086

Tuesday, March 03, 2015. 7:30 p.m.

Approved 4-9-2015

I. Call meeting to Order. The meeting was called to order at 8:52PM immediately following a Public Hearing on the Conditional Use Permit Application for ITEX Company.

- A. The Pledge of Allegiance was recited.
- B. Official Meeting Notification. Chairman Schulteis reported that the notice of the meeting was sent to the West Bend Daily News, the Hartford Times Press, WBKV, WTKM, Milwaukee Journal Sentinel, and posted at the Town Hall, Roskopf RV Center, and Cedar Lake Hills bulletin boards.
- C. Roll Call. Present: Chairman Albert Schulteis, Supervisor Robert Roecker, Karen Reiter, Dennis Sang, Mark Peters Timothy Yogerst, William Whitney; and Zoning Secretary Tracy Groth, Building Inspector John Frey.
- D. The Chairman asked for a moment of silent prayer.
- E. Approval of the Minutes of the Plan Commission February 9, 2015
Karen Reiter moved to approve the Minutes of February 9, 2015 as printed in Draft #2. Dennis Sang seconded the motion. All voted in favor and the motion carried.

II. Unfinished Business – NONE

III. New Business

- A. **Conditional Use Permit for ITEX Company, in accordance with Section 4.0 of the Town's Title X Zoning Ordinance, to operate a Residential Based Addiction Treatment Service (Community Based Residential Facility). Business to be located at 4509 Arthur Road and 4505 Arthur Road, Slinger, Washington County, Wisconsin. 39.35 Acres. Section 8. Zoned A-1 Agricultural District. Tax Key Nos. T9-0364-00B, T9-0364-00C, T9-0634-00D, T9-0364-00E. Applicant ITEX Company, an Illinois partnership or its assignees, c/o Aber Hollander. Property Owners Joseph J. Mentor and Kathleen L. Mentor; and Steven M. Kearns respectively.** Chairman Schulteis invited the applicant to make a presentation. The attorney for the applicant, Hal Karas, indicated that the applicant would wait to respond to questions posed by the Plan Commission. Chairman Schulteis asked for questions from the Commission. Karen Reiter asked if ITEX was affiliated with a local hospital. Representative for the applicant, Robert Ryberg with Peak Consulting Partners, stated that the American Society of Addiction Medicine (ASAM) has patient placement criteria. Clients must have gone through the detox process, which is usually at a hospital. The hospital affiliation has not yet been determined. Aber Hollander interjected that their company values working with local hospitals and clinicians (IE: psychologists) and will work to create an arrangement with them. Reiter inquired about medical emergencies such as heart attacks. Hollander commented that the facility will work with a local hospital to provide medical services. Reiter asked how many addiction treatment centers ITEX manages. Hollander answered that ITEX has managed nursing homes, assisted living and short term medical facilities, but not an addiction facility. Hollander answered that Rob Ryberg and his group have worked with the management of multiple addiction centers and that is why we are employing them as well as other professionals that have managed other addiction programs. Reiter asked if any other conditions such as stroke recovery would be offered at this facility. Hollander answered that only addiction treatment would be offered at this facility. Reiter commented that domestic abuse, kleptomania, and pedophilia are forms of addiction. Reiter asked if ITEX would be providing behavioral therapy for those type addictions. Hollander answered that the center would not be treating these types of additions. Reiter asked if the facility would be treating depressive/bi-polar issues. Hollander answered that

MINUTES

PLAN COMMISSION OF THE TOWN OF POLK, WASHINGTON COUNTY

POLK TOWN HALL 3680 Hwy 60, Slinger, WI. 53086

Tuesday, March 03, 2015. 7:30 p.m.

the center would not be treating people with secondary mental health issues. William Whitney commented that there were liability issues raised by the townspeople at the Public Hearing such as [inaudible] and a potential decrease in property values to neighboring homes. Whitney asked the applicant how they would be addressing potential liability issues to the Town. Hal Karas addressed the question by commenting that granting a conditional use permit is a normal governmental function and that in his opinion, the Town would be following its zoning ordinances and normal procedures. With regard to attracting law suits brought by the services provided by Mr. Hollander's company, the Town is not providing the services; Hollander's company would be providing the services. Karas suggested that the Town should ultimately address liability questions with its attorney.

Robert Roecker asked the applicant if they had developed a comprehensive business plan. Aber Hollander commented that they have commissioned a market study and are building out the final operating model with clinicians they will hire. Karas commented that most of the elements of a business plan have been presented by the applicant such as a market overview and they have shown an understanding of the operation and the regulatory environment around the operations. The applicant is not prepared to provide specific numbers and names as those are competitive elements and confidential. What the Plan Commission has seen is an overall outline of a typical business plan.

Albert Schulteis commented that the assignees to be overseen by ITEX have not yet been identified. Aber Hollander commented that the statement was correct. "We have not named the business entity" that would oversee the operations. Karen Reiter commented that the operation would have a twelve month probationary license from the State; and that the operation would be required to form an advisory committee as outlined in Wisconsin State Statute 50.034(g). Robert Ryberg indicated that ITEX would be forming the required committee. Reiter asked if the facility will conduct required safety and fire prevention training with the local fire department on an annual basis. Ryberg answered, "Yes". Reiter asked if they would have controlled substances on the property. Ryberg answered, "No, we will not".

Robert Roecker commented that this is a very big decision that confronts this Township and is not a decision to take lightly. "I would like to table this decision to allow us to do more research on our own and find out more. I am not comfortable making a decision for denial or approval. We want to make sure that we make a decision that is in the best interest of the Town". Robert Roecker moved to table this decision [ITEX Conditional Use Application] to consider it at the next meeting to gather more information. William Whitney seconded the motion.

Discussion was held. Dennis Sang commented that he did not think that our ordinance [Title X Zoning Ordinance] Section 4.02 would permit a business in an A-1 [General Agricultural] zoned district unless it is a home occupation and employs family members. Zoning Secretary Groth referred the Commission to the memo from the Town Attorney indicating that the Town has the latitude to consider this CUP application under Section 4.0. Sang commented, "If we approve this we have rendered Title X useless. If we permit business' to go into A-1, what is the point of 4.02 [Business Use]? Any business that wanted to go into A-1 would just apply for a CUP. The intent in 1971 when the ordinance was drafted was to retain this type of community and is why

MINUTES

PLAN COMMISSION OF THE TOWN OF POLK, WASHINGTON COUNTY

POLK TOWN HALL 3680 Hwy 60, Slinger, WI. 53086

Tuesday, March 03, 2015. 7:30 p.m.

these people built their houses here. I think if we negate that, then we have really thrown out our ordinances and we are pretty much done with the Plan Commission. I would go by the book. The proper way to do it is to rezone". Reiter commented that sub acute rehabilitation facilities are an allowed use in the I-1 Institutional District. Groth interjected that the Town may have more latitude monitoring and putting conditions on the facility as a Community Based Residential Facility [in the A-1 District] than as a permitted use in the I-1 District. Sang stated that he believes we [Plan Commission] should stick with [Title X Section] 4.02 as written. Mark Peters commented that he concurred with Sang. Chairman Schulteis called the Roll for voice vote on the motion. Karen Reiter, Yes. Robert Roecker, Yes. Albert Schulteis, Yes. Mark Peters, Yes. Tim Yogerst, Yes. Dennis Sang, No. William Whitney, Yes. Motion carried with a majority vote. Hal Karas asked the Chairman how to handle communications and questions going forward. Chairman Schulteis stated that Zoning Secretary Groth would continue to be the point of contact for the Town.

B. Revision to Business Use Permit for JFF Wood Products, Inc., in accordance with Section 3.08 of Town's Title X Zoning Ordinance to expand its current Business Use Permit to operate a pallet shop to include the manufacturing of wood mulch products. Business located at 3247 Sherman Way, Slinger, Washington County, Wisconsin, 11 Acres. Section 27. Zoned M-1 Industrial District. Tax Key T9-0814. Mark Wolff Business and Property Owner.

Chairman Schulteis invited the applicant to make a presentation on his application. Robert Roecker stated, "Prior to any discussion on this matter, I would like to recuse myself from the deliberation and vote. JFF Wood Products is a prior customer". Roecker stepped away from the table. Schulteis commented that a [residential] subdivision is located at the west boundary of JFF Wood products. Schulteis asked Mark Wolff if the Department of Natural Resources (DNR) has given him specifics for dust control with his operation. Wolf said that he has not been approached by the DNR with any dust control requirements. Schulteis advised Wolff that when grinding, be mindful of wind direction and wind speed. Wolff commented, "We use water and there is no dust". Reiter noted that there was a requirement by the Town for a fence according to the Minutes of the Plan Commission and Town Board in 1991. Wolff noted that there is a tree line, but no fence. Schulteis commented that last summer he was asked to go to the applicant's property to investigate excess noise coming from the property. "When I arrived at the neighboring property, I thought you were done grinding. I could not hear anything [noise coming from Wolff's property]. When I got to your place, we stood about 30 feet away from the grinder and could have a conversation and could hear each other with the machine running." The Town Ordinance states that the noise limit is 80 decibels. Schulteis commented that level of noise is not being generated by the grinding. Reiter commented that Wolff had completed Phase One of the wetland reclamation as directed by the DNR [letter from Washington County Land Use attached as Exhibit I to the Minutes] and asked if he had completed Phase Two. Wolff said, "No". Secretary Groth commented that the DNR has not given Wolff the plans or directive for a Phase Two. Wolff stated that Washington County Land Use has been there [Wolff's site] twice to monitor me and that Scott Schmidt is fine with the building [Quonset hut]. Wolff also commented that the DNR representative told Wolff that a determination would be made in June of this year. It is possible that there may not be a Phase Two. The discussion regarding fencing was continued. Reiter commented again that the fence was a Town Board requirement [With the approval of a previous site plan]. Schulteis commented "There is a fifty (50) foot tree line

MINUTES

PLAN COMMISSION OF THE TOWN OF POLK, WASHINGTON COUNTY

POLK TOWN HALL 3680 Hwy 60, Slinger, WI. 53086

Tuesday, March 03, 2015. 7:30 p.m.

next to Wolff. When homes get built back in there, we may need to revisit the fence issue.” Sang commented that the Minutes of the 1991 meetings were vague. The type of fence and where the fence should be located were not indicated. Dennis Sang moved to recommend to the Town Board the approval of the expanded Business Use to include the manufacturing of wood mulch products. The motion was seconded by William Whitney. All voted in favor and the motion carried.

- C. **Site Plan Review for JFF Wood Products, Inc., in accordance with Section 3.08 of Town’s Title X Zoning Ordinance to construct a 30’ x 40’ Quonset Hut for the purpose of storing wood mulch/sawdust materials. Business located at 3247 Sherman Way, Slinger, Washington County, Wisconsin, 11 Acres. Section 27. Zoned M-1 Industrial District. Tax Key T9-0814. Mark Wolff Business and Property Owner.** Chairman Schulteis stated that the building must be sited outside of wetland area. Secretary Groth commented John Frey, Building Inspector, will want the building staked by a surveyor to ensure that the Quonset hut is the required distance from the delineated wetlands. Washington County Land Use will dictate the setback from the wetlands. Karen asked if the building was going to be placed on the east side of the property. Schulteis commented that the building must be in the southeast side of the wetlands. Dennis Sang asked if a slab was in place. Wolff stated that there was no a slab, but there is a gravel base. Mark Peters commented “You keep pushing back into wetland areas”. Schulteis commented that the DNR is overseeing that [wetlands]. Peters commented that part of Wolff’s main building is in the wetland area. Secretary Groth commented that a copy of the approval from Washington County Land Use approving the building site and construction of the building was with the parcel file. Peters stated, “Our Ordinance reads that buildings cannot be built in wetlands”. Schulteis commented that apparently the County found reason to approve the building. Peters noted that the building was not extended into the wetlands in the year 2000 [according to aerial photographs]. The Commission members discussed the Quonset hut. According to the applicant, the hut is not flammable; it’s made of steel [frame] and plastic, and concrete. There will not be power in the building. Peter’s asked Wolff if he would be pushing material into the hut or grinding into it. Wolff said he would be doing both.

Mark Peters moved to recommend to the Town Board the approval of a 40x30 foot Quonset hut for the purpose of storing saw dust and wood mulch products for JFF Wood Products with the condition that the applicant follow up with the DNR for Phase 2 of the wetland reclamation within the next 12 months; and the Quonset hut must be built outside of the delineated wetlands. Timothy Yogerst seconded the motion. Secretary Groth commented the Washington County Engineer will be monitoring the JFF Wood Product site [erosion control and wetland reclamation] on behalf of the Town of Polk. There was no further discussion. All voted in favor and the motion carried.

- D. **Preliminary Site Plan Review for Double J Transport trucking company at the SW corner Sherman Road and County Road P, Jackson, Washington County, Wisconsin, 19.08 Acres. Section 25. Zoned B-1 Business District. Tax Key T9-0768-00Y. Jerome Fechter Business Owner. Patricia Hauser, Property Owner.** Chairman Schulteis invited the applicant to present to the Commission. Mark Hertzfeld with Design2Construct discussed the site plan diagram with the Commission including the building layout, erosion control, and sanitary septic system. The

MINUTES

PLAN COMMISSION OF THE TOWN OF POLK, WASHINGTON COUNTY

POLK TOWN HALL 3680 Hwy 60, Slinger, WI. 53086

Tuesday, March 03, 2015. 7:30 p.m.

applicant noted that the County will not allow access to the site from County Road P. There was discussion regarding the topography of the site [inaudible]. Sang noted that the turning radius off Sherman Road to County P is tight. The applicant explained that the intersection provided sufficient room for maneuvering a tractor trailer; and trailers are not usually brought back to the site. The company is moving out of the Village of Jackson because they have outgrown their space. This site will include offices, a maintenance facility, dispatching, and tractor parking. There will be NO cross docking. Their tractors are company owned; their customers own the trailers. Mark Peters noted that in conversations with Scott Schmidt, Washington County Engineer, there may be changes to the flood plain maps that may affect the parcel Double J is developing. Mark Herzfeld stated that they are having on-going conversations with Washington County Land Use and the DNR with regard to developing the site. Robert Roecker asked if Double J is buying the property. Double J indicated they would be buying the property.

Karen Reiter moved to recommend to the Town Board the preliminary approval of the site plan for Double J Transport. Dennis Sang seconded the motion. All voted in favor and the motion carried.

- E. Business Use Permit Review for Double J Transport to operate a trucking company at the SW corner of Sherman Road and County Road P, Jackson, Washington County, Wisconsin, 19.08 Acres. Section 25. Zoned B-1 Business District. Tax Key T9-0768-00Y. Jerome Fechter Business Owner. Patricia Hauser, Property Owner.** Dennis Sang inquired as to the number of tractors the company runs. The applicant answered, "Just under seventy five (75). Not all of the tractors/drivers are based out of Jackson; we have drivers all over country". This facility offers us future growth for one hundred (100) plus tractors. Mark Peters motioned to recommend to the Town Board the approval of a Business Use Permit for Double J Transport to operate a trucking company at the SW corner of Sherman Road and County Road P. William Whitney seconded the motion. All voted in favor and the motion carried.

- F. Zoning Violations.** No Report.

IV. Other Business

- A. Correspondence.** Chairman Schulteis shared the Commissioner of Railroads had made a determination on closing of Fond du Lac Drive at the rail crossing. The road will not be closed but the Town will be required to make some safety upgrades to the crossing at a cost of approximately \$14,000.
- B. Informational Items.** The Plan Commission Meeting for April will be Thursday, April 9, 2015 due to Elections on April 7, 2015.
- C. Zoning Board of Appeals Report.** None. The Zoning Board of Appeals did not convene in February 2015.

- V. Adjourn.** Karen Reiter moved to adjourn the meeting. Mark Peters seconded the motion. All voted in favor and the motion carried. The meeting adjourned at 9:57PM.

Respectfully submitted,
Tracy Groth, Zoning Secretary