

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
October 13, 2003**

A special meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on October 13, 2003. Those in attendance were Tom Terwall-Chairman; Michael Serpe-Vice-Chairman; Donald Hackbarth; Wayne Koessl; Eric Olson; James Bandura and John Braig. Don Wruck was excused. Also in attendance were Michael Pollocoff-Village Administrator; Jean Werbie-Community Development Director; and Peggy Herrick-Assistant Planner and Assistant Zoning Administrator.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **CORRESPONDENCE**
4. **CITIZEN COMMENTS**

Tom Terwall:

If you have a copy of the agenda that was sitting at the door when you came in, there are ten public hearings on tonight's agenda, Items A through H, and then Items J and I. If you're here for one of the items that's a matter for public hearing, we would ask that you hold your comments until that public hearing is held so that your comments will be included as a part of the official record of the public hearing. If you're here for any other item, any item that is not a matter of public hearing, or any item that does not appear on the agenda, now would be your opportunity to speak. We would ask that you step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments? Anybody wishing to speak?

5. **PLAN COMMISSIONERS' COMMENTS**
6. **CONSIDER THE MINUTES OF THE SEPTEMBER 15, 22 AND 29 2003 PLAN COMMISSION MEETINGS.**

Tom Terwall:

You've received copies in written form. What's your pleasure?

Don Hackbarth:

Move approval.

John Braig:

Second.

Tom Terwall:

IT'S BEEN MOVED BY DON HACKBARTH AND SECONDED BY JOHN BRAIG TO APPROVE THE MINUTES OF THE SEPTEMBER 15, 22 AND 29 PLAN COMMISSION MEETINGS. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

7. NEW BUSINESS

- A. **PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT:** The request of Christopher Little, agent on behalf of WE Energies, the property owner, for a Conditional Use Permit, including Site and Operational Plans, for a 12' x 14' communications equipment structure to be located at the base of the existing approximate 200-foot tall lattice-type tower at the Pleasant Prairie Power Plant, 8000 95th Street.

Jean Werbie:

Mr. Chairman, as a part of the hearing record, the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request as presented and described below:

Findings of Fact

1. WE Energies is requesting a Conditional Use Permit, including Site and Operational Plans, to install, operate and maintain a 12' x 14' communications equipment structure to be located at the base of the existing approximate 200-foot tall lattice-type tower at the Pleasant Prairie Power Plant (P4), 8000 95th Street (See Exhibits 1 and 1-A).
2. Original 1979 Conditional Use Permit-- On July 24, 1979, the Kenosha County Board of Supervisors approved the Conditional Use Permit for the request of the Wisconsin Telephone Company to locate an approximate 200 foot high radio relay tower and a 12' x 22' modular equipment building on the WE Energies (See Exhibit 2-A, 2-B and 2-C). The purpose of the tower is to support a radio system, which provides an automated means of load switching in the event of ground fault failure of the P4 circuits.
3. The Conditional Use Permit Application and the associated attachments (Plans, Plan of Operation, photographs, etc.) are provided as Exhibit 3.
4. Additionally, on February 24, 2003, the Village Plan Commission approved Conditional Use Permit, including Site and Operational Plans, for the installation of a whip antenna on the existing approximate 200 foot tall lattice-type tower and an associated 5' x 5' equipment cabinet at the base of the tower (See Exhibit 4).

5. According to WE Energies, the proposed 12' x 14' communications shelter is needed to house radio equipment for communications with vehicles, substations and for the microwave links between WE Energies various offices and power plants. This communications equipment building is needed due to the deterioration of the existing building and due to equipment expansion needs. The existing, adjacent equipment building will be removed. However, the equipment transfer from the existing building to the new building requires critical outage schedules to be coordinated with several different operating groups within WE Energies. The timetable for this work has not been set, but is planned for completion in 2004 (Refer to in Exhibit 3).
6. According to information supplied to the Village in February 2003, associated with the previous whip antenna Conditional Use Permit, WE Energies notes that there is an existing gravel roadway that provides access to the tower site. The roadway is maintained and kept clear of snow and debris by WE Energies. The existing tower area, as well as the perimeter of the P4 grounds, is fenced for security reasons. No additional fencing is proposed. The Village Fire & Rescue Department typically gains access to P4 via the eastern driveway from 95th Street and passes through a 24-hour guard gate.
7. The proposed equipment shelter, as well as the existing tower and existing equipment shelter, are located more than 650 feet north of 95th Street, and approximately 295 feet from the west property line, the Canadian Pacific Railroad right-of-way.
8. The current zoning of the property is M-2, Heavy Manufacturing District and the commercial communication equipment structure requires a Conditional Use Permit.
9. WE Energies has in the last past two years Plan Commission Conditional Use Permits that were approved, but never finalized them due to the absence of a full, detailed legal description for the entire We Energies Power Plant site. As referenced in the staff comments, these two conditional use permits do need to still be recorded, but we do need to work with their attorneys to work out the legal descriptions. These documents are still on file with the Village. Although the projects have been completed, we do need to take care of the legal description situation.

Conversations with WE Energies officials earlier this year indicated that WE Energies is working towards providing this information to the Village, but to date we have not received the information.

Therefore, prior to the Village issuing any building permits for the communications equipment structure, the staff is recommending that full, detailed legal description for the entire site be provided to the Village.

10. The Communication Act of 1934 is the Federal regulation, which governs the telecommunications industry; Section 322 of said Act, as amended by subsection (6) (iv) of the Telecommunications Act of 1996, provides guidelines to state and local governments regarding the citing of antenna facilities. One such guideline governs what information may be considered during the zoning approval process. That is, as long as the antenna facility complies with emissions standards established by the FCC, and it is considered that there are no health or safety risks posed by the equipment, then the Plan

Commission may not directly or indirectly consider health and safety issues during the zoning process when considering this request.

11. The petitioner and all of the abutting and adjacent property owners within 300 feet were notified via U.S. Mail on September 29, 2003 (See Exhibit 5). Notices were published in the *Kenosha News* on September 29 and October 6, 2003.
12. The Village faxed the petitioner a copy of this staff report on October 10, 2003.
13. According to Section 12.29-8 of the Village's General Zoning and Shoreland/Floodplain Zoning Ordinance (Village Zoning Ordinance), the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials, and the information presented this evening at the public hearing, that the project as planned, will not violate the intent and purpose of the Village Ordinance and meets the minimum standards for granting of a Conditional Use Permit.

With that, I'd like to continue the public hearing for the consideration of this conditional use.

Tom Terwall:

This is a matter for public hearing. If there's anybody wishing to speak on this matter, we'd ask that you step to the microphone and begin by giving us your name and address. Anybody wishing to speak on this matter? Yes, sir?

Keith Kull:

Is this on the Prairie Trails East?

Tom Terwall:

No, sir, this is on the building for communications equipment at the Wisconsin Electric Power Company. Anybody wishing to speak? Hearing none, I'll open it up to comments and questions from Commissioners and staff.

John Braig:

Under the conditions, Item #10 says a commercial electrical permit is required to be obtained by a Village licensed electrical contractor. Does the applicant have qualified electrical contractors to do that work on their staff?

Jean Werbie:

They may very well. They would have to apply for a license through our inspection division of our department. And once they submit their required materials and licensing materials, they could be a qualified contractor.

Don Hackbarth:

Item #5 we're going to say it's going to be completed sometime in 2004. Do we have a six month time limit on this or what? Is that going to cause a problem?

Jean Werbie:

There is typically a six month time limit on a permit when it's issued, and conditional use permits have to be issued within six months, but once they pull the permit, then they have six months to complete that work.

Don Hackbarth:

So what we're approving here tonight is they can pull the permit in January?

Jean Werbie:

That's correct.

Tom Terwall:

Anything further.

John Braig:

I'm a little bit concerned that we don't have the proper legal description of that site yet. I would move approval subject or conditioned on receipt of that legal description.

Mike Serpe:

Second.

Tom Terwall:

Could you step to the microphone, sir?

Christopher Little:

I'm Christopher Little. I'm the agent for WE Energies, 333 West Everett Street, Milwaukee, Wisconsin. We had a survey prepared recently on that site. I'm looking into getting a proper legal description so it shouldn't be a problem. It's just a matter of contacting a surveyor. And we have no problems with these conditions. So as long as you don't have any further questions.

Tom Terwall:

THERE'S A MOTION BY JOHN BRAIG AND A SECOND BY MIKE SERPE TO GRANT THE CONDITIONAL USE SUBJECT TO THE FACTS OF FINDINGS AS SET FORTH BY THE VILLAGE STAFF AND THE TERMS AND CONDITIONS OUTLINED

IN THE STAFF MEMORANDUM, SPECIFICALLY ITEM 9, CALLING FOR A FULL DETAILED LEGAL DESCRIPTION FOR THE ENTIRE P4 SITE.

Jean Werbie:

Is that subject to the findings, conclusions and recommendations as outlined in the staff memorandum?

Tom Terwall:

That's correct. All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

B. PUBLIC HEARING AND CONSIDERATION OF A PRELIMINARY PLAT: The request of Nancy Washburn of Mastercraft Builders, Inc., agent for Creekside Development Group Inc., owner of the property generally located north of 93rd Street and east of Old Green Bay Road for the Creekside Crossing Development Preliminary Plat.

Jean Werbie:

Mr. Chairman, the proposed development consists of 122.05 acres of land located north of 93rd Street and east of Old Green Bay Road and is located within the southwest quadrant of the Whittier Creek Neighborhood. A branch of the Jerome Creek traverses the property from northwest corner to the south eastern portion of the property. The entire Whittier Creek Neighborhood is bounded by 93rd Street to the south, Cooper Road to the east, 85th Street to the north and Old Green Bay Road to the west. It's approximately one square mile of the neighborhood that the project is located within. The proposed Preliminary Plat is consistent with the Village's Comprehensive Plan and the Whittier Creek Neighborhood Plan as approved by Plan Commission Resolution #02-05 on March 25, 2002 and the Conceptual Plan as conditionally approved by the Village Board on March 3, 2003.

The development proposes to develop 12.01 acres with 24 single-family lots, 64.07 acres, excluding wetlands and floodplain, for 34 two-unit condominium buildings, 17 four-unit condominium buildings, and 19 eight-unit condominium buildings. In addition, 18.18 acres of land will be used for new public right-of-ways, and 27.79 acres will be designated as open space, and this includes wetlands, floodplains, dedicated park space and open space. The single family lots will have a net density of 2.00 units per acre with an average single-family lot size of 21,804 square feet. The Condominium areas, to be further discussed at the next public hearing, will have net density of 4.5 units per acre. The entire site upon full development will have a net density of 4.10 units per acre., and the entire site will have a density of 4.1 as I stated. The net

acres is calculated by excluding public roadways, wetlands and floodplains and the areas to be dedicated to the Village.

RESIDENTIAL DEVELOPMENT: The Preliminary Plat for the Creekside Crossing proposes 24 new single-family lots and 12 Outlots. Outlots 1 through 12 are proposed to be further subdivided for the condominium development, which is the next item on the agenda.

The single family development is proposed to be constructed in two phases: Phase 1: 15 single-family lots and Phase 2: 9 single family lots. As shown on the overhead, the single family development on the far eastern portion of the development.

The condominium development, which is next on the agenda, is proposed to be constructed in three phases: Phase 1: 116 condominium units, Phase 2: 124 condominium units, and Phase 3: 48 condominium units.

OPEN SPACE: Approximately 27.79 acres or 23% of the entire site at full development is proposed to remain in open space. The open space within the development includes:

PARKLAND: As indicated in the Neighborhood Plan an open space corridor will be extended from 93rd Street north along the branch of the Jerome Creek to the northwest central portion of the Whittier Creek Neighborhood. Two park areas are shown on the Preliminary Plat--Outlots 5 and 9--for a total of 2.64 acres excluding the floodplain on Outlot 5 that is proposed to be dedicated to the Village. In addition, a 15 foot easement is being dedicated along the west side of the Jerome Creek for a 10 foot wide pedestrian path will be constructed that will connect the two park areas. Again, there will be a park area in the north central portion of the development, and then a walkway that parallels or runs adjacent to the Jerome Creek and then connects down to another park at the very south end of the development.

WETLANDS: 4.58 acres of wetlands located within Outlots 1, 4, 7 and 8 proposed to be preserved. The wetlands on the property were been re-staked and field delineated by Hey & Associates on June 17, 2002. The Army Corp of Engineers approved the wetland staking on April 22, 2003 and final written approval from the DNR is pending. A copy of the written approval of the DNR shall be submitted to the Village prior to submitting the Final Plat and the notes on the Plat shall be revised to include the date the wetlands were approved by the DNR. If the wetland staking is not approved by the DNR as shown on the Preliminary Plat, then the Final Plat and engineering plans shall be modified to comply with DNR findings and the Developer will need to petition the Village to rezone the property to conform with an approved wetland staking. The location and legal description of the wetlands has been shown on the Preliminary Plat and shall be shown on the Final Plat and Engineering Plans. In addition all wetlands shall be located in a Dedicated Wetland Preservation and Protection Area Easements.

FLOODPLAINS: As indicated on the Neighborhood Plan and the Conceptual Plan a floodplain boundary adjustment will be required to develop the site as proposed. The Floodplain Boundary Adjustment supportive engineering materials were sent to the SEWRPC for their review, and since SEWRPC prepared the computer models for the Des Plaines River Watershed, we felt as a staff that they would be best agency for us to go to for the review of the information that was submitted. According to the attached letter dated May 13, 2003 from SEWRPC, the proposed floodplain boundary adjustment meets the Village's zoning ordinance requirements. A public

hearing will be held tonight to specifically address this adjustment. After the adjustment, 17.68 acres of floodplain will be located on Outlots 1, 4, 5, 7, and 8.

OTHER OPEN SPACE: There is some additional open space in this development that is not wetland and is not floodplain. It's approximately two acres within the Outlots 1 and 8, and it will remain in open space. A portion of this area on Outlot 1 will be used for one of the retention areas for the development.

In addition, to the aforementioned open space, on June 5, 2002, the Wisconsin DNR located the Ordinary High Water Mark adjacent to the branch of the Jerome Creek that traverses the property as shown on the Preliminary Plat. The Jerome Creek and adjacent areas are located within the 100 year floodplain and the Creek has been designated as wetland. The OHWM has been shown and legally described on the Preliminary Plat and shall be shown on the Final Plat and Engineering Plans. In addition, the location of the 75-foot shore setback and the 300 foot shoreland jurisdictional area as shown on the Preliminary Plat shall be shown on the Final Plat and Engineering Plans. The Village will require that a Stipulated Shoreland Permit be considered for any grading within the Shoreland area as prior to work commencing and issuance of the required erosion control permit. The petitioner has submitted a stipulated shoreland permit to the Village for review; however, prior to the Village sending out the required notice for said permit, the grading plans for the development shall be revised and approved by the Village. The Stipulated Shoreland Permit is considered incomplete until the grading plan is finalized. This permit will be further discussed at the public hearing related to the Floodplain Boundary Adjustment.

RETENTION AREAS: Several retention facilities to handle the storm water management facilities are being provided. The Developer's engineer is required to evaluate the development site, as well as the entire drainage basin tributary to the development and shall present a storm water management facility plan, which meets the Village requirements for Village review as a part of the engineering work. At this point we're in the preliminary engineering design phase. If additional storm water storage capacity is needed, more retention may be required. Retention facilities located throughout the development are proposed to be used for storm water management purposes which will be maintained by the Condominium/Homeowners Associations.

SITE ACCESS: The entire site cannot be developed with just two access points which are shown in the initial phases. The first of the access points are shown as accessing to 93rd Street, and a third access point, which will be needed in a subsequent phase, will be connecting the development to Old Green Bay Road. Phase 3 can be constructed after Phase 2 or at the same time as Phase 2. But at the time of Phase 3, the staff is recommending that there be a minimum of three access points to the development. The future road right-of-way that connects this development to Old Green Bay Road shall be under the Developer's ownership prior to submitting the Final Plat for Phase 2. At this time it is the Village's understanding that the Developer has submitted an offer to purchase this property. At the time that Phase 2 is proposed to Final Platted, a Certified Survey Map shall be submitted that dedicates the right-of-way for the connection of 91st Street from the Plat boundary to Old Green Bay Road. This roadway shall be constructed as part of Phase 2 of the development.

This development provides for additional access connections as vacant land around this property develops including 89th Streets to the north and east, 90th Street to the east and 91st Street to the west.

ZONING MAP AMENDMENTS: The required Zoning Map Amendments and Text Amendments for this entire development will be done in phases. The zoning of the property upon approval of all of the proposed changes include:

- The single family lots are proposed to be zoned R-4, Urban Single Family Residential District. These are lots sizes that are approximately one-third acre in size, minimum of 16,000 square feet and 90 feet in road frontage.
- The two-family condominiums are proposed to be zoned R-8, Two-Family Residential District,
- The four-family condominiums are proposed to be zoned R-9, Multiple Family Residential District;
- The eight-unit condominiums are proposed to be zoned R-10, Multiple Family Residential District;
- The field delineated wetlands are proposed to be zoned C-1, Lowland Resource Conservancy District;
- The Outlots used for open space and retention areas are proposed to be zoned PR-1, Park and Recreational District; and the Floodplain, as amended, is proposed to be zoned FPO, Floodplain Overlay District.

In addition, the two-family and multi-family portions of the development are proposed to be developed as a Planned Unit Development (PUD) since it is the Developer's intent to develop the property with more than one structure per property. Additional information related to the Zoning Map Amendments will be discussed during the Public Hearings for the Preliminary Condominium Plat, Floodplain Boundary Adjustment and Zoning Map Amendment following this hearing.

POPULATION PROJECTIONS within the proposed Creekside Crossing Single Family Development:

- 24 total single family dwelling units are proposed.
- That means or is equivalent to 66 persons or 24 households x 2.73 persons/household as projected in Pleasant Prairie.
- Pursuant to the information provided by the Kenosha Unified School District for Pleasant Prairie which calculates at .42 x number of dwelling units, there would be 10 public school age children that would be likely to come from this development.

The entire development including the single family and condominium will have 312 dwelling units. I'm just telling you this now, because this is only one piece of this entire development. There will be approximately 852 persons coming from this development or 131 public school age children upon full build out.

Again, as a reminder, this is a project that the staff and the landowners/developers have been working on since about 1994. That's when the first neighborhood plan and sketches and concept plans came to this Village. And over the years the concept plans have been revised and re-evaluated. At one point there were apartments and other project development units proposed for this development area, and this has been an evolution of changes over the years. There have been two or three neighborhood plans that have evaluated this development, and at this point we've approved the neighborhood plan as revised, conceptual plan, and they are now proceeding to the preliminary plat stages for this development.

Subsequent actions that would be needed for this to move forward would include, again, the condominium plat, would include rezoning of the property, the floodplain boundary adjustment, submittal of engineering plans, development agreement, and a number of other final development related documents that would need to be drafted by the Village and reviewed by the Village upon submittal by the developer.

With that, this is a matter for public hearing, and I'd like to continue this public hearing.

Tom Terwall:

Thank you, Jean. This is a matter for public hearing. Is there anybody wishing to speak on this matter? Anybody wishing to speak?

Nancy Washburn:

Good evening. I'm Nancy Washburn from Mastercraft Builders and Regency Hills Development Corp. I would like to add a little bit of comment. Jean said a mouthful there, I think, but I might defer my comments until anyone else that chooses to speak at the public hearing.

Tom Richardson:

Tom Richardson, 9147 Old Green Bay Road, and also 9103 Old Green Bay Road. My main concern is the water in the floodplains. The way I look at the map, they're putting a water retention basically right in my front lawn basically.

Tom Terwall:

On your property?

Tom Richardson:

No, right next, I mean basically I'm going to step out and right there is going to be a water retention from what I saw on the map. Yeah, right there. Where my house is, it's right there. As she said, the association is going to maintain that. What do they mean by that? I guess that's what I would like to know. As far as I know, that's--I don't have very many mosquitos now, which is hard to believe, but there's no water there right now. If they're going to move all that water to there, that's one of my concern, but also smell and who is going to maintain it over the next 25 years I guess or whatever? Also, I guess is this being built with all of their money, or is there government money being put in this? I don't know if I can have that knowledge.

Tom Terwall:

I can assure you there's no government money going into it.

Tom Richardson:

I don't mean government money, but government loans where then they have to subsidize different things, low housing rentals and all that? Or, is this all privately--

Tom Terwall:

It's all private. There's going to be no rental units. This is not an apartment complex.

Tom Richardson:

Well, it's condominiums, and what if they're rented out? Not all condominiums are moved into.

Tom Terwall:

I'll let the developer answer that question. Anybody else? Anybody else? Anybody else wishing to speak on this matter? Nancy, can you respond to the questions that were asked please?

Nancy Washburn:

Yes, I'd be happy to. Again, I'm Nancy Washburn from Mastercraft Builders and Regency Hills Development Corp. I think Jean Werbie did a great job in explaining a very complicated project which we have the privilege of becoming involved in in the last few months. Mastercraft is very excited to have the opportunity to build out this project, and our plan is to purchase the property outright as soon as we've gone through the preliminary plat process with the Village which should be accomplished in the next couple of meetings, this one tonight and then the future Board meeting.

Having said that, I would like to answer the gentleman's previous questions. We know from our existing subdivision, and I know this public specifically talks about the preliminary plat for the single family, so if you would rather have me defer the answer. The questions he had were on the condominium.

Tom Terwall:

Answer now, that's fine.

Nancy Washburn:

We know from our existing subdivision existing in Kenosha located on Highway 158 called Indian Trail Estates, we have a sales and marketing center where we have 116 condominium units built to the same standard and specification that these will be built to. So we know based on our sales history there that our competent sales people who handle that office have been

coming to us with a request and a high demand for what we consider to be high end luxury condominiums within the Village of Pleasant Prairie. And when this opportunity came before us, of course, we were very excited to work with Heartland Development and help them fulfill their long awaited dream of seeing this come to fruition.

It's our practice, when we take on a project of this size, that the condominium association is really critical to the project not only starting off on a good foot, but functioning in perpetuity for the benefit of not only the owners living there, but anyone who lives around and surrounds the site. As a standard practice right off the bat, we hire the management company from the occupancy of our first buildings to take over. We produce a budget, and we work with them to develop all of the routine and non routine maintenance for the limited common elements as well as the common elements. I'll explain just very briefly what those two are.

The common elements have to do with the open space areas. Those have to do with the areas as Jean talked about, the green spaces around the pond's retention and so forth. The limited common elements then become those areas located within the condominium that are attached to the building, patios, sidewalks, siding, roofing, all of those common area materials that have to be maintained in perpetuity, and those are the responsibility of the management company. It is through the payment and collection of dues, which are established through the declaration of condominium and the articles of incorporation and the bylaws, and further down the line through the rules and regulations that all of the basis for collecting the revenues to maintain those to a certain standard that we subscribe to are all dictated. So, therefore, within this area, within Creekside Crossing Condominium, there will be a very large association managed by a management company that will be responsible for taking care of mowing all the lawns, making sure they are not just mowed but weeded and weed control and fertilized and made into an esthetic and pleasing area for the residents and living around it.

Specifically relating to the ponds, this is always a concern, especially in our day of the DNR and then our 216 where we are obligated and mandated to control and store our own storm water. We have no choice. But because of that we also feel it's our obligation to make sure that our homeowners, on site as well as around us, feel that this become an amenity as opposed to something detrimental. And through that association, depending on weather, depending on the conditions that apply, those ponds are evaluated on a regular basis by professionals, and they are evaluated for their need for any kind of weed control, bug control, smells and algacides and so forth. So, again, that all depends on weather conditions, dry and wet years. We want certain elements to grow within there, cattails and so forth, because you want to keep the geese out, you want to keep them going on to another larger pond down the road I hate to say, but there will definitely be measures in place immediately for the residents of our development as well as the surrounding area through the management company and homeowners association.

I also wanted to add, in reference to the preliminary plat and Jean's discussion of the further phases, that we have now an accepted offer to purchase for the property known as the Spiller's property, which will allow us what was to be the preferred access from the site as part of our second phase. I'd be happy to answer any other questions.

Tom Terwall:

Thank you.

Jean Werbie:

I just wanted to also mention that along the western property line there is going to be a minimum of a 50 foot wide landscape berm and landscape planting area between the property line and the retention area to help screen and to help keep that separation along the western portion of the property where the condominiums are located to the single family development to the west. There also exists the same easement along 93rd Street as well as along the condominium development along the north and the northeast corner as well.

Tom Terwall:

We'll open it up to comments and questions from Commissioners and staff.

Mike Serpe:

Nancy, is this pond going to be maintained with an aeration system?

Nancy Washburn:

I guess, Mike, the best way to answer that is to tell you we haven't gotten that far into the engineering to determine whether the depths are there to require that or actually allow that. I couldn't answer that question right now. But I can tell you that if it's something that would be required, we would certainly do it.

Wayne Koessl:

Mr. Chairman, as we all know this is a preliminary plat in that there will be changes made to it before it is a final plat that comes back to us. And, as Jean mentioned earlier, this has probably been nine years in the making. If there are not any more questions, I would move that we approve it and send a favorable recommendation to the Village Board.

Eric Olson:

I'll second that, but I do have a question. My question was what's the setback between any residence and the retention pond and you said 50 feet. How high is the berm?

Jean Werbie:

I don't know that we've finalized the exact height of the berm at this location.

Eric Olson:

Approximate?

Jean Werbie:

I don't know yet. I'd have to refer to the engineering plans. Minimum berm sizes are typically about four to five feet.

Eric Olson:

So minimum four to five feet, 50 feet back from the residences, and those have to be landscaped then, too, with trees and bushes?

Jean Werbie:

That's correct. And it varies from 50 to 80 feet to the pond's edge according to the plat as shown.

James Bandura:

Item 20c, the issue of off site drainage. When it comes back to us, can we have that emphasized on how it was answered?

Jean Werbie:

When it comes back to you for reconsideration for the final plat, you would like us to explain this in more detail? Is that what you're saying?

James Bandura:

Right.

Jean Werbie:

Yes, we certainly will.

Tom Terwall:

IF THERE ARE NO FURTHER COMMENTS OR QUESTIONS, THERE'S A MOTION BY WAYNE KOESSL AND A SECOND BY ERIC OLSON TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

C. PUBLIC HEARING AND CONSIDERATION OF A PRELIMINARY CONDOMINIUM PLAT: The request of Nancy Washburn of Mastercraft Builders, Inc., agent for Creekside Development Group Inc., owner of the property generally located north of 93rd Street and east of Old Green Bay Road for the

Creekside Crossing Condominiums (a re-division of Outlots 1 through 12 of Creekside Crossing Subdivision).

Jean Werbie:

Mr. Chairman, some of the information I'm going to read is a little repetitive because it covers both the previous plat and this one, so if you bear with me, I'm going to be pulling parts of the staff comments and reading those so that I'm not duplicating what I just said.

Under general comments for the proposed condominium plat, the proposed condominium development consists of 107.97 acres of land located north of 93rd Street and east of Old Green Bay Road and is located within the southwest quadrant of the Whittier Creek Neighborhood. A branch of the Jerome Creek traverses the property from northwest corner to the southeastern portion of the property. The proposed Preliminary Plat is consistent with the Village's Comprehensive Plan and the Whittier Creek Neighborhood Plan as approved by Plan Commission Resolution #02-05 on March 25, 2002 and the Conceptual Plan as conditionally approved by the Village Board on March 3, 2003.

Again as it pertains to the condominium development, there are 34 two-unit condominium buildings (68 units), 17 four-unit condominium buildings (68 units), and 19 eight-unit condominium buildings (152 units) that are being proposed. The condominium areas will have a net density of 4.5 units per acre. The entire site upon full development will have a net density of 4.10 units per acre.

Under residential development, the preliminary condominium plat for the Creekside Crossing is a re-division of outlots 1 through 12 of the preliminary subdivision plat for Creekside crossing. The preliminary condominium plat proposes to create 8 lots and 4 outlots. 8 lots will be developed with 288 condominium units. The net density of the condominium, again, is 4.5 units per acre. As presented previously, the entire site upon full development will have a net density of 4.10 units per acre.

The original conceptual plan for the condominium development had shown that there would be a clubhouse on the very south end of the Creekside circle area of the condominium development. The developer at this point is requesting not to construct the clubhouse in that it's not going to benefit their development in the long run, because they are going to be using some existing units that they are going to be developing as marketing centers, and they feel that a long-term benefit would not be realized by having this clubhouse. And the staff feels that if a clubhouse is not going to be presented, then the Village should be provided with some type of park or recreational amenities in exchange for that, and what we're recommending is that the two park areas, other than just having them graded and seeded and turf areas, that they be developed with park amenities in them in exchange for not having the clubhouse. That's one thing that needs to be discussed here this evening.

With respect to the open space on the development site, it exists the same as previously presented. Approximately 27.79 acres or 23% of the entire site a full build out would remain in open space. This includes parkland with respect to a small neighborhood park on the north end and a neighborhood park on the south end, and then a walking bike trail that would run adjacent to the west side of the Jerome Creek as it runs through the property.

The wetlands in the development area would be protected and preserved through a preservation easement that consists of 4.58 acres of wetland. Again, as previously mentioned, these wetlands have been field delineated and approved by the Army Corps of Engineers, but would need to be in final approval--they would have to be finally approved by the Wisconsin DNR prior to us making a final acceptance of their locations.

The floodplains on the property are proposed to be amended are adjusted as part of a floodplain boundary adjustment. The documentation and engineering that they submitted for that has been reviewed and approved by SEWRPC and is going to be considered by the Village this evening.

The other open space, which is approximately two acres of non wetland and non floodplain areas, again, will be preserved in park and open space areas, as well as small retention.

As mentioned previously again, the retention areas on the site, there are a number of them to handle the storm water management facilities as provided. The developer's engineer is required to evaluate the development of the site, as well as the entire drainage basin tributary to the development and shall present a final storm water management facility plan which meets the Village's requirements for the Village's review as part of that engineering work. Again, if additional storm water storage capacity is needed, then more retention areas may be required. Retention facilities are located throughout the development and are proposed to be used for storm water management purposes, and will be maintained by the condominium and homeowner's association.

As with the previous development there are declarations, restrictions and covenants where common open space maintenance is required and outlined and provided to the homeowners. In addition, in the condominium development, the declaration of condominium will carefully spell out all of the common open space areas, including the retention basin areas that need to be maintained by the association and how they're going to be maintaining them, how they're going to collect to pay for them and to maintain them, and all that will be spelled out.

The site access for the development will be provided ultimately by three access points, two onto 93rd Street and one onto Old Green Bay Road. As indicated by the developer's agent, the access to Old Green Bay Road, which was a concern at the conceptual plan meeting, that property has now been--their offer has been accepted to acquire that property, so they have secured that access to Old Green Bay Road for that third access point.

With respect to the zoning map amendments as indicated previously, the condominium area will be identified with R-8, two family residential district zoning; R-9, multiple family residential district zoning; and R-10, multiple family residential district zoning. The areas of wetland will be zoned C-1, lowland resource conservancy district. The areas in park and rec will be identified as the PR-1 district, and the FPO or floodplain overlay district will be overlaid over the floodplain area that's going to be amended.

In addition, the two family and multi family portions of the development are proposed to be developed as a planned unit development since it's the developer's intent to develop the property with more than one structure per property. Additional information relating to that zoning map amendment will be discussed in the public hearings for the condominium plat, but one of the comments that I'd like to make now, and it was raised by a member of the audience, is that he

believed that these could turn into rental properties. The Village has suggested and the developer has agreed to place a restrictive covenant on the properties so that more than 80% of the units will always have to remain as owner occupied units. It cannot convert to an entire rental type project. That's a little unusual that we're moving towards that step, but we feel in order to preserve the integrity of the development as an owner occupied development, that would be in the best interest of the Village to do that.

The proposed Creekside Crossing Condominium development would be proposing a total of 288 total dwelling units; there would be 786 persons that could come from this development based on our population projections; and a total of 121 public school age children could come from this development. Although, in conversations I just recently had with the Unified District, as well as with the City of Kenosha, typically condominium developments net much fewer children than single family developments.

Just a final comment to that, the Village does provide copies of all proposed developments from the initial neighborhood planning step all the way through final platting stages to the Kenosha Unified School District to assist them in their budgeting and their long-range planning efforts.

With that, I'd like to continue the public hearing.

Tom Terwall:

Is there anybody wishing to speak?

Nancy Washburn:

This is Nancy Washburn from Regency Hills and Mastercraft again to answer your questions and any concerns you might have.

Tom Terwall:

Remain at the microphone if you will. I'm going to open it up to comments and questions. Let me ask a question first. Do you envision one homeowner's association for both the single family units and the condominium units, or will there be more than one homeowner's association?

Nancy Washburn:

Mr. Chairman, there will be two associations. The single family homeowner's association will have much less responsibility. Based on us assessing who gets what storm water and so forth, we are going to leave the single family homeowner's association responsibility for management in the future only to their cul-de-sac islands located within their portion of the development, and then there's a small outlot #1 where there's a small pond on the east side of the main entrance. That will be their only open space and long-term maintenance responsibilities. The condominium association, however, will be much larger, have more members, and will have the bulk of the responsibility, therefore, of maintenance of all the ponds and so forth.

Mike Serpe:

Nancy, the condos you're proposing to build, are they the same as what's being built by the KYF in Kenosha?

Nancy Washburn:

Yes, sir, they are. I have pictures I can pass around for those of you that have not been to our model since it's been open seven days a week, and we invite you to go see it. Here are some additional photographs as well. This is of the existing site located at Highway 158 just west of Green Bay Road behind the Indian Trail High School and next to the KYF.

Tom Terwall:

Do the units have basements?

Nancy Washburn:

Yes. The units are all two bedroom, two bath units. The first floor units have a full basement under them which is for storage only. We don't allow for basement service into those for bathrooms and so forth, because it is not considered living space or built to be. In terms of each unit has a two car attached garage, and we automatically put in garage door openers, so we like to encourage uniformity in them in keeping their doors closed and so forth. The building in terms of the way it's built and the way it's constructed actually exceed the requirements of the Village of Pleasant Prairie. It is 100 percent masonry on the first floor, and it is 25 percent masonry on the second floor, and the remainder is vinyl or aluminum products. What we're trying to do is build a building that is extremely long-term maintenance friendly. That certainly enhances the project over time and allows for the residence to not have a lot of maintenance expenses as the years go on.

Wayne Koessl:

Chairman, through the Chair to the developer, on your Highway 158 development, the Indian Trails, how many units do you have there?

Nancy Washburn:

116.

Wayne Koessl:

And you do not have a clubhouse there, do you?

Nancy Washburn:

No, sir, we do not.

Wayne Koessl:

Thank you.

Don Hackbarth:

That's the same issue I wanted to bring up. On the clubhouse issue, it says here may not want to construct. Have you made a decision?

Nancy Washburn:

Yes. And I think where it gets a little confusing is the clubhouse was originally drawn into the concept plans by the Creekside Development Group in terms of their intention. We have found, through our market research, that because these are condominiums and not apartments, and because of all of the other recreational facilities available within not only the Village, but the City, obviously the RecPlex and so forth, those are the kind of facilities that a home buying customers is looking for. They are looking for health centers and swimming pools and also they want direction there. They want to be part of classes, and they want to be part of other people working with them. So we have found, through our market research, that, number one, they're very expensive over time to maintain and operate; they stand empty a majority of the time; our management company will not need one for onsite facilities of any kind; and so Mastecraft, as the developer coming in now, we have made a decision that we do not want to build the clubhouse at this time.

Don Hackbarth:

Next question, what would a typical clubhouse be used for?

Nancy Washburn:

Well, therein lies the many what ifs. Usually they'll have a small office space where if there is onsite management, where that onsite manager would have an officer and telephone and fax. Oftentimes they have exercise equipment, workout equipment and so forth in them. And, thirdly, I think the other thing would be a gathering room, a place for parties or whatever. Obviously, you're not going to be encouraging lots of large parties in your home where the units are anywhere from 1,400 to 1,700 square feet. So those were the three main functions.

Mike Serpe:

Nancy, as an incentive to purchase these condos, are you offering a membership at the RecPlex?

Nancy Washburn:

Is that a trick question or a test question?

John Braig:

I'm very interested in the answers.

Nancy Washburn:

I'm sure you are. To be honest with you, this is the first time that's been mentioned to me, so I'm sure we'd be able to consider something.

Wayne Koessl:

We'll give you until next meeting.

James Bandura:

I have a question to staff on Item 43. How close are we starting the municipal service development fees?

Mike Pollocoff:

This is something that the Village is blazing a trail on. We're working on it now. In essence, what this does is at some level, everybody has been excited to various degrees about a tax freeze and freezing property taxes and a cut, and what the Legislature in the last go around and in the Bill that's out of the Assembly did, when this was proposed by the McCallum administration, they proposed a freeze on everything, so that there would be no tax increases. And, if there was, in fact, some development, it would take away from your existing budget and essentially you'd have to service it and you wouldn't get the money from it. And in the new budget amendment, where the Village and every municipality finds themselves in, is you really can't say no to development on the basis that they're going to be coming in, because that new development is exempted from your levy limits. So, in other words, you can tax that new development and receive the taxes from it, so they're allowed to proceed. The problem comes in, and it's true for every development, and as we begin to tighten down our budget, and the staff took a serious look at this where our expenses are, a developer who does a development, and I don't want to use Nancy's development because it's a little bit different, but if you have a 100 home subdivision, and you have seven miles of roads in that subdivision, those homes will go up over a period of years. I think the fastest subdivision we've seen plat and then develop was the Prairie Ridge Development by V.K., and that was 213 homes in two years give or take a handful of homes. But some subdivisions have taken a while.

What happens is you can have a home develop and next to it there would be a lot that doesn't develop, but the Village still plows that road, the police cars still patrol the area, the fire department has assets that are there to stand by and respond to it. The Village keeps track of that parcel for assessing information, for property development, community development does all this work, but they're really not paying any taxes at the level that justifies what's being there. What happens is we can only levy a tax on a parcel based on what exists January 1 of any given year. So if a subdivision is platted and it finally gets approval, say the subdivision is approved today, they would begin construction, and January 1, 2004 there's no improvements there. So when we levy the value on that property, it's really based on the raw level plus some level of improvements but not very much, but the Village is still responsible for providing services on an ongoing basis to it.

What the municipal services development fee does is it takes that into account. And so, in this case if Mastercraft develops their property, on the date of the final plat is recorded, things that

we would have to take care would be off site storm water, some road work off site, and then the administrative work and assessing information. So we've allocated out what those costs would be for those parcels. And then as the first year improvements are done, which should be the sanitary sewer, water, storm sewer and then the gravel for the road, at that time the developer is able to pull permits and start constructing homes. At that then a second level of fees would be generated to account for plowing the roads, grading the roads, cleaning the storm sewers, police patrol, fire and rescue patrol, so those fees would be collected, until such time as that home achieves its value and is on the tax roll. That way, by doing that, the rest of the taxpayers, in effect, subsidize development as it's occurring. It gives the developer some motivation to plan their developments in such a way that they're not going to have a lot of development that might be sitting as vacant for a while, where they have a cost of putting that improvement in, but the tax consequence isn't that great because the development isn't there. But the Village's tax consequence is significant, because we have to take care of that as if it were developed and we don't receive that money.

So what the staff is recommending to the Plan Commission is these plat plans be approved tonight subject to the fact that that development and services fee will be in place shortly and we want to be up front. We've identified to the various developers that that's coming, and it's not going to be onerous. We're not talking triple digit or six digit numbers here, because at the end of the day, this Village operates on \$4 a thousand, and it's not a lot of money, but it's the money that we need to deliver business.

And, if the State decides at some level that property taxes are going to be frozen, it ensures that the existing property taxpayers, when the taxes are frozen, are not going to have their tax dollars used to provide services to development that hasn't occurred yet, which diminishes the value of their property tax dollars. Our public works department budgets roughly \$800,000, and in that budget we've got to clean ditches, plow roads, patch roads, and if we added on ten more miles of roads and we can't collect the taxes for those roads yet and we're under a freeze where we can't adjust the taxes, we've got to have that development pay its way with that service fee until such time as their taxes are collected. That's just the nature of the beast that we're going into. In essence, I think it's also good public policy, because the way that municipal governments are funded under property taxes, that's the only vehicle we have for collecting the basic money we collect, and if that's based on a once a year snapshot of where you are, there's a lot of things that happen from January 1st to January 1st, and it gives us the ability to recover those costs.

James Bandura:

I guess I would suggest maybe we change that maybe to implementing, not contemplating.

Mike Pollocoff:

The Board has directed staff to do this. We're just telling the developers up front that this is in the works.

Tom Terwall:

Jim, the approval of these projects tonight is contingent upon that condition being included. When we sat down to put the budget together, given the fact that we have the freeze hanging over our head, and part of the impetus for hammering us for that freeze was the realtors. Statewide,

the realtors have been a very strong advocate of the property tax freeze. It was the realtors who had the impact fees that opportunity taken away from them. And, as a Board, we took the position that we could not afford any more development if we had to subsidize it. As Mike pointed out, the development of Prairie Ridge was probably the fastest subdivision development, 216 homes in two years. Yet, if you take a look at that entire area, which includes the hospital and the businesses that are located there at H and Highway 50, our total revenue on that entire development, the tax generated by that is \$99,000 a year. And that includes where St. Anne's Church is an the senior citizens' home. \$99,000 we're hard pressed to deliver services for that amount of money. And we finally took the position that if we were going to be frozen and not have an opportunity to at least cover our costs, we couldn't afford any more development and it was time to cut it off. So to Mike's credit they did come up with this alternative. Without that, I don't think that any future development in this community would even be possible.

James Bandura:

I'm all for that. That's why I'm questioning and pushing.

Don Hackbarth:

Who is our representative in Madison?

Tom Terwall:

If there's no further comments or questions, a motion is in order.

Mike Serpe:

I'd move approval of the preliminary.

James Bandura:

Second.

Wayne Koessl:

Comment. Those approvals are subject to conditions as outlined in the staff report, including the requirement for playground equipment to meet Village specifications?

Mike Serpe:

Correct.

Tom Terwall:

MOTION BY MIKE SERPE AND A SECOND BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD FOR APPROVAL OF THE PRELIMINARY CONDOMINIUM PLAT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

D. PUBLIC HEARING AND CONSIDERATION OF A FLOODPLAIN BOUNDARY ADJUSTMENT: The request of Nancy Washburn of Mastercraft Builders, Inc., agent for Creekside Development Group Inc., owner of the property generally located north of 93rd Street and east of Old Green Bay Road for a Floodplain Boundary Adjustment to remove 400,800 cubic feet of floodplain and to create 518,300 cubic feet of floodplain adjacent to the existing floodplain to compensate for the floodplain proposed to be filled on the subject property.

Jean Werbie:

Mr Chairman, the petitioner is requesting to amend the 100 year floodplain by removing 400,800 cubic feet of floodplain and creating 518,300 cubic feet of floodplain adjacent to the existing Jerome Creek south branch to compensate for the floodplain proposed to be filled on the property generally located north of 93rd Street and east of Old Green Bay Road for the proposed Creekside Crossing mixed residential development. As shown on the overhead, the area identified in the crosshatch, that's the existing floodplain area, and if you can see the shaded area below it, that's the area to which the new floodplain is going to be adjusted. Again, it's a compensatory situation that you need to create as much if not more floodplain storage than what you're filling in.

Tom Terwall:

Both in area and volume?

Jean Werbie:

Just volume. Not area, just volume. As indicated on the Neighborhood Plan, the Conceptual Plan and the previous hearing related to the Preliminary Plats for the Creekside Crossing Development, a floodplain boundary adjustment adjacent to the Jerome Creek is required to develop the site as proposed.

A Floodplain Boundary Adjustment supportive engineering materials that were provided to the Village with the Conceptual Plan documents were sent to the Southeastern Wisconsin Regional Planning Commission for their review since SEWRPC prepared the computer models for the Des Plaines River Watershed. There was a re-evaluation of the Des Plaines River Watershed, as you remember, and those plans and reports and floodplain profiles were re-approved by the Village back in 1998. According to the attached letter dated May 13, 2003 from SEWRPC, the proposed floodplain boundary adjustment meets the Village's zoning ordinance requirements.

A condition of the Preliminary Subdivision and Condominium Plats is the approval of the Floodplain Boundary Adjustment and compliance with all conditions of said approval from the Village, the Wisconsin DNR and Federal Emergency Management Agency. In addition, a Stipulated Shoreland Permit is required prior to any grading within the shoreyard jurisdictional boundary and prior to any erosion control permit being issued for any site work on the property, including the floodplain boundary adjustment. The location and legal description of the 100-year floodplain has been shown on both Preliminary Plats and shall be shown on the Final Plat and Engineering Plans. In addition all floodplains as amended will be located in a Floodplain Preservation and Protection Easement Area. In other words, no construction, no structures shall be located within that floodplain area.

As stated above, the Stipulated Shoreland Permit shall be issued by the Village prior to work commencing. The application and fee was submitted to the Village, however, prior to the Village sending out the required notice for the permit, the grading plans will need to be completed in a final format. The Stipulated Shoreland Permit is considered incomplete until we also receive the Wisconsin DNR Chapter 30 permit and DNR N.O.I., the notice of intent permit, and are considered conditions of any permit approval, boundary adjustment or plat approval.

The petitioner has discussed the possibility of beginning mass grading of the property in order to complete the floodplain boundary adjustment prior to consideration and approval of the Final Plat. In order for the Village to consider this work to begin prior to final plat approval, a Variance from Section 18.0901 of the Village Land Division and Development Control Ordinance shall be approved and a Mass Grading Interim Development Agreement will need to be prepared and approved by the Village Board. As part of this Interim Development Agreement, grading and drainage plans shall be approved by the Village and Preliminary Engineering Plans shall be approved for the entire site. A memorandum was sent August 29, 2003 via e-mail to the Developer that outlined all the information that would be needed to be completed for the Village to consider entering into said Interim Development Agreement. In addition, the Village will need to further discuss with the petitioner what portions of the site would be graded, where the ponds would be created, and the location of any stock pile areas and any easements that would be required.

With that, this is a public hearing for the floodplain boundary adjustment amendment, and I'd like to continue the hearing at this time.

Tom Terwall:

This is a matter for public hearing. Is there anybody wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak?

Nancy Washburn:

This is obviously a very big portion of the project in terms of its impact to the site and so forth, so I do have our designing engineer here tonight to answer specific engineering questions you might have. However, a lot of that is--there's so many steps in this process, as Jean has outlined in her memo to you, I guess that in a nutshell I can tell you that many aspects of these steps are in the process right now. We have been very fortunate, actually, in view of the DNR staffing problems in Kenosha County in the last year or year and a half, they recently brought in other water management specialists from outside of Kenosha, and this project now has been assigned

to a water management specialist out of their Plymouth office. She will be handling all of the Chapter 30 permit work, and the one remaining segment of the wetland concurrence on behalf of the DNR. And then, secondly, Mike Brooke, from the DNR's Milwaukee office who handles all of their floodplain boundary adjustments, will be doing his final review of the plans that were submitted as prepared by Hey & Associates with engineering backup from Losik & Associates. So we have now everyone with players in the loop. The Village Board's approval of the floodplain boundary adjustment will then allow Mike Brooke to finish his review of that. The SEWRPC, as Jean mentioned in her narrative, has looked at the plan and has initially approved their portion of it. So with that, I'd be happy to answer any questions.

Don Hackbarth:

There's a lot of stuff that's not done here. Are there any risks to the Village if we approve this tonight?

Jean Werbie:

Not that I can think of at this point. Anything that we approve is conditional and subject to all the other agencies. The other two agencies include the Wisconsin DNR and FEMA. And through FEMA they need to get a conditional LOMR, which is a conditional letter of map revision or map amendment, so they need to go through a several step process with both the DNR and with FEMA, and then back to us in order to initiate the process, then do the work, then ask for the map corrections and amendments, and then file the plats so, there's a lot of back and forth reviewing that needs to go through this development, and this is all going to be spelled out in a development agreement along with letters of credit and postings with the Village.

Don Hackbarth:

Before grading begins?

Jean Werbie:

Correct.

James Bandura:

Just a question to staff. The existing floodplain is shown as hatched, and the proposed floodplain is shaded. It's kind of overlaid right here on the map. Does that mean the depth and volume is going to be increased there, or how does that work?

Jean Werbie:

They're going to be channelizing the waterway, and they are going to be doing some adjustments, so that the volume is going to be the same or greater, but the area is going to be less. There's a lot of very shallow floodplain in this area. And in order to fill that area, they're going to have to compensate by creating volume elsewhere in this channeled area.

Tom Terwall:

Just for clarification, Jean, the attachment which is a copy of the transmission that was e-mailed to Nancy on August 29, 2004 should be August 29, 2003. If this is a legal document, that should be reflected as this year and not next year. Any other comments or questions?

Wayne Koessl:

I move approval of the floodplain boundary adjustment subject to the six conditions outlined by staff.

James Bandura:

I'll second.

Tom Terwall:

MOTION BY WAYNE KOESSL AND A SECOND BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO RECOMMEND APPROVAL OF THE FLOODPLAIN BOUNDARY ADJUSTMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

E. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT: The request of Nancy Washburn of Mastercraft Builders, Inc., agent for Creekside Development Group Inc., owner of the property generally located north of 93rd Street and east of Old Green Bay Road to rezone the property into the R-4, Urban Single Family District, R-8 (UHO), Urban Two Family Residential District with an Urban Landholding Overlay District, R-9 (UHO), Multi-Family Residential District with an Urban Landholding Overlay District; R-10 (UHO), Multi-Family Residential District with an Urban Landholding Overlay District, C-1, Lowland Resource Conservancy District and PR-1 (UHO), Park and Recreational District with an Urban Landholding Overlay District.

Jean Werbie:

The petitioner is requesting to rezone the property into the R-4, Urban Single Family District, and that's for the single family that's located along the eastern portion of the site; the R-8 (UHO), Urban Two Family Residential District for the condominiums designated as two family; the, R-9 (UHO), Multi-Family Residential District with an Urban Landholding Overlay District;

R-10 (UHO), Multi-Family Residential District with an Urban Landholding Overlay District for the balance of the condominiums, into the C-1, Lowland Resource Conservancy District for the field delineated wetlands, and the PR-1 (UHO), Park and Recreational District with an Urban Landholding Overlay District for the park and open space areas, as well as retention basin and other common open space areas.

This is the first of several zoning map and text amendments for the subject property for the proposed Creekside Development. The required Zoning Map Amendments and Text Amendments for this entire development will be done in phases. All of the zoning text amendments and the map amendments that we'll be doing are based solely on these preliminary plats that you see before you. Any modifications or changes with respect to the preliminary plats with respect to the location of the different types of units would require a new zoning change.

In addition, the two-family and multi-family condominium portions of the development are proposed to be developed as a Planned Unit Development (PUD), since it is the petitioner's intent to develop the property with more than one structure per property. Developing the property site as a PUD will allow for more flexibility and some Village Zoning Ordinance requirements as long as there is a defined community benefit through park and open space areas or other elements that they're constructing on the site. The Planned Unit Development Overlay District (PUD), as stated with the Conceptual Plan approval will not be done until the associated text can be prepared. The development of the site as a PUD, as discussed with the Conceptual Plan approval will allow for more than one building per property, provided that the multi-unit buildings are condominiums which remain at least 80% owner occupied, and this shall be a restrictive covenant with no modification of this covenant without Village approval. 50% of the exterior materials are natural stone or brick materials and building types provided a common theme without being monotonous. The location of garage doors are largely located as side entry, allows for some private streets with public utilities, and other items to be further discussed with the developer prior to finalizing the PUD Ordinance for this development.

Specifically the zoning map amendment being considered tonight includes the districts as described previously and shown on the overhead before.

The FPO, Floodplain Overlay District is not being amended at this time and cannot be amended until the Floodplain boundary adjustment is completed and final approval is obtained from FEMA.

The UHO will remain on all areas of the condominium development until the Final Condominium Plat is considered and the specific PUD Ordinance can be drafted for Plan Commission and Board consideration. The removing of the UHO district and placing the PUD Overlay District all portions of the property, will result when we finalize our discussions with the developer, except for the R-4 areas, which are the single family areas, they will not have a PUD over those areas. They will fall under the guidelines of the Village Zoning Ordinance and will have to follow the declaration of covenants that get recorded with the development. This Map and Text Amendment would be considered by the Plan Commission and the Village Board at the same time as the Final Plat for Phase 1 is considered.

The Village staff will begin preparing the detailed PUD Ordinance for review by the Developer and eventual consideration by the Plan Commission and Village Board upon receipt of additional information. The application and application fee shall be submitted with one full size set of

proposed floor plans and elevations each of the 2, 4 and 8 unit building types. The following is a list of General Building Design and Requirements of the Village that shall be used in developing the buildings and PUD Ordinance:

- a. The minimum Design Standards for each of the Zoning Districts shall be met. The Design Standards refer to items such as but not limited to the height of buildings, square footage of the units, placement of the structure, roof pitch, permitted exterior surfaces or materials. These standards are specified in the respected underlying zoning districts.
- b. The PUD will need to allow for more than one building per property, provided that the multi-unit buildings are condominiums which remain at least 80% owner occupied. This shall be a restrictive covenant with no modification of this covenant without Village approval, 50% of the exterior materials are natural stone or brick materials and building types provided should have a common theme without being monotonous, the location of garage doors are largely located as side entry, allows for some private streets with public utilities, and other items to be further discussed with the developer. When I refer to the private streets, Peggy is going to put up the overhead, all of the internal cul-de-sacs, internal to the Creekside Circle, are to be proposed as private streets with public utilities, and in addition, there is a cul-de-sac in the very northeast corner that's intended to be private. She's going to be identifying all the private streets with public utilities. All the other streets, the main entrance roads that connect from 93rd, from Old Green Bay Road and circle as Creekside Circle and the roads that feed to the north, those will be public streets. So the condominium association will have some maintenance responsibilities as it relates to snow plowing and maintenance, parking spaces and driveways and streets within the development. And that's all gong to be spelled out within the PUD.
- c. Each two unit building shall be required to have one garage door side loaded so we don't see all garage doors facing the public street. The four unit and eight unit buildings shall be require to have no garages facing any public street.
- d. The duplex condominium units shall have full basements as standard feature not as an option. An exception may be considered upon a more detailed review of the engineering plans. The engineering plans indicate that a few of the buildings cannot have basements due to the previous floodplain requirements. So we've identified where those buildings would be located.
- e. Adequate off street parking shall be provided as specified in Section 12.13 of the Village Zoning Ordinance. Parking spaces directly behind a garage shall not be included in the required parking spaces.

Again, we'll be getting into the details of the PUD at a subsequent date. The staff recommends that we continue the public hearing at this point to consider the zoning map amendments as presented.

Tom Terwall:

This is a matter for public hearing. Is anybody wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak.

Nancy Washburn:

Nancy Washburn for Regency Hills. I'll be happy to answer any questions. Obviously, another and the last step for tonight in our journey, and we look forward to your favorable recommendation.

James Bandura:

Just a quick question to staff. Does the PR-1 take into account going away of the clubhouse issue?

Jean Werbie:

The zoning anticipates that there's no clubhouse there, and the PR-1 identifies the two parks that are on the property.

Mike Serpe:

Nancy, seeing as how this is your last time up, do you agree with the municipal development fees as well?

Nancy Washburn:

I think in theory, Mike, yes. We had a large meeting with Mike not too long ago where actually at one point he had great concerns about the roads in general, not only in our development, and we knew he was going to come up with a plan or had a plan. So I guess the answer to your question is in theory we understand it, we understand why, we understand how it's going to be assessed. We did provide information to the Village based on really some very conservative numbers, what we felt our tax impact would be almost immediately just within the first phase. And I thought it was interesting that Prairie Ridge, as large as that is, their total tax impact to the Village, ours within a much smaller area will actually be about the same, but in a much more smaller and concentrated area. Again, as Peggy pointed out, most of our roads, except for the ring road, are private. So we'll be maintaining those anyway. But we do understand the theory behind it, and hope that we won't have to worry about it for too long. But, yes, we agree with it.

Mike Serpe:

Thank you.

Jean Werbie:

The staff recommends that the Village Plan Commission consider the approval of the zoning map amendment this evening as presented. However, we recommend that it be conditionally approved, if it is approved by the Plan Commission, in that if the final plats are not timely filed with the Village, the Village would initiate a zoning map amendment to down zone the non wetland and non floodplain property back into the R-4 UHO District.

Eric Olson:

Actually, just some general comments before Jean gets into the next edition of *War and Peace* on the next one, I have a referendum committee to go to tonight. I just wanted you to know that you have a total in front of you of 271 children coming out of three that I'm sure you're going to approve tonight. But I just wanted you to know I hope you're going to help us find schools for 271 kids that are going to come into this district because of the three things we do tonight. Because, as you all know, we're in a desperate situation, and it's getting tougher and tougher out there. If you haven't gone out by Somers lately, it's getting just as bad out there. So we're trying to do things here, but unfortunately Somers is knocking on the door, too. Just to let you know, but I really have to get going for that one right now. But I'll move for approval of the zoning amendment conditionally.

Mike Serpe:

I'll second.

Tom Terwall:

IT'S BEEN MOVED BY ERIC OLSON AND SECOND BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING MAP AMENDMENTS AS OUTLINED SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

F. PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN: The request of Marvin Letven, agent for RLSR Enterprises, LLP, owner of the property generally located south of 116th Street and east of 22nd Avenue, for the proposed subdivision to be known as Lighthouse Pointe.

Jean Werbie:

Mr. Chairman, the petitioner is requesting approval of a Conceptual Plan for the proposed Lighthouse Pointe subdivision generally located south of 116th Street and east of 22nd Avenue in the Village of Pleasant Prairie. The development proposes 98 single family lots and 15 two family lots; and 30 two-unit condominium buildings for 60 units.

Background Information:

This property is located within a portion of the Sheridan Woods Neighborhood. The Sheridan Woods Neighborhood is generally located between 116th and 128th Streets and between Sheridan

Road and 39th Avenue. The Village Comprehensive Plan indicates that this neighborhood is proposed to be developed prior to 2010 and should be developed with densities of the Low to Medium Residential Development, which requires that the average land area per dwelling unit shall range from 12,000 square feet to 18,999 square feet. The Neighborhood Plan was approved on August 13, 2001 for the Sheridan Woods Neighborhood through Plan Commission Resolution #01-07 as a guide for future development. The net density of the neighborhood pursuant to the Sheridan Woods Neighborhood Plan is 21,108 square feet per dwelling unit. This density for the neighborhood is slightly less than the density allowed by the Village's Comprehensive Plan.

The following is a brief history of the planning and zoning related activities completed for this proposed development site:

- On April 21, 1994, the Village staff held an Open House at the Village Hall for property owners to ask questions related to the Neighborhood Plan for a portion of the Sheridan Woods Neighborhood located between the 116th and 128th Streets including the subject property.
- On April 27, 1994, the Village Plan Commission at a public informational meeting approved the Neighborhood Plan with a Resolution of support from the Village Board.
- On May 16, 1994, the Village Board conditionally approved a Conceptual Plan with a recommendation of support from the Plan Commission for the request of Ron Gerberi, agent for Lake View Homes for the development of this property for 155 single family lots pursuant to the April 27, 1994 Neighborhood Plan.
- On June 20, 1994, the Village Board approved a Zoning Map Amendment with a recommendation of support from the Plan Commission to rezone the property from R-4 (APO), Urban Single Family Residential District with an Agricultural Preservation Overlay District to R-4, Urban Single Family Residential District R-4.5, Urban Single Family Residential District with a PR-1, Park and Recreational District and C-1, Lowland Resource Conservancy District.
- On July 11, 1994 the Village Board conditionally approved a Preliminary Plat to develop 151 single-family lots said property at the request of Ron Gerberi.
- On June 21, 1995 the Plan Commission, at the request of Ron Gerberi, agent for Lake View Homes held a public hearing and recommended that the Village Board approve the Final Plat for the first phase of the Lighthouse Pointe Subdivision upon satisfaction of several conditions.
- After granting several extensions of the Preliminary Plat, the Village Board, on October 5, 1998, opted to deny the Preliminary Plat for Lighthouse Pointe Subdivision because the conditions of the July 11, 1994 approval had not been satisfied.
- In 1999, the Village staff met with another developer, Neumann Homes, to discuss submitting a revised conceptual plan for the property. That plan did not advance to the Plan Commission or Village Board for consideration.

- On June 12, 2000, the Plan Commission held a Public Informational Meeting to amend the south central portion of the Neighborhood Plan and to consider a Conceptual Plan for the proposed Prairie Trials East Subdivision. The Plan Commission tabled the request for further review of the entire neighborhood by the Village Staff. The Village staff determined it was necessary to re-evaluate the entire Plan which we did. The Village contracted with land use planners from HNTB to assist in the preparation of the revised Neighborhood Plan for the entire area.
- On March 12, 2001, the Plan Commission held a Public Informational Meeting and presented a revised Neighborhood Plan for the entire Neighborhood. The Plan Commission tabled the request to allow for additional comments made at the hearing to be evaluated. Prior to presenting a revised Neighborhood Plan to the Plan Commission, the staff conducted an open house with the property owners to discuss another set of revisions to the plans.
- On July 11, 2001 the Village staff held the Open House to answer questions related to the revised Neighborhood Plans--Alternative 1 and 2. About 40 residents and interested persons attended this open house.
- On August 13, 2001 the Village Plan Commission approved the revised Neighborhood Plan for the Sheridan Woods Neighborhood, Plan Commission Resolution #01-07, as a guide for future development.

Since the 2001 approval of the revised Neighborhood Plan, the Village staff has been working with the petitioner to prepare a Conceptual Plan based on that plan for the property. The approved Neighborhood Plan indicates that the property shall be developed in the following manner: 60 two-and four-unit condominium units in the northeast corner of the site; 14 two family lots a minimum lot size of 20,000 square feet and a minimum frontage of 100 feet; single-family lots a minimum of 15,000 square feet with 90 feet of frontage, except the lots abutting the west side of the property, and they shall have a minimum of 20,000 square feet per lot; a park area should be located in the southern portion of the site; and the wooded area in the central portion of the site should be deed restricted and preserved.

General Comments:

The proposed development consists of 91.80 acres of land located within the north central portion of the Sheridan Woods Neighborhood plan.

The development proposes to develop 40.35 acres with 98 single-family lots, 7.62 acres with 15 two-family lots, and 11 acres for 30 two-unit condominium buildings. There's a small .65 acre wetland that is not intended to be developed for condominium purposes in the condominium area. In addition, 16.89 acres of land will be used for new public right-of-ways, and 15.29 acres will be designated as open space that includes wetlands, dedicated park space and other open space. The average single-family lot within the development is 17,935 square feet, and the average two-family lot is 22,128 square feet. The single family and two family lots will have a net density of 2.26 units per acre, the condominium area will have net density of 5.45 units per acre, and the entire site upon development will have an average net density of 2.78 units per acre.

RESIDENTIAL DEVELOPMENT: The Conceptual Plan proposes 98 new single-family lots, 15 two family lots and 4 Outlots. Outlot 2 is proposed to be dedicated to the Village for a Public Park, which is in the south central portion of the development site. Outlot 4 is proposed to be further subdivided for condominium development, and that's in the extreme northeastern corner of the site. All of the single family and two family lots are proposed to be constructed in one phase, and all of the condominium area is proposed to be constructed in a second phase.

The 15 two family lots are adjacent to 116th Street between 18th and 22nd Avenues. Outlot 4 located east of 18th Avenue south of 116th Street is proposed to be developed with 60 condominium units. Upon full development 188 units are proposed.

However, based on conversations with adjacent landowners, an alternative configuration for the area at 116th and 22nd Avenue as shown on Alternative 1 is recommended by Village staff and should be considered this evening. The alternative would allow 22nd Avenue to provide access to three existing parcels west of the development, would allow an alignment 22nd Avenue with said roadway north of 116th Street, and would save a number of larger trees along the west property line of the development. With this alternative, the larger trees along the west property line of the development could be protected. With this alternative, the developer needs to adjust the number of units slightly. The two-family lots are reduced from 15 to 14, Lot 1 becomes a bit larger and lot 9 is removed. The single-family lots are reduced by one lot, Lot 34 is removed and Lots 33 and 35 becomes a bit larger. This alternative would slightly adjust the net density in the development because there would be three less total units or 185 total units.

The Developer will need to successfully negotiate with all three of the adjacent property owners to the west of the development for this alternative or the original plan to work. The Village staff recommends that this alternative be supported by the Village Plan Commission and the Village Board with a few minor changes.

- The 30 foot portion of property to be attached to the property owned by Barbara Ann Turner shall be increased to a 45 foot length from 30 feet.. This vacant property adjacent to the proposed development currently is a non-conforming lot because the lot has no frontage on a public street. In addition, a house cannot be built on the lot until it abuts a public street. This alternative would provide at least 45 feet of road frontage. The lot would still be classified as a non-conforming lot in that it does not have the required minimum frontage of 300 feet on a public roadway however, a home could be built on the vacant lot upon construction of the public roadway.
- The developer has indicated that the triangular piece west of the property owned by Steve and Edith Lamothe be retained by the Development and created as an Outlot. However, the Lamothe property, which currently has a home built on the property has no frontage on a public street either and is considered a legal non-conforming lot. Therefore the Village would recommend and require that a minimum of 45 feet of frontage on 22nd Avenue be provided to this property. Currently they have an access driveway through an easement that goes through the property to the north and leads them to 116th Street.

The buildings in the proposed condominium area shall not exceed four units per building and no more than 60 units shall be developed within Outlot 4. The Conceptual Plan indicates that 14 buildings will have two condominium units per building and eight buildings will have four

condominium units per building. However, detailed building plans have not yet been provided for the condominium layout and with the final building plans, parking space requirements and the zoning setback requirements, the total number of units may be less than shown on the conceptual plan. No adjustments or variances are contemplated with this layout, therefore, the Conceptual Plan does not guarantee the total number of condominium units until we get to that phase or evaluation of that detail.

OPEN SPACE: Approximately 15.29 acres or 20% of the entire site is proposed to remain in open space. The open space within the development includes parkland, wetlands and other open space:

- **PARKLAND:** As indicated in the Neighborhood Plan a portion of a public park shall be located in the southwestern portion of this property. Outlot 2, which is 3.71 acres excluding the 0.69 acres of wetlands. It's proposed to be dedicated to the Village for a public park purposes.
- **WETLANDS:** 3.56 acres of wetlands are located within Outlots 1, 2 and 4 that are proposed to be preserved. As noted on the plans the wetlands on Outlot 4 were identified in the field on August 1, 2000 by a staff biologist with the SEWRPC, and the wetlands on Outlots 1 and 2 were identified in the field on November 23, 2002 and re-verified by SEWRPC. The wetland areas have been labeled as Restrictive Wetland Conservancy Areas. The wetland stakings are valid for five years; therefore after August 1, 2005 the wetland locations shall be re-verified if the property has not final platted and moved forward at that point.
- **OTHER OPEN SPACE:** 8.67 acres of other open space located within the Outlots 1 and 2, and they will remain as open space that is not wetlands. A portion of this area on Outlots 1 and 2 will be used for storm water retention areas for the development. Also, an additional Outlot may be created with the alternative alignment as discussed above. This would increase the amount of open space in the development by about 6,000 square feet.

TREE PRESERVATION: A meeting shall be scheduled with the Village staff to walk the site and discuss the tree survey and the preservation easements on the site. Prior to the on-site meeting, the western property boundary and the proposed easement areas shall be clearly marked. Typically what we've done in the past is we've walked all the perimeter areas of the tree lines as well as any trees internal to the development site and identified where they are, where they should be picked up with survey work, and where they should be preserved and protected and incorporated as part of the engineering plans for tree preservation.

Specifically, also in that tree preservation area, lots 48 through 53, which have trees along the rear lot lines, we don't want to see any utility easements located in those areas, because they can remove as many trees as the development, so we'd like to see the utility easements pulled into the side into the front areas in those particular areas.

RETENTION AREAS: Two retention facilities to handle the storm water management facilities are provided, one in the proposed park. The Developer's engineer shall evaluate the development site, based on actual field conditions and shall present a final storm water management facility plan, which meets the Village requirements for Village review as a part of

the engineering plan submittal. If additional storage capacity is needed, more retention areas may be required and lots or units may be lost from the proposed conceptual plan. In addition, the storm sewer system along 119th Street shall be sized to convey runoff from the adjacent Tobin Woods Subdivision to the west, and the retention basin within this development shall be sized appropriately to handle the additional storm water management. As you will recall a couple of years ago, the Tobin Woods development was largely wooded. In order to eliminate the possibility of clear cutting an entire lot of trees, we agreed to temporarily put the storm water basin in the future right of way that's going to be extended to the east. We gave them a time period of five years to negotiate with these developers in order for them to take that additional storm water and runoff from their development and incorporate it into a larger basin on their site, thereby having the developments work together, minimize the number of basins, and to preserve a number of trees in the adjacent development site, and they know that clock is ticking.

SITE ACCESS: This development proposed two access points onto 116th Street at 18th Avenue and 22nd Avenue and one to the west onto 119th Street. 18th Avenue is proposed to align with the proposed 18th Avenue north of 116th Street on property proposed to be developed by Quinton and Lisa Ackerman. 22nd Avenue is proposed to align with the existing 22nd Avenue north of 116th Street. The access to the west at 119th Street will connect eventually to 26th Avenue. Then, again, that leads up to 116th Street. The other access points include 21st Street, which will connect to the east for future development towards the north end, and two access points which will provide access to the south at 21st and 22nd Avenues for future access to undeveloped land pursuant to the approved Neighborhood Plan.

Temporary turn-arounds are required for all dead ended street that are intended to be extended when adjacent undeveloped. Therefore 21st and 22nd Avenues will terminate with temporary cul-de-sacs that would temporarily encroach into Outlots 2 and 3 as shown on the overhead. Temporary easements shall be dedicated to the Village for the roadway to end in a temporary cul-de-sac that meets the Village specifications except that no island will be required and the cul-de-sac will not be paved and there won't be any curb. Again, because they're considered temporary, and the turn around will provide us enough turning movement for garbage trucks, snowplowers and any other large vehicle or equipment that needs to be able to turn around in the development. The temporary cul-de-sac will be removed and the easement will be vacated when future development to the south is proposed at the cost of the adjacent developer.

The developer has indicated that at the east end of 121st Street an easement would be obtained from the property owner to the east for the construction of a temporary cul-de-sac off site. Again, the temporary cul-de-sac shall meet the Village specifications except that no island will be required, the cul-de-sac will not be paved and no curb is required. The temporary cul-de-sac will be removed and the easement will be vacated upon the further extension of those public roadways.

ZONING MAP AMENDMENTS: The Zoning Districts for the Development will include R-4, Urban Single Family Residential District for the single family lots; R-8, Urban Two Family Residential District for the two family lots; and R-9, (PUD) Multi-Family Residential with a Planned Unit Development Overlay District for the two family condominium area; and C-1, Lowland Resource Conservancy District for the field delineated wetlands. The zoning amendments will need to be further examined when the draft Preliminary Plats are submitted.

The two-family condominium area of the development in the northeast corner of the development is proposed to be developed as a PUD since it is the developers intent to develop the property with more than one condo. The Village staff will begin preparing a detailed PUD Ordinance for review by the Developer, the Plan Commission and Village Board upon approval of the Preliminary Condominium Plat and prior to the submittal of the Final Condominium Plat. The required public hearing for the PUD Ordinance is typically held at the same time as the Plan Commission and Village Board considers the Final Condominium Plat. As with a similar development, the PUD will allow for more than one building per property, provided that the two-unit buildings are condominiums with at least 80% owner occupied ownership, a percentage of the exterior materials are natural stone or brick materials and building types provided a common theme without being monotonous, the location of garage doors are largely located as side entry, allows for some private streets, but in this case the only private street would be that loop street and then the other one would be a driveway just east of 18th Avenue.

The required Zoning Map Amendment and Text Amendments for this development will be done in phases.

At the time the Preliminary Plats are submitted, the property shall be petitioned to be rezoned into the R-4, R-8, C-1 and PR-1 Districts as described above and the condominium area zoned R-9, (UHO), Multi-family Residential District with an Urban Land Holding Overlay District until the PUD is written.

The Village staff will begin preparing the detailed PUD Ordinance upon final information and review of the detailed plans that are being submitted by the developer.

POPULATION PROJECTIONS within the proposed Lighthouse Pointe Development based on the number of households proposed when fully developed:

- 188 total dwelling units comprised of 98 single-family lots; 15 two-family lots and 60 condominium units. This total number, again, would be reduced by three if you accept the alternative.
- A total of 513 persons could result from this development at full buildout.
- Pursuant to the information provided by the Kenosha Unified School District, a total of 79 public school age children are likely to come from this development.

The Village provides copies of proposed developments to the Kenosha Unified School District to assist in their budgetary and long range planning efforts.

Again, as a reminder, this is another development that we've been working on and working with various developers on since 1994. It appears at this time we have some serious developers who would like to move it forward. But, as we move to each step of the planning process, we will evaluate their project as it's submitted forward. With that, I'd like to continue the public hearing for this conceptual plan for the Lighthouse Pointe Subdivision.

Tom Terwall:

Is there anybody wishing to speak on this matter?

Marvin Letven:

Marvin Letven, 3875 116th Street, Pleasant Prairie. I'd like to thank the Chairman, members of the Commission and, of course, the Community Development Director and her staff for some excellent work. What we're proposing here, just a few highlights, I don't want to go through that whole ten pages of the report she gave, but what we want to do here is 35 lots are basically 20,000 square feet or more. So we're doing a subdivision here which is above average. The average lot size, as she said, was 17,935 square feet, with a two family average of 22,128 square feet. So we're definitely above average. We have 3.71 acres of parkland and 17.29 acres or 20% remains open space. We have a nice, as you can see maybe from our little drawing there, boulevard entrance. We have a berm along the north side and also along the east side. As Jean said, we have dedicated woodland all along the entire west side of the project, so we have a lot of trees and a lot of green space. Our lot sizes and our home sizes are definitely above average. All homes that go in will have to have written approval by the architectural control committee before they can go into the Village for a building permit. We're doing an outdoor lighting system where everybody is going to have a lamppost that will give you a continuity and a continuous look to the area. We feel that we're going to enhance the area with a high quality development. As far as integrity, I think you'll be very happy with what's built there. I realize you have a long agenda, so I'm going to stop right there and see if there's any questions.

Tom Terwall:

Thank you. Anybody else?

Howard Stumm:

Howard Stumm, 2209 116th Street. I live on 116th, and I have two acres adjacent to the west side of their subdivision. My question was on these two family buildings, will it be one owner with one rental? That's my question. And the other part was, Jean said that everybody was in on this in this change of the 22nd Avenue, and they're moving all the way over onto my property, and I wasn't aware of this until I got this thing here. As far as saving trees right in my area, they'll save a burr oak that's on 116th Street that the power company has shaved down one side, and they'll probably take a beautiful burr oak off my property, and burr oaks are the only ones that keep living on forever almost. Also, it might save a tree that's next to my property that's about dead anyway. Outside of that, it's going to take a lot more off and possibly take off some trees that I had planted. I wasn't aware of this, and I'm not real happy with it. The first plan in going down 22nd Avenue and following the section line is what was proposed all the time, and that's the one that before I was happy with that, but this one I'm not.

Tom Terwall:

Thank you. Anybody else wishing to speak?

Jim LaFontaine:

My name is Jim LaFontaine. I live at 116th Street. Can I see that other overlay? My address is 1900. Can I go over there and show you? Where this street comes out is right where my driveway is. And if Lisa and Quentin develop, the road is going to go right past my bedroom, the

driveway through there. And the way it comes out now, it's going to come right into my driveway. So if we could move that road over in the middle of Lisa and Quentin's property, that would be beneficial to myself and to them because they don't have to make that turn. I just got this in the mail about their development. So I was wondering how much trouble it would be to move that road over.

Tom Terwall:

Thank you. Jean, is that road a part of this proposal, or is that a future development?

Jim LaFontaine:

They're going to connect together when they develop them.

Jean Werbie:

18th Avenue to the north would be part of a development that goes to the north, and we have taken a look at the neighborhood plan for that particular area, and where 18th Avenue would go north and eventually connect into the Tobin Creek Development for Steve Mills, we looked very closely at that, and we couldn't keep moving it back and forth. We felt that this alignment works the best. It's not on Mr. LaFontaine's property. It's actually all on the Ackerman property, and it would go north, and it would allow for future development to happen to the west in the vacant rear property that he owns, as well as some adjacent property owners to the north. So when we lay out neighborhood plans, we want to make sure that the future land on either side can develop if and when it wants to develop. Peggy is going to hopefully get a copy.

Jim LaFontaine:

Excuse me, but that road will come right up against my property line, and will be right by my bedroom where I sleep. That's going to continue between Sheridan Road and 116th, and you know there's going to be a lot of traffic in there. That's my concern. Is there anything that can be done about it?

Tom Terwall:

At this point we're just taking comments and questions and we'll get to it.

Jim LaFontaine:

Thank you.

Paula White:

Hi, my name is Paula White. I live at 1808 128th Street. I live right at the arrow on the bottom right hand corner. I am a farmer. I plan to be a farmer there for a long time. I see in no foreseeable future that I am not going to be a farmer there. What I am concerned about is I like how they've got the conservation area that they're going to have for the park area. I want to know how long is that going to stay undeveloped in the park area? There are deer and coyote and everything that live in that greened out site section there. I want to know how long that is

going to stay a conservation area, park area. Also, where that red area is is my property on the bottom right hand corner. That is my fields that I plant and I do crops on. There's a house that's going to be on that corner there. I am concerned that when people come in they build houses on property that's right next to people's farms, then they turn around and complain, yes, I do have cows. I have horses. I have goats. I have sheep. I don't want anybody buying houses on that corner and then coming to the Village and complaining about the smell of my farm because I was there. I'm not going to play with anybody, and that's all there is to it. I see a retention pond, only one retention pond for that whole subdivision. I don't want any drainage off into my fields. I do have a drainage ditch. Where that red arrow is, if you take it behind that house there, I do have drainage ditches that do fuel my fields for watering of my fields. I do not want any water from that subdivision drained off into my fields. Also, in that field I talked to an old, old farmer that's been in this area for a long time. He says there is a tile laid because there is an underground drainage water creek that goes through that piece of property from the Tobin Woods area across that property. I want to know how they're going to reroute that water. Otherwise those people from the Tobin Woods section over there, when they start messing with that, those people on this side over by the Tobin Woods area are all going to be flooded out, and some of that water is going to drain to all the other agriculture places south of me. There are four of us that are all still agriculture south of this area. I'm here to talk for all of us that's in this area because I'm the biggest mouth I guess. But I'm concerned about all of that drainage coming off into our farm area where we're going to be at and where I'm at along with all those agriculture people that are there. I don't want any snowmobiles and four wheelers and everything else driving out through our fields there. If you guys are going to build there, I want a berm, I want a fence, and I want that subdivision to pay for it, and I want them to maintain it, because I don't want them cutting through my fields without my permission and tearing up my fields.

Also, she was talking about all the old trees on the property. Right where 22nd and 119th, there is a big area of 200 or 300 old oak trees that are sitting in that section, too. I don't know--are they going to be pulling all those trees out of that section? It might be just south of that 119th Street that's there. It's kind of a high ground there. There's several old oak trees that are sitting there. How will they incorporate that into everything into the planning? Are they going to leave that? Are they going to rip them all out for housing to be there? I would like to know. They're building all these houses. Where are all these people coming from? I don't know. How is the sewage treatment going to go from this, where is it going to? Where's the treatment plant going to be located for all these people? There's a whole lot of things that I want to know. Because, like I said, I'm a farmer here. I plan to stay a farmer here. I'm only 52. I plan to be here for a while. In my foreseeable future I plan to be a farmer. I have one of this piece of property that I've had since I was 19. I have it, and I don't plan to give it up for a long time. And I don't want people, city people, any other people coming in there and complaining about us farmers to the south of them because I will complain back. This is my husband, by the way, David White.

Tom Terwall:

Thank you. We will respond to your questions. Anybody else?

Jeff Patterson:

Jeff Patterson, 12140 32nd Avenue. In regards to some of the trees I just kind of have a question. They were cutting some trees during the summer I think kind of in reference to the area Paula

was talking to there. I was just wondering why those trees were already cut or if there's any information you guys have about those. Thanks.

Tom Terwall:

Anybody else?

Keith Kull:

Keith Kull, 3609 122nd Street. I guess I came here tonight to really talk about the next item on the list which is the Prairie Trails East coming up. I'd like to know how this ties into Prairie Trails East. It looks like it's right next door to it, so I would imagine it does tie into it. Any of you guys Cubs fans? No Cubs fans here? Because if Harry Cary were around, you know what he'd say about all this stuff? Holy cow. Look at all this development here, and you guys are the ones responsible for controlling how all of this takes place. I see development happening off of 165, a huge subdivision going in there. I had Eric here just a few minutes ago and we were talking about the kids and so forth and where are they going to school. This obviously is going to have an impact to that and traffic and so forth and heading over to the RecPlex. I heard that earlier. Holy cow. How are you guys going to handle all of this stuff? How are the roads going to maintain all this? These are interior roads that looks like they're going to dump out to 116th or State Line Road, and how are they tied into all this? You guys have to deal with it. I guess what we're looking at here is Gurnee to the north. Alright, I'll speak at the next one.

Tom Terwall:

Anybody else?

Jim LaFontaine:

I have one more thing. Jim LaFontaine, 1900 116th Street. The last time we came to one of these meetings we were told that 116th Street would be widened before any development was going to be made. It doesn't look any wider to me.

Tom Terwall:

I guess I wasn't at that meeting, because that's the first time I've heard that.

Jim LaFontaine:

They were talking about in '97 or '98 about widening 116th Street to accommodate all these homes. It's going to be a lot of cars. There's a lot of cars up and down there now. With all these other homes coming in here.

Tom Terwall:

Jean, you want to start?

Jean Werbie:

With respect to some of the concerns that Paula White had, the first concern you had was that you don't want to receive any complaints with respect to property owners or neighbors that are moving in adjacent to you regarding your farm or your field or your animals. At this point, I don't recall but one incident where an existing farmer was actually more concerned about his horses and the proximity of the horses to the new development. But we've not taken any written complaints regarding any new subdivisions butting up to existing farm fields. That has not been an issue for the new residents that are moving into the Village. And if it does come up to someone here at the counter, we explain to them that that farmer has been operating that field and has those farm animals, and basically they were there first, and you need to make some decisions when you choose to locate here as to what the adjacent land use it.

Paula White:

I would like for them to be notified they are moving in back to back to a farm with animals that will have smells . . . don't buy there.

Jean Werbie:

Anybody who comes in and asks us the question, we will explain that to them. I guess I would turn to the developer that you need to make them, the people that you sell lots to, make them aware of what the existing conditions are out in the property.

Paula White:

Because I do believe there is a State law requiring that people that buy property next to a farm to be notified that there is a farm. Is there not?

Jean Werbie:

I'm not aware of that. I don't know if the realtors or developers here can answer that, but I'm not aware of that. With respect to another question you had with respect to the end of 22nd Avenue and actually also with the end of 21st Avenue, while those two areas will terminate in temporary cul-de-sacs, there will be type three barricades that will be constructed so that vehicular traffic will not be able to proceed southward onto your property. They won't be able to remove those barricades. If you want to talk you're going to have to come up to the microphone. We would construct those barricades so they can't be removed, that they're not just the push away ones, and that would be part of the developer's cost responsibility as part of the construction of the subdivision.

David White:

On that topic, how about kids on bicycles? David White. I'm Paula's husband. 1808 128th Street. It's that farm that terminates at 22nd Avenue. Our concern is kids on bicycles, four wheel drive vehicles, snowmobiles. They'll tear up our hay field real bad. We're looking for some kind of a privacy fence, or a six foot tall chain length fence, maybe even a berm if you can figure out a way to do that without destroying the trees in that parkland area. We would like some kind of barrier that will isolate us from the children traffic. My biggest fear is having gangs of kids

coming in there throwing sticks and stones at our horses getting hurt and then I've got a liability issue. I want a clear cut barrier maintained by the subdivision that will stop the problem before it starts. Otherwise, I don't want some little kid getting hurt because they think they've got a right to trespass onto my property and aggravate an animal.

Tom Terwall:

Thank you.

Jean Werbie:

We could require that a barrier fence be constructed along the southern property line. That seems reasonable. We would have to negotiate as to what would be the most appropriate type of fencing at that location. Obviously, kids can still scale fences. I know my son can. So any complaints or any issues you would have, you would probably have to file a trespass complaint with the police department if, in fact, they get over that particular fence or over that particular area.

David White:

I have thought about that, and the only way I could make that work is if I set up surveillance equipment to identify the children as they go over the fence. That's why I'm talking about a significant fence, something like a six foot tall chain link fence, something that will really keep kids out, not a three foot tall fence that you might keep a goat inside in an enclosure. Kids are not foolproof. Fools are very ingenious. So I'm talking about something really serious here. I am afraid that we have a potential tragedy here if we don't deal with it up front.

Jean Werbie:

A maximum of a six foot high fence could be located in a residential district. So I'm not sure if the Plan Commission wants to put a recommendation of whether it should be wood or chainlink or what type of fence, or if you'd like us to sit down with the developer and the property owners to discuss that.

Tom Terwall:

There was a question regarding where was the sewage treatment plant going to be. Mike, you want to handle that one?

Mike Pollocoff:

The sewage will drain to the subdivision to the north. At that point it will go into the sanitary sewer on 116th Street, which then goes down Sheridan Road to the Kenosha treatment plant located roughly at 7th and 80th Avenue. So that sanitary sewer was placed in service in 1988, and it was designed to handle everything from the subcontinental divide to Sheridan Road for waste water.

Tom Terwall:

You also want to address, Mike storm water runoff from adjacent property onto their property?

Mike Pollocoff:

The Village requires that the developers plan to retain water on their property for development conditions so no more water comes off the property developed than undeveloped. I know the engineer for the developer is here is you want to explain some of the things that you're taking under consideration in your design.

Rich Wagner:

I'm Rich Wagner with Jenkins Survey and Design. I'm the engineer for the project, Waukesha, Wisconsin. Again, this is a conceptual plan. We've done preliminary engineering, however the Village ordinance does require we retain any storm water on the site, and no storm water can be released in excess of the storm water that currently naturally drains. I also believe that to the south the ground or land starts to rise. I don't think there's too much that we can do. I think most of the storm water is probably going to go to the east, especially with picking up the development to the west. So I think naturally there's not a whole lot of places we could go with storm water to the south anyway.

The other thing in regards to the park and the natural area, part of that is protected wetlands. The other thing is through the developer's agreement and the covenants, obviously there's no way that property could ever be developed without a change and a public hearing and a rezoning change I would think here at the Village.

Jean Werbie:

And, furthermore, that park area is intended to be dedicated to the Village for public park purposes. And so once it comes to the Village, it will be restricted from development purposes. Also, the existing treed areas will be deed restricted with respect to tree preservation areas, and covenants will identify that those trees are to be protected, and I'm looking for the developer to put penalty provisions in the covenants and the restrictions, so that if trees are removed, that there will be penalties to be paid and new trees to be planted as a result of any removal. With respect to the other trees that were in the center of the property, I'd like the developer to address that concern or comment that was raised.

Marvin Letven:

We did take out some scrub brush that was in there and some smaller trees that were basically one inch to two inches around. All the big oaks and other trees that were there are still there, and we are working with the staff to make that woodland protected.

(Inaudible)

Marvin Letven:

I believe that the Village did take pictures and did go out there. So exactly what I said was done.

Jean Werbie:

The staff went out after the trees had been removed, so I'm not sure what was there and what was not there. I can't argue that point one way or another.

Tom Terwall:

Jean, with respect to the house at 11900 116th Street, what's the side yard setback of that house to the property line?

Marvin Letvin:

75 feet.

Jean Werbie:

Are we talking about--

Tom Terwall:

We're talking about the road going right past--

Jim LaFontaine:

1900 I'm at.

Jean Werbie:

We're kind of jumping to another development that's going to be on a subsequent agenda, but a neighborhood plan segment had been prepared that identifies that this roadway would be lined up with 18th Avenue to the south--

Jim LaFontaine:

Not if you move it over to the middle of Quentin's property here and then go right through his property in the center.

Jean Werbie:

Then it won't align to property to the south.

Jim LaFontaine:

Not if you move it over.

Jean Werbie:

There's a large wetland complex that's in the center of this development towards the north, and that wetland has dictated where we can place a public road. We can't put it through the center of

that wetland, so we tried to identify where that road could be located and still miss that wetland. So we're constrained on the south, and we need to have a straight tangent section of at least 100 feet before we curve a road. We've been looking at this back and forth. The developer has revised this several times, because we're trying to get these roads aligned and still be able to have that continuity to there's no jog in the roadway system at 116th Street.

Jim LaFontaine:

Could you put the other graph up . . . turned away from my property. Why couldn't you take . . . see that other road . . . why couldn't you just bend it a little bit, bend it around this way a little bit. You bent it to me away, why don't you just bend this one over that way. Then you can go right through the middle of Quentin's property, then I won't have a road next to my bedroom.

Jean Werbie:

We could certainly try. If the engineering works out that we're not creating unusual angles to the road, we certainly can try to adjust it a little bit.

Mike Pollocoff:

The other option is to appeal to the DNR and see if someone's sleeping conditions is more important than the weeds.

Jim LaFontaine:

If we get the DNR involved in it, then you'll never get it built. Please call them. You'll never get either one done. I'll call them for you.

Mike Pollocoff:

If we'd get the DNR to be reasonable, you could modify that wetland and then you could move that road over. But right now--

Jim LaFontaine:

Not go through the wetland but just around it. Just around the top and over--just move it away from my house, that's all.

Jean Werbie:

Is that possible? Didn't we look at that at one point?

Marvin Letven:

Just a little history because we worked very hard with the staff. 18th which you now see on our property does take a jog to the east right there and originally went straight. And so to compromise and to work with the Village and the staff, we have already moved that road over approximately 33 feet or more.

(Inaudible)

Marvin Letven:

No, I'm just talking about our side of the street, sir. So we have worked with the Village very closely for approximately two years to make this plan work. And I just want you to know we didn't just come up with this arbitrarily.

Tom Terwall:

Jean, as proposed, what's the distance between the house and the road?

Marvin Letven:

Another thing I just wanted to say is we're just lining up with where we were told to line the road up. It's more an impact on this development--not an impact but it's more--I don't know what they're going to do it. The thing has to go back to how they're going to develop it I guess.

Jean Werbie:

It's 100 feet from his house to the right of way, and to the roadway would be another 14 feet, so it would be 114 feet.

Tom Terwall:

So if developed he will be 114 feet from the road?

Jean Werbie:

Yes, from the house structure to the curb it will be 114 feet.

Tom Terwall:

That's a long ways.

(Inaudible)

Jean Werbie:

It's 60 at the south corner and at the north corner it increases.

Jim LaFontaine:

It runs right along my property line here. My driveway is on the property line.

Jim LaFontaine:

This is at the driveway. This is 60 and at the north end it is about 90.

Jean Werbie:

60 at the south end and 100 at the north end.

Jim LaFontaine:

All I can say is would you like to get that road next to your house?

(Inaudible)

Tom Terwall:

Anything further?

Jim LaFontaine:

I talked to Quentin yesterday who is proposing this subdivision, and he said he would have rather put it through the center. It would have been easier for him.

Jean Werbie:

We can't put it through the center because of the wetland on the south, but we could adjust it a little bit. We can try to work with both of the developers to see if it can be adjusted at all.

John Braig:

I'd recommend that staff do that.

Wayne Koessl:

Is the public hearing closed yet? If the public hearing is done--

Keith Kull:

Keith Kull, 3609 122nd Street. Say after hearing all of this, and this is part of what the Sheridan Woods sketch plan, I think we all had or there was a meeting last summer, did you say Jean, in which it was presented by the Village the Sheridan Woods neighborhood sketch plan?

Jean Werbie:

We've had several meetings on this particular one.

Keith Kull:

When was the last one?

Jean Werbie:

The last one was August of 2001.

Keith Kull:

And that was kind of public--

Mike Pollocoff:

It wasn't kind of public, it was all public.

Keith Kull:

So how were folks notified on that? I mean did something go out?

Jean Werbie:

By first class mail they were sent a notice.

Keith Kull:

That's where I got notice of that Sheridan Woods Subdivision. Have there been changes since then? A number of changes it looks like.

Jean Werbie:

Just what we're talking about this evening.

Keith Kull:

I guess I would propose that there be another meeting such as that to say, hey, there are a number of changes taking place that who all knows about it because I certainly didn't get a notification of this.

Tom Terwall:

Thank you.

Jean Werbie:

The purpose of the neighborhood plan was to set forth a framework for where future lots and road layouts could occur when and if they do occur. The purpose of the conceptual plan is to now take it to a more refined level so we can get areas on lots, more precise locations for roadway systems and such. I'm hearing what the gentleman north of 116th Street is saying, and we can certainly take a look at that before the Ackerman project goes forward, and anything we evaluate as based on that would be a condition of this as well. Again, it's a conceptual plan step that we're at at this time where we're refining that neighborhood plan. It's not like we're changing the density or the units or anything like that. We're making some refinements, and as you get through the planning processes, I think Mr. Kull knows because he was a developer here in Pleasant Prairie and developed a subdivision of his own, he knows that there's many steps to the planning process, and we have to refine them as we get more detailed engineering and more

detailed information as we go through that process so we can get it refined. And so when there's issues like this that come up, we can get them addressed at the early stage at the process.

Tom Terwall:

Thank you.

Wayne Koessl:

Mr. Chairman, is the public hearing closed now?

Tom Terwall:

Yes.

Paula White:

Can I ask a question? You're going through a list of responses, and one of our questions was the Tobin Creek dumping into that property. Did she have a plan to respond to that?

Mike Pollocoff:

Throughout Pleasant Prairie there's a number of farm tiles, old abandoned sewer tiles that were constructed who knows when, and as part of our specifications, when construction takes place, any time those tiles are encountered, because there isn't good mapping on them, in fact, there isn't any mapping on a lot of them, those tiles have to be identified as part of the construction and either tied into a storm sewer that would be in there, or repaired and let that water continue on its way. And that would be true as the road construction takes place, as well as each individual home. Again, you never know when you're going to encounter them. So if it isn't encountered until somebody digs their foundation basement, they need to reroute that tile around the foundation and keep it going from wherever it's going to wherever it's going to end up at.

I guess one other thing, Mr. Chairman, Mr. Kull had indicated that he was concerned about the impact of the Lighthouse Development on the school system. Based on the number of children that the study indicated was going to be in that development, and based on the taxes that Kenosha Unified is going to be levying in this coming year, and assuming that build out in one year, which is highly unlikely, the district would be receiving \$435,700 in property taxes for that development. So based on the number of kids in that subdivision, that would be \$5,500 per child that property taxes would be paying for for education in that subdivision. The County levy for Kenosha County would be \$245,000. That's taking into account their seven percent increase in property taxes for the coming year. The Village levy with the zero increase that's planned for next year would be \$176,000. So as these plans come about, we take a look at what the land use impact is and the fiscal impact in the area, and that's true with that entire development. Even when Mr. Kull developed his subdivision, we took a look at the impact it was going to have on traffic on 122nd as people who live between 39th Avenue and his development dealt with the impacts of his development and the Prairie Trails Development as that occurred.

In the Creekside Development which we approved . . . the impact is in Pleasant Prairie, we're roughly at a third of the budget of Unified, but we're probably about 15 percent of the

population. So when you take a look at what the Village contributes to the Unified School District on an annual basis, it's far in excess of what it takes to educate a child. We're on the donor side of that where more value is being given to the district than we submit in population by a long shot. Again, it's based on the master plan that the Village has developed and how we've had lower density development and also provided for a balanced development with manufacturing and commercial development where we have it.

With respect to widening 116th Street, the way that occurs, if we widened 116th Street prior to development taken place, we would have to make a special assessment and charge each abutting property owner on 116th Street for the cost of that. What we do with developments as we did with Tobin Creek, and we did this on 85th Street, and we'll continue to do this on 116th Street, is as those developments occur, we collect a set of money amount to pay for the improvements of that road so we can have that improvement take place once those subdivisions are done and we can have that happen in a way that the new road isn't destroyed by the construction equipment going into the subdivisions. And once that subdivision is completed, then we can start the construction so there's an improved roadway once that's done. So we need to have it happen in an orderly manner where there's steps taken so that the impact of the development doesn't ruin the brand new improvement that you put in. That new development occurs, and then what's left for the property taxpayers in that subdivision is the completed new improvements that's been funded by the development.

John Braig:

Just for the record, all of the Commissioners have received a written communication from Steve & Eddie Lamoffie, along with some pictures and a request just for part of the record. The second item is in regard to discussion of the fence, I can appreciate that that might be a necessary item, and yet there's a distinct possibility it may not be required. If we approve this tonight, I would like to suggest that there be a condition that if there are complaints and problems, at that time the developer would have to provide for fencing of a satisfactory nature, but not required up front. I just hate to see a fence in that area if it doesn't have to be.

I guess the other item is when we were discussing tree preservation, I think as part of the conditions as outlined by staff it should be very clear that tree preservation will have to be discussed to the satisfaction or needs or the requirements that the staff would establish.

Wayne Koessl:

Mr. Chairman, I don't know how many questions the Commissioners are going to have, but I think we're losing track that this is a conceptual plan. And under a conceptual plan we usually take in the comments of the developer and the people in the area. I think that we should send a favorable recommendation to the Village Board using the alternate plan that was recommended by the Village staff. I'm sure that as this continues and progresses that it's going to satisfy the needs and questions of everybody. If I can make that in a motion I will.

--:

The fence . . .

Wayne Koessl:

The fence I think is something that they have to look at down the road. I'm not ready for a fence tonight.

Mike Serpe:

I'll second Wayne's motion.

Tom Terwall:

Motion by Wayne and a second by Mike Serpe.

Jean Werbie:

Two points. First of all, with respect to Mr. Stamm's concern, I think once we complete the detailed engineering and field pickup for that intersection, we will need to find out exactly where 22nd Avenue lies, both north and south, and if it can be adjusted back to the east a little bit, we will certainly do that, but we really need to look at the existing alignment currently of 22nd Avenue and how we can make those adjustments.

And the second point with respect to the fence, from the staff's perspective, before this is final platted a decision needs to be made whether there's going to be a fence required by the developer or not required by the developer. Because once it's been final platted, then that issue really can't be talked about too much more unless the developer tries to work something out after the fact with the adjacent landowners. So if there's an issue with respect to it, we need to address it prior to final plat.

Mike Serpe:

And you'll have a note on that . . .

Jean Werbie:

We will carry it through, but by final plat we're going to have to decide from where to where, if required, and how high and what type of material and when it needs to go in.

Wayne Koessl:

Through the Chair, Jean, we will have a preliminary plat and then a final plat to address that issue. So I would like to continue with the movement of the conceptual plan under alternate.

Mike Serpe:

Marv, you've heard us talk about the municipal development fees. Your comment on those?

(Inaudible)

Mike Serpe:

You're in agreement. Thank you.

Tom Terwall:

IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CONCEPTUAL PLAN AS AMENDED AND SUBJECT TO ALL THE CONDITIONS AND COMMENTS AS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

G. PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN: The request of Ted Pickus, agent for Prairie Trails LLC, owner of the properties generally located north of 128th Street and east of the Kenosha County Bike Trail for the proposed subdivision to be known as Prairie Trails East.

Jean Werbie:

The developer is currently putting up his drawings that show both aerial photographs, as well as site plans, and we have the site conceptual plan on the overhead as well. The petitioner is requesting approval of a Conceptual Plan for the proposed Prairie Trails East Subdivision generally located north of 128th Street and east of the Kenosha County Bike Trail in the Village of Pleasant Prairie. The development proposes 145 single-family lots and seven outlots.

Background Information:

This property is located within a portion of the Sheridan Woods Neighborhood. The Sheridan Woods Neighborhood is generally located between 116th and 128th Streets and between Sheridan Road and 39th Avenue. The Village's Comprehensive Land Use Plan indicates that this neighborhood is proposed to be developed prior to 2010 and should be developed with densities within the Low-Medium Residential Development category, which requires that the average lot area per dwelling unit shall range between 12,000 square feet to 18,999 square feet. The Neighborhood Plan as approved on August 13, 2001 for the Sheridan Woods Neighborhood as a guide for future development conforms with the Village's Comprehensive Plan. The net density of the neighborhood pursuant to the Neighborhood Plan is 21,108 square feet per dwelling unit. This density for the neighborhood is slightly less than the density allowed by the Village's Comprehensive Plan

The following is a brief history of the proposed planning activities for the site, and this one goes back to 1990.

- In 1990, William McLaughlin, a developer, presented a Neighborhood Sketch Plan for the development of his property and the adjacent property on the west side of the Kenosha County Bike Trail. The first phases of his plan were developed into the Prairie Trails West and Prairie Trails West First Addition Subdivisions. The 1990 Neighborhood Plan proposed that 122nd Street would connect the west and east sides of his development across the Kenosha County bike trail. Crossing of the bike trail at 122nd Street was reviewed and approved by Kenosha County with the approval of the Neighborhood Plans that were submitted both in 1990 and again in 1994 and with the development of the Prairie Trails West Subdivision. With the County's approval, the 122nd Street public improvements were installed up to the Kenosha County bike trail by the developers of Prairie Trails West Subdivision for the future development of the lands lying east of the Kenosha County bike trail.
- On April 21, 1994 the Village staff held an Open House at the Village Hall for property owners to ask questions related to a proposed Neighborhood Plan for a portion of this Sheridan Woods Neighborhood.
- On April 27, 1994, the Village approved a Neighborhood Plan for a portion of the Sheridan Woods Neighborhood.
- On June 12, 2000, the Plan Commission held a Public Informational Meeting to amend the south central portion of the Neighborhood Plan and to consider a Conceptual Plan for the proposed Prairie Trails East Subdivision. The Plan Commission tabled the request for further review by the Village staff. The Village staff determined it was necessary to re-evaluate the entire Neighborhood Plan for the Sheridan Woods Neighborhood. The Village at that time contracted with land use planners from HNTB to assist in the preparation of the revised Neighborhood Plan for the Neighborhood.
- On March 12, 2001, the Plan Commission held a Public Informational Meeting and presented a revised Neighborhood Plan for the entire Neighborhood. The Plan Commission tabled the request to allow for additional comments made at the public meeting to be evaluated. Prior to presenting a revised Neighborhood Plan to the Plan Commission, the staff conducted an open house with the property owners to discuss another set of revised Neighborhood Plans.
- On July 11, 2001 the Village staff held an Open House to answer questions related to the revised Neighborhood Plans Alternatives 1 and 2. About 40 residents and interested persons attended this open house.
- On August 13, 2001 the Village Plan Commission approved the revised Neighborhood Plan for the Sheridan Road Neighborhood, Plan Commission Resolution #01-07, as a guide for future development.

Since the 2001 approval of the revised Neighborhood Plan, the Village staff has been working with the petitioner to prepare a Conceptual Plan based on the approved Neighborhood Plan for the property. The approved Neighborhood Plan indicates that the property shall be developed with single-family lots having a minimum lot size of 15,000 square feet, with larger lots in the northeast portion of the property where the property is wooded and a park adjacent to the

Kenosha County bike trail in the northwest corner of the site. In addition, revisions were made with respect to the road alignment as 122nd Street crosses the Kenosha County bike trail, and traffic impact studies were done for the State Line which is in Lake County. In addition, conversations and meetings have taken place with Kenosha County regarding their Parks Department and their Kenosha County crossing, as well as information pertaining to 39th Avenue.

General Comments:

The proposed conceptual plan development consists of 118.49 acres of land located within the south central portion of the Sheridan Woods neighborhood.

The development proposes to develop 62.54 acres with 145 single-family lots, 18.06 acres of land will be used for new public right-of-ways, and 37.88 acres will be designated as open space including wetlands, dedicated park space and other open space. The average single-family lot within the development is 18,789 square feet with a density of 1.66 units per acre.

RESIDENTIAL DEVELOPMENT: The Conceptual Plan proposes 145 new single-family lots and 7 Outlots. The Conceptual Plan shows that the development is proposed to be developed in two phases: Phase 1 proposes to include 72 lots with three access points into the development at 128th Street, 26th and 28th Avenues; and Phase 2 proposes to include 73 lots with a fourth access point to be located and connected to 122nd Street at the bike trail. All construction traffic will access the development from 128th Street. Signs and barricades will restrict construction traffic down 26th and 28th Avenues into this development and 122nd Street into this development.

OPEN SPACE: Approximately 37.88 or 32% of the entire site is proposed to remain in open space. The open space within the development includes parkland, wetlands and other open space:

- **PARKLAND:** As indicated in the Neighborhood Plan, a portion of a public park shall be located in the northwestern portion of this property adjacent to the Kenosha County bike trail. Outlot 3, which is 6.80 acres is proposed to be dedicated to the Village for a public park purposes.
- **WETLANDS:** 6.04 acres of wetlands are located within Outlots 2, 3, 4 and 5 are proposed to be preserved. The wetlands were identified in the field on December 14, 1999 by a staff biologist from SEWRPC and the wetlands on Outlot 7 were identified in the field on June 11, 2003 by Hey and Associates. Written approval from the DNR will be required prior to consideration of the plats. As part of the wetland staking application and procedures, the field delineated wetlands will need to be rezoned into the C-1, Lowland Resource Conservancy District. The Plan Commission and Village Board will consider the zoning map amendment at the time that the Preliminary Plat is considered. The wetland stakings are valid for five years; therefore if the Final Plat for both phases has not been approved by the Village by December 14, 2004, the wetland locations will need to be re-verified.
- **OTHER OPEN SPACE:** 25.05 acres of other open space located within the Outlots 1, 2, 4, 5, 6 and 7 which will remain as open space that is not wetlands. A portion of this area on Outlots 1 and 2 will be used for retention areas within the development.

BIKE TRAIL CROSSING: As the detailed engineering plans are prepared, the developer, the Village staff and Kenosha County will need to evaluate the bike trail crossing plans to determine what public improvements need to be made to facilitate the roadway crossing, utility crossings, site visibility, proper drainage and the type of signage that will be required on each side of the bike trail. It is likely that the roadways will need to be constructed so that the horizontal grade comes up to the bike trail. In addition, written County approvals and an access easement will be required to allow for the crossing. Also, if the existing landscaping, trees or brush is cut back along the Bike Trail, a replacement and revegetation-landscaping plan shall also be provided to the Village and Kenosha County for its approval.

TREE PRESERVATION: Tree preservation, access and maintenance easement areas shall be identified on the plat for Lots 26-29, 43-50, 83-92 and 103, as well as Outlots 2, 3, 4 and 7. These areas shall not be mass graded and shall be protected throughout the construction and building process.

RETENTION AREAS: Six retention facilities that are being designed to handle the storm water management. The Developer's engineer is required to evaluate the development site, based on actual field conditions and shall present a detailed storm water management facility plan, which meets the Village's requirements for the Village's review as a part of the engineering work on the project. If additional storage capacity is needed, more retention areas may be required.

SITE ACCESS: The Conceptual Plan shows that the development is proposed to be constructed in two phases, Phase 1 proposes to include 72 lots with three access points into the development, again, one from the south at 128th Street as approved by Lake County, and two from the north from 26th and 28th Avenues. Phase 2 proposes to include 73 lots with a fourth access point at 122nd Street. All construction traffic will access the development through and down to 128th Street.

In addition, this development also provides additional access for future development to the east at 122nd and 126th Streets for future access to undeveloped land to the east pursuant to the approved Neighborhood Plan.

Temporary turn-arounds are required for all dead ended street that are intended to be extended when adjacent undeveloped land is proposed to be developed. Therefore, 122nd and 126th Streets will terminate with temporary cul-de-sacs that would temporarily encroach into Outlots 4 and Lots 67 and 68, or the developer will obtain off-site Temporary Easements from the adjacent landowners for these temporary cul-de-sacs. Temporary easements shall be dedicated to the Village for the roadway to end in a temporary cul-de-sac that meets the Village specifications except that no island will be required, the cul-de-sac will not be paved nor is curb required. The temporary cul-de-sac will be removed and the easement vacated when and if future development to the east is proposed at the cost of that adjacent developer.

PROPOSED ZONING MAP AMENDMENTS: The residential areas would be rezoned to the R-4, Urban Single Family Residential District. The field delineated wetlands would be rezoned C-1, Lowland Resource Conservancy District, and the other open spaces areas would be rezoned to the PR-1, Park and Recreational District. At the same time the Preliminary Plats are submitted, the developer shall petition for the Zoning Map Amendments as described.

POPULATION PROJECTIONS within the proposed Subdivision are based on the number of households when it is fully developed:

- 145 single family dwelling units or
- 396 persons upon full buildout.
- A total of 61 public school age children are likely to come from this development based on the projections as put forth by the Kenosha Unified School District..

The Village provides copies of proposed developments to the Kenosha Unified School District to assist in their site planning.

With that, I'd like to continue the public hearing for the consideration of the conceptual plan for the Prairie Trails East Subdivision.

Tom Terwall:

This is a matter for public hearing. Is there anybody wishing to speak?

Bill Buskow:

My name is Bill Buskow. I live at 3620 122nd Street, and this project is going to affect traffic in my immediate area. Specifically, I'm not in agreement with the conceptual plan. Specifically, it's the proposed road that's going to cross the Kenosha County Bike Trail. I'd like to start off giving just a little history and then I'll proceed. I've been involved in two similar type of hearings for a house I owned in McHenry County and when we used to live in the City of Chicago, and what I've observed is oftentimes hearings are not in the best interest of the local neighbors. Now, what really stands out and strikes me as not nice, if you will, is the fact that we just heard about this by default. In one of these faxes, let me read it. I made a mistake . . . this letter is sent to people 300 feet from the property to be discussed. 300 feet to me is clandestine and unsatisfactory, because clearly most of the neighbors live further than 300 feet from this proposed project. So that's not really letting everyone know.

Secondly or thirdly, what this proposed project is going to do, your traffic flow is going to increase significantly. I believe somewhere in the order of 150 homes are being proposed. With that number of homes, I have small children and most of the neighbors along 122nd Street have small children, and with this proposed road cutting through the bike trail, there shall be increased safety hazards to the small children there. That's the bottom line.

I would like to finalize this by saying that I think the builders and the developers can think of alternatives to this road that's going to be crossing that bike trail. I know we have quite a bit of technical talent in the neighborhood itself. If they were willing to give us the drawings, we can easily give them alternative proposals to what they plan on doing. The bottom line is we'd just like a neighborhood with less traffic so our children can play in it. That's it.

Tom Terwall:

Thank you.

Ted Pickus:

Thank you. My name is Ted Pickus. I'm with Prairie Trails LLC, and I just want to say we've been working, as Jean pointed out, and I'm not going to go over it because Jean did a great job of presenting the report, but we've been working with Jean for the last couple years with this Sheridan Woods Plan, and that's what we are trying to follow is what the Village has come up with as a plan for proper growth in this area. So that's what we've been trying to achieve is working with the Village to maintain this plan.

One other thing I want to just bring up is I was involved with the two first phases of Prairie Trails, and I've been working with the President of the Association to combine both of the first two Associations and it was brought up to me today when I spoke to him is they're concerned about the name, and we will address that. I guess there's some concern that Prairie Trails East they really don't want that to be associated with them. They are, obviously, adjoined at the bike trail, but we will consider a change of name. But, as you can see, the bike trail does connect as the gentleman pointed out. We did try to make it as difficult as possible for someone to drive through there if that's what they were trying to do to get from Russell Road over to Lewis Avenue and not have it be a straight clear cut shot to cut through the subdivision. Thank you.

Tom Terwall:

Thank you.

Ken Olenstein:

My name is Ken Olenstein. I live at 3610 122nd Street. I also, along with Mr. Bill Buskow live along that street. I just wanted to present something to you guys . . . that's the people that it's affecting, and I'm basically speaking in reference to the road crossing over the bike trail. This gentleman here, Ted, had mentioned that this plan has been in the works for a while. He's been working with Jean. Are you the current President of Prairie Trails Association, or not?

Tom Terwall:

Sir, I need you to ask you to direct your comments to the Plan Commission.

Ken Olenstein:

Yes, sir, I am and I will. In regards to that street being put in over the bike trail I, again, reside on 122nd Street and have not been informed that this was happening at all. I'm a new homeowner in the area. I've been there for almost two years now, so this wouldn't go back to however long you guys have had these plans in the works. However, I do feel as a taxpayer of the Village of Pleasant Prairie, a homeowner in Pleasant Prairie, that I should be informed of this in some way, shape or form. I do not subscribe to the paper, *Kenosha News*, and actually I was informed of this on Friday by a concerned resident who actually doesn't even live on 122nd who came up to my house while I was in the front yard Friday evening and asked me if I had any idea that this was transpiring. I, of course, did not. And this does affect, as you all saw, those children in those pictures. As you know, little kids, especially little boys like to run. They don't like to listen. They like to run and play.

Now, Mr. Ted Pickus has mentioned that they had designed this road in a fashion to where you're going to limit traffic. However, if you look at the way that this is structured, the way that this is set up, that the traffic and everything that's located in our area, unfortunately, is west of where this subdivision and my subdivision is to include things mentioned in this meeting like the RecPlex, shopping out on Green Bay Road. All these things are west. They're actually northwest, as which that road goes that way. So in my opinion people driving to your RecPlex are going through. They are not going to take one of these side exits or entrances that you said. Who is going to drive east and then head back out west when they can just go right up and in front of my house where I have four children. My neighbor has two children. My other neighbor has two children. My other neighbor has three children. There's a lot of children in the Prairie Trails Subdivision, and especially on 122nd Street.

I feel like I was not properly notified that this was occurring. This does affect the marketability of my home. When I go to resell this home, single family dwellings, as we all established in this meeting, are primarily used for families, people with children. Single people do not buy single family homes mostly. Some of them do, but definitely not for the most part \$300,000 single family homes, but families do, families with kids, and this will affect, in my opinion, the future resale value of those houses on 122nd Street.

Now, there was a fax from the Village of Pleasant Prairie sent to one of my neighbors when they inquired with the Village about this. And on that fax written by one of your staff stated, the individual's name and I made a mistake. This notice was only sent out to people 300 feet from that road. Now, this road here affects a lot more people than 300 feet from that, and I think you all can agree, due to the flow of traffic and the positioning of this subdivision and the location of goods and services in our area. I don't want to take up too much more of your time, but I do feel that I was not properly notified that any of this stuff was under consideration, and it does affect the value of my home and what I work for and my family and the safety of my children.

Any person trying to go to the RecPlex, the shopping, to I-94, a lot of people use these routes which are west of that subdivision which that road is going out west. It doesn't take a rocket scientist to figure out which way they will be going. What I would ask of the Village of Pleasant Prairie is you not allow that road to go over that bike trail and put I'd say well over 20 to 30 kids in danger of getting run over. What I would propose, though, is to find some alternative route to redirect that traffic. You already have three entrances and exists to this subdivision, and I don't understand why we have to have one that goes through another subdivision full of children. Now, maybe if a condominium complex was there it would be a different story, but it isn't. What I would like to see happen, instead of this road going this way, I would like to see it go this way instead of crossing over that bike trail.

Now, what I see and I wasn't aware of that you guys are planning on putting a park here. So from my observation of this is that this road now not only goes right in front of all these houses with all these kids, but it goes in front of a park where the kids are playing. I don't know what the goals and objectives of the Village of Pleasant Prairie are, but you're putting a lot of children in danger by putting a road there and in front of all those homes where all those children live and where all those people pay lots of tax dollars and high assessed values to your Village. And that's all I have to say tonight. Thank you.

Tom Terwall:

Thank you.

Bruce Frederickson:

Good evening, Bruce Frederickson, 12138 26th Avenue. I'm the property just west of 26th Avenue and I'm on the north abutting property. My concern is the storm water. As I look at the conceptual plan I see that the storm sewer system will be dumping into basically my driveway culvert. Also, there's an outlet on 28th Avenue that's going into a ditch that to the best of my knowledge was constructed by the Village of Pleasant Prairie in the early '90s, and I had some concern with that with regard to the gradient. The engineering firm I worked for we laid out the alignment for the ditch, and I do believe that the difference in the elevation between the discharge on 28th Avenue and the inlet it goes into on 26th by my house I believe it's less than a foot and a half over that 600 foot of ditch.

Also, since that ditch has been constructed on probably five or six occasions now that whole corner has been flooded during a heavy rainfall. I do not believe that the culverts are a sufficient size downstream from where this water is going to go into are of sufficient size to handle any more water coming in if they can't handle the water that's coming in there now. I do feel that a downstream drainage study would be appropriate to deal with the water concerns as they exist at this time. Right now, as I say, with a heavy rain, this intersection floods, and I bet water encroaches as much as 40 to 45 feet up into my yard from this water, plus the whole intersection. My neighbor to the east he has water halfway up into his yard. Len Clark who used also was my neighbor and also had something to do with the Village he had water in his yard on numerous occasions. The creek that runs through Mr. Clark's property to the northeast I believe should be cleaned or a different alternative to this storm water has to be addressed probably before any type of construction goes on in here.

The ditch itself we never had water or never had a flooding problem at the end of 26th Avenue until the ditch was constructed, and the reason as to why it was constructed is rather vague to me right now. All I know is I helped determine alignment and a gradient for it at the time it was put in. But I do recall that there's not a heck of a lot of pitch from 28th Avenue or from 26th, so that's my concern.

Tom Terwall:

Mike, you'll be prepared to answer that when we're done?

Mike Pollocoff:

Yes.

Keith Kull:

Keith Kull, 3609 122nd Street. I prepared some comments for the Planning Commission. I did it so at least you had these in writing just in the event that the minutes didn't capture some of my thoughts. Who should I give this to? I guess I first want to start by saying that I think the Planning Commission overall for the most part in many cases does a fine job. I think in some

cases, though, that there's mistakes. And I think that looking at this particular conceptual plan and considering all of the ramifications of crossing the bike trail at 122nd Street, this is a mistake waiting to happen. And if you approve it tonight, it's a mistake waiting to happen.

We've discussed this for a long period of time. This thing started off in 1990. I think I heard some comments from Jean and Mike and so forth saying you had your subdivision and so forth and so on, and even Ted here mentioned that he was working with Jean and some of the Village staff with regard to this subdivision and laying it out and getting it so it was acceptable. But, what about working with the citizens, the folks in the adjacent neighborhood, working with us? And talking about going back and working with the Village staff and being involved in the first two phases of the subdivision, let's go back before then. We can go back before then because I was around and I was involved with this before then. I was involved with it before McLaughlin had it. The only reason that bike trail or that road crosses the bike trail going back to 1990 is because Bill McLaughlin owned the property on the other side of the bike trail and, Mike, you know this just as well as I do, and he picked up the property that's now on Prairie Trails West, and there was no access to it. It was landlocked, so to speak, and the only way to get it across was to put a road crossing. This goes back to 1990. Yes, it does, but things change, and I see certain things that change and certain things that don't change here. There's been plenty of time for change.

If you approve this tonight, it's a mistake waiting to happen, but there's still a chance for change. One of the changes that takes place, let's go back to 1990, you know that was all cornfield there. Even where I'm at it was all cornfield. Now, phase 1 went in or Prairie Trails West went in and you have homeowners there, many of which have moved in in the last few years, and a good portion of the development that took place on Prairie Trails west of the bike trail took place in the last four to five years. So many of these folks don't go back to 1990. So there's change that's taken place. These folks have a vested interest in that particular area, and the portion that goes across the bike trail many of them are unaware of it. Just like we had tonight, 300 feet folks were notified, 300 feet from the proposed subdivision. What kind of notification is that? A handful of homes. It's not all those that get affected by what takes place on 122nd Street crossing the bike trail. You've got about 25 to 30 homes between that bike trail and 39th Avenue. All of those folks are affected by this, not just those 300 feet which was three or four homes. All of those. Why weren't we all notified? Maybe it's a State statute. Maybe there's a requirement by the State to notify those within 300 feet, but where is the obligation to notify the citizens?

I think there's alternatives, and I put it in my note, to crossing the bike trail. We've raised the question before. We've raised the issue before. At the neighborhood sketch plan we raised it then. What is the need to cross the bike trail? I agree with Bill, I think there's much expertise in our own subdivision that could help out with designing something that would not cross the bike trail. Let me point something out here, and I think it was just mentioned earlier. What is the reason why this road cannot come across and take that traffic to the north avoiding the crossing of 122nd Street? I think what everyone here needs to look at is you can listen to the recommendation of the staff, but I think you folks as Board members need to look beyond the recommendation of the staff and what some of the developers are actually telling you.

Yeah, I was in those shoes, too, at one time, but let's look beyond that and say when you cross this bike trail, why are you crossing the bike trail? To go west. This subdivision is south and east of where we're at. I heard it before, where are the goods and services of this community of Pleasant Prairie. Okay, the RecPlex is west. It's the shopping. Where are you going to go to?

Roger and Marv's? You going to go to Woodman's? Where are you going to go? You're going to go west. And how are you going to get there? Are you going to come down to 128th Street to go west? No. Are you going to take and let's see cut through here some how and go up here and let's go to wherever this is going to go to to 116th Street to go west? Let me tell you, and I submit to anyone here on the panel, if you lived in this subdivision you'd be cutting through and I know it. I just know it doesn't take a rocket scientist or an engineer to see that you're going to take a shortcut. And where is the shortcut? It goes right down 122nd Street. If you take one-third of those homes, 150 homes, let's just take 50 of them, two cars apiece, how much extra traffic is going down 122nd Street?

And another comment, someone mentioned something about the kids and how are they affected. That's a fact. Guys, hey, you're all invited. Each and every one of you come on down to Mr. Kull's house on 122nd Street and 36th Avenue, and you can sit out there on my front porch and watch the traffic. Let's watch the traffic rip down 122nd Street. Yeah, there's a stop sign there now, but let's look at the traffic going down there and think about at least a third of those homes cutting through there because it's going to be a shortcut to the west. Now you've got all that additional traffic. And he mentioned, like I say, the kids and so forth where are they riding their bicycles? You see any sidewalks there? No. No, there's no sidewalks. No, they don't ride-- they ride on the street. They walk on the street. They jog on the street. Now you have all that additional traffic on the street. Guys, if you approve this tonight, it's a mistake. I think and I submit to Mr. Pickus here and to the Village staff, the planners, let's work together. Let's find another alternative to crossing the bike trail. It doesn't need to happen. It just doesn't need to happen. Things change, and one of the things that changed, like I said, is now you have a number of people that are on the west side of that bike trail that are vehemently opposed to this thing crossing the bike trail. Plus you're impacting affecting those that are utilizing the bike trail for, well, riding a bike.

There's a number of things that I think I could say regarding this, but I want to finish up and I had quite a long time to speak, but I am opposed to this. I think the Village Board, and I submit to you if you approve this tonight it's a mistake waiting to happen. You're sending traffic down 122nd Street utilizing it as a main thoroughfare to the west, because most of the goods and services are to the west. And there's options, there's alternatives here. People are going to be in danger by crossing the bike trail.

Frank ??:

12126 28th Avenue. I've got just one question. Concerning this park in the northwest corner of this new subdivision, the 50 feet that is like from my property line to the farm field that's there now, that's an easement, the sewer runs underneath that piece of property, is that going to stay an easement, an open space away from the residents of the subdivision to get to that park, or are they going to cut through people's back yards? I'm just curious what happens to that 50 foot easement west of 28th Avenue.

Mike Pollocoff:

The only thing it can be used for is sanitary sewer.

Frank:

So it's not going to become individuals' property?

Mike Pollocoff:

Well, it's their property now. Was it on your property? That goes south, it was McLaughlin.

Frank:

Right, it was rumored in the neighborhood that years ago when the sewer went in the guy donated the land so he didn't pay the linear footage assessment. I'm guessing that it's Pleasant Prairie's property.

Mike Pollocoff:

Nobody gives us anything. So Mr. Pickus and his group will have to pay for that sewer line that went through just like you have to pay--

Frank:

Oh, it's their property?

Mike Pollocoff:

No, it's on their property, and then when they put this plat in, that sewer easement will be in the back lot along that road there.

Frank:

It's going to be in the individual's back yard then?

Mike Pollocoff:

Right. And the only thing the Village has access to is the sanitary sewer there. It can't be used as a right of way, as a path.

Frank:

How are people supposed to get to that park? I'm just curious.

Mike Pollocoff:

Along 122nd and down the bike trail.

Frank:

There won't be any building on that 50 feet, garages or whatnot, right, because you're going to have to have--

Mike Pollocoff:

You can't have anything there.

Frank:

Okay. And then I'd also like to make the comment I don't think it's a good idea for that road to go over the bike trail. I see a lot of traffic on that bike trail, but I don't want to see it going north on 28th Avenue or 26th. Those streets are narrow, guys. I'm telling you. Maybe you don't care that three dogs this year along got run over. The kids are on their dirt bikes, their four wheelers. You've got to be very slow going down that road, and a lot of young kids on that road, too. Not mine, mine are grown, but I think it's a bad area for this development. I'm sorry, it's in the middle of established neighborhoods to the north and to the west. I see your only objective is to go south and make yourself a couple entrances on 128th Street. I don't have a solution. All I know is 28th Avenue is very narrow and there's no sidewalks. It's a bad spot. I agree with this gentleman with the drainage, because I live just west of where he is, and the culvert starts by us and it goes to you, and there's a one foot pipe that collects that water. I don't know if you're going to add to that but it's a mess. John, Jr. was out there, he seen it from the streets. It's going to need to be addressed before you build more there.

(Inaudible)

Frank:

It's flooded my house and the septic sewer which I said before that was never closed off when they went municipal, so all that stuff backed up into my house. I'm still reeling from three years ago and \$18,000 from your subdivision that all the water from that retention pond that's supposed to be retained there, but there's a 30 inch culvert pipe underneath that bike trail that once that retention pond filled up in 2000, it kicked all that water into our yards, so it didn't really retain on your properties. It came on ours. That's it. Thank you.

David White:

David White, 1808 128th Street, just east of this development. What I'm primarily concerned with is the surface water flow off of this area. In the springtime you've got a pretty good river developing here. I know because I know the guy who farms this field is a . . . in his area, and by the time it gets to my property which is two big lots further east, it's a small creek. I would be interested in identifying how they plan to retain the water and not increase the rate. As this person said, they're required not to change the rate of water that exists to this area. But this area is going to become paved and that's a significant change. I'm amazed that there's a plan to support that water retention that's going to be generated by the paving of this area. It's a big area of open fields right now. You've got natural water retention.

Unfortunately I've got the exact same comment I did about the property to the north of mine. Right now there are kids with dirt bikes and four wheelers which invade these farm fields. Just this last weekend, specifically like this person did here over here, sir, are you John G. Braig or are you Eric J. Olson. Specifically, I'd like to point out this weekend, just last Saturday, there were kids in four wheelers running around through the cornfields bordering my property tearing

up the fields. It's a problem now. When they put in these subdivisions, the number of children and the number of four wheelers and dirt bikes will go up 10 to 20 to 30 fold, and it will be a 10 to 20 to 30 fold increase in problem. Think back just a few years ago, there were these snowmobilers on the Fox Lake area running across people's front yards. One man got tired of it and put a rope around his property. His daughter's boyfriend comes barreling across the lake, hits that rope and took his right off.

Just last year I had a four wheeler come barreling through my fence, from my next door neighbor's property, right through my property, right through my fence right into my hayfield. If I hadn't notice it before I hit it with my hay making equipment, I would have lost a \$15,000 hay vine. But if I had my cows out in that field and they find a way through that fence out into the road, I've got liability for any damage incurred to the vehicle and to the occupants of the vehicle. You're going to increase my problem by 10 or 20 or 30 fold if you don't erect a barrier to keep the kids from the subdivisions off the farm fields.

One last thing. When they do increase all the traffic on 128th Street, what is the plan for that? Are you going to turn it into a four lane road? Will you knock down all the trees along side it? Can you explain that?

Tom Terwall:

Anybody else?

Jeff Macathy:

My name is Jeff Macathy. I live at 3321 121st Place. Mr. Chairman, Board, I think the take away here you know that we're against 122nd running into the new subdivision. But a couple of key things from a protocol perspective that maybe you can educate us on. Is there a more efficient, expeditious process relative to your group and the builder and the current residents of Prairie Trails West if we could look at alternatives to running that through? And then, second, from a Village bylaw perspective, is there in fact a petition process that we could actually get signatures? What you're seeing is a pretty small representation of Prairie Trails West, and I feel pretty confident that we could pull together a campaign that might show you how serious we are and how concerned we are about this 122nd running through. So if you could just educate us on future protocols and processes that would be great. Thank you.

Tom Terwall:

Thank you.

Beth Ann Christensen:

Good evening. My name is Beth Ann Christensen. I live at 3201 122nd Street. I live on the property that is just--let me point it out. I live at the end of 122nd Street right where the bike trail will connect over. I just have a few points I wanted to run through. The first is that I know I've been involved in this process, too, maybe not back to 1990, but I know that I just wanted to refresh my memory from this piece of paper that we were given in how this differs from the last rendition of the workshop we went through. So there's been no changes from what was resolved before?

Peggy Herrick:

This is the one that was approved.

Beth Ann Christensen:

But in the process we had--the last time we were together we had a separate meeting that wasn't here, but it was after you had taken it back and you gave us two alternatives or something to review. I'm sorry, but I didn't keep my paper, but I remember that the road had taken a slight change.

Jean Werbie:

Yes, originally it went straight across, and so the alternative was to have the road bend down and maneuver through and the make its way back up towards 122nd Avenue. And that was acceptable to your husband and others that were there so that it didn't allow for that straight through traffic. Any traffic in that subdivision would have to really make a conscious effort to maneuver their way through the subdivision in order to take 122nd. So anyone on the north end would go north on 26th or 28th, and anyone who is headed south to Illinois or to anywhere south or over to the west could shoot straight to 128th and then shoot straight across without having to maneuver through the subdivision.

Beth Ann Christensen:

I appreciate you going through that. For some reason I didn't remember it having a bend. I thought it was an L configuration where there would be a stop. So I just needed to have that reviewed. Thanks.

The one thing I'm concerned about is we've been in the subdivision for over seven years. I'm concerned about the Pickus development. We've been a homeowners' association I think of 24 homes, and with the intention of the phase 2, which is not completely built out, we've been waiting for the longest time for these homeowners' associations to become jointly one. Our pond has suffered maintenance wise, because the way the payment situation has worked out. The other portion we set up our budget, and then we collect from our 24 which is required, but the other portion doesn't pay us out at the beginning of the season. It ends up trickling in over time, and then results at the end the rest of it comes through. So consequently we're cutting things and saying we have to turn off the bubbler because we're not sure we're going to get the funds. This has been going on for over four years it seems like. And I think the developer's agreement had set out whereby it as supposed to take place after 65% or 75% buildout. I'm concerned about that. I understand saying construction traffic and that, but I just want to know that we have a way, a mechanism, that we can be assured that these things that you're talking about will be adhered to. I mean here's a situation where it hasn't been adhered to. It hasn't. It hasn't worked out well for us at all. We've tried the channels going through the Village and it just has not worked. So I just wanted to make you aware of what has gone on with us with this developer that is taking on this other project.

The third is Jean had reviewed the construction traffic. I just wanted to make sure we adhere to that. I'm very concerned, because being at that location, I have five children all under the age of

10. They've grown up with playing in the streets. They haven't had the training to watch out for the construction trucks if they would be allowed through, so from my understanding we would not be included in phase 1, and that road, 122nd Street, would be built out at the end. Where would that be connected, at what point in time?

Tom Terwall:

I'm going to ask Mike to address that when the questions are done.

Beth Ann Christensen:

Okay. The other thing I was concerned about as far as my property goes and that connection, Jean had mentioned that the road, the elevation of 122nd Street, would have to be brought up to cross the bike trail. And so at what point and how far back would that go to the west along 122nd Street? And how would that impact--would it impact any of my property?

Tom Terwall:

It will start east of 32nd, won't it, Mike?

Mike Pollocoff:

That level of engineering hasn't been done. We recognize from the existing grade of that road it's going to have to come up.

Beth Ann Christensen:

It's considerably down.

Mike Pollocoff:

How far as to the length coming back that would be their engineer on the next phase of the process would have to do that design to let us know what it would be.

Beth Ann Christensen:

How could we--if it would impact our property, at what point would we become involved in that? Would we know about that?

Mike Pollocoff:

Assuming it proceeds, there's still a number of meetings that need to take place. This meeting is the conceptual plan process which gives the developer and his engineer the direction to begin designing in earnest. Nobody's time is well spent if we don't have a conceptual plan that everybody is happy with, and then you start designing and doing engineering drawings based on that, and then it turns out it gets scrapped or changed. I've heard a number of things tonight that we would direct the developer to modify or change, and based on those changes and the layout, then the design would begin. But the next phase we'd bring in a design so that we could give

specific information as to what the change in the elevation of the roads would be, where the storm water would be going.

Beth Ann Christensen:

So that's all part of the public hearing then, too?

Mike Pollocoff:

Yes.

Beth Ann Christensen:

Okay, sorry.

Mike Pollocoff:

No problem.

Beth Ann Christensen:

But just showing on the drawing there, there's a considerable change. I believe this is also going to impact the pond side, too, that property. So all that is going to be taken on by the developer? Anything that was there existing will be replaced that way?

Mike Pollocoff:

That's correct.

Beth Ann Christensen:

Jean mentioned that there was a traffic impact study done for 122nd Street?

Jean Werbie:

No. 128th Street.

Beth Ann Christensen:

It was only for 128th?

Jean Werbie:

That's correct, required by Lake County.

Beth Ann Christensen:

I thought there was a need for 122nd Street as it impacted the development.

Jean Werbie:

No, and we specifically discussed that matter with Kenosha County and how it led up to the County Highway or 39th Avenue, and they said it was not needed, not contemplated. Due to the distance and the number of access points that they would not require one.

Beth Ann Christensen:

So, in the development, though, is 122nd Street going to be built out at the beginning of phase 2? And, how is construction traffic going to be dealt with for phase 2. You've said signage, but signage doesn't work. We've had signage on our road, and we still have construction trucks coming down.

Mike Pollocoff:

The plan is that if this proceeds that construction traffic would need to come up through State Line Road, because there would be no access constructed across the bike path for them to get across.

Beth Ann Christensen:

That's the primary, and then the secondary at the end.

Mike Pollocoff:

And when the secondary is done, that's the last piece that ends up being done is having that done. So we're not--just from an engineering standpoint, and I'm sure you can remember as anybody in that subdivision can remember, there's some problematic soils in that area there, and we had a hard time getting 122nd and the street to the north to settle down and get stable with the trench. So there was some trench settlement. That profile won't tolerate a lot of heavy construction. So in order to maintain the existing asphalt that's on 122nd, no matter how this thing lays out, we're going to be policing that to make sure there's no heavy equipment going on on that road, because it won't tolerate the weight of the trucks and the number of trucks, how many axles will be going over that road over a period of time.

Beth Ann Christensen:

That's reassuring. I appreciate that. I just wanted to get a little further information about the park that was going in. For the acreage, how do you foresee that being designed and used? Is there equipment on it? Soccer fields? How will that park be developed? Do you know? And then along with that is access and parking. So the parking would occur along the roads, so how is that going to be allowed for? What happens right now is our pond gets used by other people not in our homeowner's association. The fish there. The word is out, fish and ice skating in the winter. People come and drive to that. We haven't put any private signs out or anything, so people come out there and they park their cars and use the pond. So I guess my concern would be that being private property being maintained by a homeowner's association, how does that blend with the public park and increased access to it and liability and all that. So I just was thinking about that and had a concern about that. That's all I had. Thank you.

Tom Terwall:

Thank you. Anybody else?

Ken Olenstein:

Ken Olenstein, 3610 122nd Street. Could you put up that one, the picture. I just wanted you to take a look at the bike trail itself. Just take a look as it goes out, in reference to a fax that was received by one of my fellow neighbors from the Village of Pleasant Prairie stating that we notified everyone within 300 feet of this. Take a look at that and see what's within 300 feet.

Now, my next point would be in reference to traffic patterns. There was comment stated the original plans had a straight line or a straight road running straight up to 122nd Street, and that then there was revised so that it would curve to limit the flow of traffic. If you could put up that sheet for me so I could show to the members how that will really--it has somewhat of an effect but a limited one at that. Due to the position of the subdivision being southeast, it really makes no difference, because you can see that the majority of that subdivision is located south of 122nd, the majority of the homes. So in reference to the flow of traffic having to go around, well, you can do a couple of things. You can go around, or you can go down out to 116th, which is way, way, way out of your way and then back out west. Or you can go south to 128th and then head west again. Or, you can go around the . . .

Mike Pollocoff:

. . . done in a manner that the Village wants it to be done in, in a manner that doesn't tie up significant Village resources to make sure that it happens. To that end, I think if the Plan Commission authorizes the staff to work on further iterations of this plan or how it should look, I mean I think that's one of the other things that needs to be addressed is the developer's ability to carry this development off without fighting to get them to the table to get things done and work with the people that need to be worked with. Because that is an issue and it has been an issue.

I do think that there are some ways to make that 122nd Street movement probably less desirable or a little bit more problematic to work with. I think that ideally from a transportation standpoint a straight shot would be the best way to move traffic through there, and we wouldn't be doing that, but there's some alternative that would step that back and make it so it would encourage traffic to go north or south as opposed to going east or west. I just don't think--but if the thought of the homeowners is that there be no traffic in there, I think that question was answered by the people that are responsible for providing rescue and police and fire service to this community to make sure we have an access to get across that path. That's why that thing is there. It's there for no other reason than that. I guess those are the comments I had. I don't know if Jean's got some that I haven't hit on.

Jean Werbie:

One of the comments earlier was that what are the reasons for us needing to cross the bike trail at this location. And they're the same reasons that we looked at 10 to 12 years ago when we were evaluating the layout for the developments in this area. Public safety and accessibility, being able to provide mutual aid, public services, fire access, school bus access, snow plowing, garbage collection, traffic movement, those were all reasons that we looked at. We don't look at things

haphazardly. We don't just pull things out of the air when we lay out subdivisions. We look at them, look at them again, and re-evaluate them. We've had our engineer look at this. We've have HNTB's engineer look at this, the developer's engineer look at this, Kenosha County looked at it initially.

So, again, with respect to the amount of housing in this area and the access points, one of the points of connection for Prairie Trails West was the connection east. There were three access points that were looked at for their development, two initially. And at the time we first started this in 1990, we thought that these developments would move one right after the other and Bill McLaughlin was going to be the developer. Instead, after the first phase, it was turned over to a different group. Again, Ted really was not a primary player, although his firm and his family were primary players, but he was not a primary player in the Prairie Trails West Addition #1 development. So in all fairness to him, I think that his family and members of his family have not done the development justice west of the bike trail. And there have been a number of issues with Mr. Brandenburg, with residents, with homes, with a whole bunch of things out there that did cause some significant problems for those residents and for the Village.

The question of . . . we expected this to be a dead ended road into the bike trail, and we didn't expect that it would ever cross over, I'm not sure how to respond to that. Because if anyone would have asked the question here at the Village Hall, whether it would be a realtor or a property owner, we would have told them that the plan was that it was going to cross over, because we don't build all the roads in Pleasant Prairie to dead end into cul-de-sacs or to dead end into public bike trails. All the residents needed to do was ask..

With respect to the notification, again, the statutes do require 100 feet. We have notified up to 300 feet, and I would apologize to Mike Renner, because this summer he had been e-mailing me back and forth on a whole bunch of issues with respect to that subdivision, concerns that they had, issues regarding property owners, vacant land, all sorts of things. And it was my fault that I did not send a personal notice to him not thinking that he was within 300 feet. I should have sent him a personal notice, because I knew that he was the president at that time, because he was e-mailing me regarding other things that were coming up in that subdivision that they needed assistance with, so I apologize for Mike regarding that.

With respect to the park that's located in the northwest corner of this development, it is good public policy to put public roads next to public parks. It's always been good public policy, and it's good for accessibility and access, whether it's for parking of cars, bikes or dropping off children, as well as visibility for the police and other people to be able to see what's going on in that park. That's good public policy, always has been and always will be. Many parks, for example, in the City and other areas are bounded on all four sides by public roads. We have not taken that strict position here in Pleasant Prairie, but we think that accessibility by public roads by public parks is very important.

Speaking of which, that public park is intended to be maintained and owned by the Village of Pleasant Prairie once it's developed by the developer. So we intend to make sure that it functions and acts as a public park. In fact, Kenosha County was very excited to see a public park adjacent to the bike trail as a stopover or rest spot area. And they even talked about additional bike racks and areas maybe even for parking so that people could park and get on the trail and go from there. So that's very much a good thing to have adjacent to the bike trail, and it has some accessibility at a number of points adjacent to the subdivision.

With respect to just so that everyone knows, all of the minutes that come from this evening, what we're doing is we tape all the meetings verbatim, and then they're transcribed word-for-word, so all of this information does become part of the public record. The secretary doesn't spend the next three weeks of her life editing or making any changes. Basically it gets typed verbatim so that we have a good, accurate account and record of everyone who spoke and everyone who said something at the public meeting.

One other place that we post the meeting agenda information, just so that people know, in addition to it being published every Saturday before the Monday meeting in the legal section, is that we also post the full agendas, and our agendas are pretty detailed, at three public posting places in the Village. And those are the Village Hall, at the Prange Center and at Fire Station #2. So we do that very deliberately so that if anyone has any concerns or issues that could be coming up, that they could view those agendas at any time.

With respect to something that Jeff had brought up regarding a petition process, typically a petition process is driven by a rezoning. If there's an opposition to a rezoning, then if you gather so many signatures by various residents in an area, you can force a super majority of the Village Board to act on a rezoning petition. The Plan Commission makes recommendations on conceptual plans, rezoning, preliminary and final plats, but it's the Village Board that takes the final action. So only with rezonings as outlined in the statutes can they force a super majority which in this case would be four out of five Village Board members to change an action in a rezoning. If, in fact, a rezoning is denied, then the concept plan doesn't move forward.

One of the questions or comments that was brought up by Brett was regarding the tree preservation area. There are a number of trees that exist on both sides of the bike trail. It's our intention that if any of these trees do exist on land to be developed, that we put a tree preservation area easement along that entire length of the bike trail so that those rear areas are protected. No utility easements can be placed in those areas, like electrical utility or cable or telephone, that would disturb those areas. We would require all that utility access to be from the front so we can preserve the integrity of that bike trail, not only for the residents but for the people on the bike trail so that there's that buffer of protection between the two.

At one point we looked, pertaining to access, to see whether or not a second access could be provided to the State line. And Lake County in their evaluation, and I think that the engineer is still here, I think there are some recommendations from Lake County as to what needs to be done on 128th Street. But there was one connection that they would permit, and one connection only. So, as a result, we had done some evaluating, but this is where they wanted to see that connection. So I'm not sure if bypass lanes or accel/decel lanes were required by Lake County. The engineer can address that if we need him to come up to the microphone.

Tom Terwall:

I have two comments. I want to go back to a comment that was made earlier and I don't even recall who made it, but somebody asked the question if there were any Cub fans here. Because if Harry Cary were alive and saw the development going on here, he'd say holy cow. I need to say that you people wouldn't be living in the houses you live in now if Harry Cary's attitude prevailed. I got on this Board in 1977, and the sewer area in your area was so terrible, it was privately owned, there was no development, nor could there ever be development until the

Village got involved, extended sanitary sewer all the way from the City of Kenosha on 7th Avenue and 85th Street all the way out Sheridan Road, up 116th Street, down 28th Avenue and into the area that you now call home. That never would have happened. And guess who's paying for all of that? You guys are paying for the little piece in front of your house and that's all. And everybody else whose property that sewer line went past got assessed for their portion of it. Should we now tell those people, no, the Prairie Trails West don't want to see any more development. You just go ahead and pay for the sewer that they're enjoying.

Keith Kull:

That's not what we're saying at all.

Tom Terwall:

That is what you're saying. You don't want any more development.

(Inaudible)

Mike Serpe:

We're not going to get into that, please.

Tom Terwall:

My next comment is I'm concerned about the issue of unsanitary fill on the gentleman's property. If, in fact, the DNR was involved in that process and issued an order that that had to be rectified or remediated, I would think, Jean, that we should be able to find out if the DNR has ever signed off on that, and if not, why not. If there's still contamination on that property of asbestos, that's unacceptable, and I think that has to be looked into.

Mike Serpe:

I remember the Board meeting, Mr. Brandenburg, so well, and, Tom, I've got to tell you I feel like we've let him down tonight, because he presented a good case. Could I ask you one question. Who was the one person that said this project stops now? Do you know that person's name? Could we have it?

Brett Brandenburg:

Robert Schiller.

Mike Serpe:

Alright. A couple things I just want to bring up. It's my opinion that in order to make this subdivision work, a number of things have to happen. To put this many homes in this area, I think the first thing that has to be done is 26th and 28th Avenue has to be widened to safe provide, not the way it is right now. Secondly, I think we can come to a compromise on 122nd Street. I agree, being in public service police service for 28 years, you have to have access back and forth to subdivision. But I think, Jean, in the middle of the plot right here, that's a road connected. If

we were to eliminate that road, we would eliminate almost more than half of the subdivision wanting to go west on 122nd Street. You'd almost force them to go out either 128th or 116th, because it would be way too far out of the way to cut through. That's a compromise. The people then in Prairie Trails West would probably be living with about 30 to 35 homes going past their homes instead of 73 or how many are proposed here. That's just a suggestion.

But I think a number of things really should happen. I don't think 28th Avenue and 26th Avenue should be used as any access points for this many homes and the condition those roads are in right now. They're just unsafe. If the developer wants to go through with this plan, improve the roads, the price of land goes up and everybody is happy. That's just a suggestion. As it is right now, two things I have a hard time with. I'm very troubled with what I heard from Mr. Brandenburg tonight. That really bothers me. You have no idea how much that bothers me. That somebody could dump asbestos, contaminated soil on his parcel, and was told by the DNR to clean it up and somewhere along the line that was arrogantly stopped. That bothers the hell out of me.

Secondly, I don't know that we're ready to accept this thing as it is right now with 122nd Street being the attractive road to travel, and 26th and 28th Avenue being alleyways at best.

Don Hackbarth:

We've discussed this before, I know, but I thought if we were going to make this primarily for safety purposes, I thought we talked something about putting barriers there, that when police and fire had to go over it they could go through the barriers.

Mike Pollocoff:

Putting a barrier up, especially in the time of emergency, that's the last thing you want is a barrier when you have to go through it. I think that public safety personnel from Pleasant Prairie have looked at this. In other areas where you put a barrier up, you're either damaging your equipment to drive through it, or when you need to get through there, you have people stopping, getting out of their vehicles, opening the barrier. At the time you really need to have that open, you make it so it's not open, that's not where we want to be.

Don Hackbarth:

That's not what I meant as a barrier. What I was thinking in terms of is like a farmer. He might have an electronically switch and it slides. So you have a switch in the fire truck.

--:

They have barriers on the toll way that a fire truck and go right through them.

--:

That can be engineered.

James Bandura:

I agree with a great deal of what Mike has said here tonight regarding the issue of fill and having 28th and 26th redone to some point where it is passable. Mr. Brandenburg I believe he showed some pictures of some dumping. I just hate to think that it came from Mr. Pickus because he's going to do a subdivision there, and just to dump something because maybe it's going to come about. That's beside the point. Mike has a good idea. I think this pass through needs to be looked at again. I'm not so sure about this layout. I think it needs to be taken another look at.

John Braig:

I'm not real familiar with the 26th and 28th Avenue extensions, whether there's enough right of way or so on. I was under the impression that we were dealing with undeveloped land to the north of it and there was no possible access to 116th, but it sounds as though now there is, in which case I support the idea that this needs some revision and some reconsideration. I'm also grossly concerned about Mr. Pollocoff's comments about his relationships with the developer. Being as this is basically a conceptual plan, I think we will at some point approve it or endorse it, but if this were to be a final plan, and if we heard the same report from Mr. Pollocoff that as far as the developer's cooperation and adherence to the requirements, I'd be inclined to disapprove it. What I really want to say is when the final plan comes before this group, I hope Mr. Pollocoff can give us a much better report, because it will influence my decision.

Wayne Koessl:

As other members have said, this is a conceptual plan. I think the staff has heard a lot of comments from the neighbors to the west of this site, and I think that they are always taking into consideration as we progress with the developer and with the Village staff. My only request I think is that as this continues, I think we should make sure that the people in Prairie Trails West are notified of all of our meetings. I know we only have to do 100 feet and we do 300 feet, but in a case like this because of 122nd Street all of those people should be informed either by the Village or by the president of their association. But we have to get some compromise with 122nd Street because with safety and all of the things stated by Mike because of the Village work and fire protection that has to go through, and we have to work with the neighbors to get it done. I think the conceptual plan is the first step and we should continue with it, but start working on all the comments we heard tonight.

Mike Pollocoff:

Without coloring your recommendations, I guess if I could make a recommendation to staff that the Commission send the conceptual plan back to staff to look at some alternatives, some additional alternatives on 122nd, with the caveat if the recommendation is that there's going to be a crossing at 122nd, the variation on the theme would be how the traffic pattern works on the side of 122nd. I think if we're at the point where 122nd would not cross, then my recommendation is we not permit the development. At that point we'd probably looking at having the Village buy that land or be in some position of a takings which I wouldn't recommend.

(Inaudible)

John Braig:

Just a request of the residents of the subdivision Prairie Trails West, this group for this Board here is always willing to hear your comments and your opinions. We actually seek it out because we're here to represent you in many ways. And if it takes until midnight to hear it all, we're willing to do it. But what I'm suggesting is if you could channel your comments, especially when they're somewhat redundant, through a spokesman, I think it would in this instance have just as much effect on us. We recognize you area group whether you're speaking individually but repeating the same thing, or if you've got the president of the association or someone acting as a spokesman. I think we as a group will recognize that it's all of you speaking.

Tom Terwall:

Just a final comment. I would support sending this back to the staff, but I don't want to leave anybody with the impression that I am in favor of closing the 122nd Street crossing. As a member of the Village Board responsible for hiring the Police Chief and the Fire Chief, and after the many discussions we've had with those two gentlemen and their staffs regarding this crossing, I'm not about to turn my back on those guys. The concerns of the people in the subdivision weight heavily, but the concerns of the public safety weigh even heavier, and I think to leave here with an impression that we're going to find a way to close 122nd Street, I won't support that, but I will support sending it back to staff to see what can be done to reduce the amount of nonemergency traffic at that crossing. With that, I'll entertain a motion to do whatever you want to do.

Mike Serpe:

I think you said it, Tom, and I would make that motion that we send it back to staff.

John Braig:

Second.

Tom Terwall:

Motion by Mike Serpe and a second by John Braig to refer back to staff. All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

(Break)

Tom Terwall:

We still have four items left on the agenda.

- H. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT:** The request of Joy Corona, P.E. of Bleck Engineering Company, Inc., agent for Robert Larsen, owner of the properties generally located at the 7800 block of 128th Street to rezone the properties from PR-1, Park and Recreational District and A-2, General Agricultural District to A-3, Agricultural Related Manufacturing, Warehousing and Marketing District. The pond on the properties will remain in the C-1, Lowland Resource Conservancy District and the field delineated wetlands on Lots 1 and 2 of a proposed CSM are proposed to be rezoned to C-1, Lowland Resource Conservancy District. The FPO, Floodplain Overlay District on said properties is not being amended as a part of this request.

Jean Werbie:

The request of Joy Corona, P.E. of Bleck Engineering Company, Inc., agent for Robert Larsen, owner of the properties generally located at the 7800 block of 128th Street to rezone the properties from PR-1, Park and Recreational District and A-2, General Agricultural District to A-3, Agricultural Related Manufacturing, Warehousing and Marketing District. The pond on the properties will remain in the C-1, Lowland Resource Conservancy District and the field delineated wetlands on Lots 1 and 2 of a proposed CSM are proposed to be rezoned to C-1, Lowland Resource Conservancy District. The FPO, Floodplain Overlay District on said properties is not being amended as a part of this request.

The property owner is proposing to re-divide the properties by Certified Survey Map and create three five plus acres parcels for the future development of a single family home on each of the lots and for the properties to be used as a hobby farm. Specifically the petitioner is requesting to rezone the properties from PR-1, Park and Recreational District and A-2, General Agricultural District to A-3, Agricultural Related Manufacturing. The pond on the properties will remain in the C-1.

The wetlands located on Lots 1 and 2 of the proposed CSM have been field delineated by Hey and Associates on January 13, 2003 and to date have not been approved by the Wisconsin Department DNR. The wetland delineation report was sent to the DNR for review and final approval. If the DNR does not agree with the wetland staking, the owner will be responsible for submitting a zoning map amendment to correct the zoning map pursuant to the DNR wetland approval.

The 100 year floodplain has been located on Lots 1 and 2 of the proposed CSM pursuant to the Des Plaines River Watershed Floodplain Study on February 4, 2003 by Robert H. Calwell and Brian Cook of Bleck Engineering.

The Ordinary High Water Mark of the pond has been identified by Karen Van Atta with the Wisconsin Department of Natural Resources. Therefore, these properties are subject to shoreland regulations because of the navigable waterways on the property. All structures are required to be set back a minimum of 75 feet as measured from the Ordinary High Water Mark.

The wetlands, 100 year floodplain and OHWM for a tributary to the Des Plaines River north of the pond on Lot 3 were not field verified and prior to any development on Lot 3, the wetlands shall be field verified by a biologist and approved by the DNR, the OHWM shall be located by the DNR and the floodplain shall be located in the field pursuant to the current floodplain elevations.

As information, the A-3 District does not allow for any of the properties to be used as a contractor's yard for the storage of construction equipment and/or construction materials. The A-3 District will allow for the storage of farm implements, however, backhoes, dump trucks, front end loaders, graders, semi-trucks, cabs, trailers, mobile homes, or other similar are not farm implements and can not be stored on the property.

This is a matter for public hearing, and I'd like to continue the hearing at this time.

Tom Terwall:

Is there anybody wishing to speak on this matter? Is there anybody wishing to speak on this matter?

Joy Corona:

Hi, I'm Joy Corona with Bleck Engineering and I'm available to answer any questions.

Tom Terwall:

Thank you. Anybody else? Anybody else? Hearing none, comments or questions from Commissioners and staff?

Wayne Koessl:

Mr. Chairman, I'd move that we send a favorable recommendation to the Village Board to approve the zoning map amendment as presented.

Don Hackbarth:

Second.

Tom Terwall:

IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY DON HACKBARTH TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

- I. **The request of Joy Corona, P.E. of Bleck Engineering Company, Inc., agent for Robert Larsen, owner of the properties generally located at the 7800 block of 128th Street for a Certified Survey Map to create three (3) five plus acres parcels for the future development of a single family home on each of the lots.**

Jean Werbie:

Mr. Chairman, the petitioner is requesting to subdivide the properties generally located at 128th Street and 78th Avenue to create three five plus acres parcels for the future development of a single family home on each of the lots and for the properties to be used as hobby farms.

The development is located within the Green Hill Farm Neighborhood. On May 12, 2003, the Village Plan Commission adopted a Neighborhood Plan for the Green Hill Farms neighborhood. The proposed CSM conforms with the adopted Neighborhood Plan.

The properties are proposed to be zoned A-3, Agricultural Related Manufacturing, Warehousing and Marketing District, the filed delineated wetlands and the pond zoned C-1, Lowland Resource Conservancy District and FPO, Floodplain Overlay District for the areas located within the 100 year floodplain. These properties are also subject to shoreland zoning requirements, as discussed during the previous public hearing

The A-3 District requires that lots be a minimum of 5 acres with a frontage of 150 feet on a public street. Lot 1 is proposed to be a little over 5 acres with 359.97 feet of frontage. Lot 2 is proposed just over 5 acres with 319.68 feet of frontage. And Lot 3 is proposed to be 30.91 acres with 381.93 feet of frontage. The proposed Lots meet the district requirements.

On August 18, 2003 the Village Board vacated 78th Avenue north of 128th Street by Village Board Resolution #03-34 and said resolution was recorded at the Kenosha County Register of Deeds Office on September 22, 2003 as Document # 1353420 as noted on the CSM. This vacated street is incorporated into the Lot 3. In addition, Lot 3 has an existing pole barn that is proposed to remain on the property. As discussed during the rezoning public hearing, the A-3 District does not allow for any of the properties to be used as a contractors yard for the storage of construction equipment and/or construction materials. The A-3 District will allow for the storage of farm implements, however, backhoes, dump trucks, front end loaders, graders, semi-trucks, cabs, trailers, mobile homes, or similar are not farm implements and can not be stored on the property.

The wetlands located on Lots 1 and 2 of the proposed CSM have been field delineated by Hey and Associates on January 13, 2003 and to date have not been approved by the DNR. The wetland delineation report was sent to the DNR for review and final approval. If the DNR does not agree with the wetland staking the owner will be responsible for submitting a zoning map amendment to correct the zoning map pursuant to the DNR wetland approval.

The 100 year floodplain has been located on Lots 1 and 2 of the proposed CSM pursuant to the Des Plaines River Watershed Floodplain Study on February 4, 2003 by Robert H. Calwell and Brian Cook of Bleck Engineering.

The Ordinary High Water Mark of the pond on the property has been identified by Karen Van Atta with the Wisconsin Department of Natural Resources. Therefore, these properties are subject to shoreland regulations, and all structures are required to be set back a minimum of 75 feet as measured from the Ordinary High Water Mark of the navigable waterway.

The wetlands, 100 year floodplain and OHWM for a tributary to the Des Plaines River north of the pond on Lot 3 were not field verified and prior to any development on Lot 3, the wetlands shall be field verified by a biologist and approved by the DNR, the OHWM shall be located by the DNR and the floodplain shall be located in the field pursuant to the elevations.

Additional right-of-way is being dedicated for the future widening of 128th Street, which is a County Highway in Lake County; therefore, Lake County will be required to sign the CSM. In addition, Lake County will be responsible for issuing the driveway permit to service the three properties. See attached e-mail from Jennifer Weiss dated October 8, 2003 related to access to said lots. Prior to issuance of building permits, approval from Lake County is required for driveway any permits from 128th Street.

All new lots created shall be serviced by municipal sanitary sewer, and basement gravity service shall be provided for any new home constructed on said lots. A note has been added to the CSM that indicates this requirement, and the engineer submitted the attached letter dated September 18, 2003 verifying that all lots can be serviced by basement gravity sanitary sewer.

No additional Easements are required from We Energies pursuant to Rich Hooper. There are no outstanding taxes or special assessments on said properties. The Village staff recommends approval of the certified survey map subject to the comments and conditions as outlined in the staff memorandum.

Tom Terwall:

Through the chair to Mike. Mike, were special assessments levied against these properties at the time the sanitary sewer line went down State Line Road?

Mike Pollocoff:

No, that's a forced main. Wait a minute, at the bike path it does turn into a gravity main.

Tom Terwall:

West of 31 now, that's gravity at that point, isn't it?

Mike Pollocoff:

Right.

Tom Terwall:

Because according to our engineer, all three of these lots can be serviced.

Mike Pollocoff:

Right, they weren't assessed.

Tom Terwall:

Wouldn't we make that a condition of the CSM?

Mike Pollocoff:

The District would have to be reimbursed for the sewer.

Tom Terwall:

There probably were no laterals installed at that time I don't imagine.

Mike Pollocoff:

No.

Tom Terwall:

But before this CSM can be approved, I think there should be special assessments levied.

Mike Pollocoff:

It would be a special assessment, but before they could connect to the sewer, they'd have to pay for it, and the lateral would be their actual cost.

Tom Terwall:

But the reason they weren't assessed in the first place is because it was ag property and zoned at at least 15 acres. Now, when you're subdividing that down to five acre parcels, they don't qualify for that exemption any more, do they?

Mike Pollocoff:

No. So either they agree to pay it, or we'd have to conduct a special assessment hearing to levy an assessment.

Don Hackbarth:

The shaded area there in the middle, that's a pond, isn't it?

Jean Werbie:

Yes.

Don Hackbarth:

Is it characteristic to run a property line all the way to the back side of the pond? Don't they usually go in the middle so if it's developed on the back side, the person on the back side would have access to that pond as well?

Joy Corona:

Can I respond?

Tom Terwall:

Go ahead.

Don Hackbarth:

Because what I'm seeing here is if somebody build a house on the back side of that pond because the property line goes right up against the shore, they wouldn't be able to use the water.

Joy Corona:

Joy Corona, Bleck Engineering. There's an easement declaration included in the CSM that grants all properties equal access rights for fishing and boating and any other recreational purposes.

Mike Serpe:

What are they going to use these hobby farms for?

Joy Corona:

The current owner is going to maintain lot 3, and lots 1 and 2 they already know the proposed purchasers, and they all have farm equipment that they'd like to maintain, which is why you see the five acre lots into the lake. That was the five acre minimum in order to be zoned agricultural.

Mike Serpe:

These hobby farms they also allow livestock, is that correct?

Jean Werbie:

That's correct.

Joy Corona:

Lot 3 anticipates possibly having goats at some point in the future. I don't think lot 1 and 2 has any animal desires, but they do have equipment desires.

Mike Serpe:

I'd move approval of the certified survey map.

Wayne Koessl:

Second.

Tom Terwall:

SUBJECT TO ASSESSMENT. MOVED BY MIKE SERPE AND SECONDED BY WAYNE KOESSL TO APPROVE THE CSM SUBJECT TO THE SPECIAL ASSESSMENT AND THE COMMENTS AND CONDITIONS AS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

J. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT: The request of Robert Morrone of Bear Realty, agent, on behalf of Luigi Zicarelli, property owner, to rezone a portion of Tax Parcel Number 92-4-122-152-0006-0 (a 28.77 acre parcel located on the south side of 85th Street), from A-2 (FPO), General Agricultural District with a Floodplain Overlay, to the R-4 (FPO), Urban Single Family Residential District with a Floodplain Overlay and to the R-4 District (for that portion not located within the 100-year floodplain).

Tom Shircel:

The petitioner is requesting to rezone a portion of Tax Parcel Number 92-4-122-152-0006-0, which is a 28.77 acre parcel located on the south side of 85th Street, from A-2 (FPO), General Agricultural District with a Floodplain Overlay, to the R-4 (FPO), Urban Single Family Residential District with a Floodplain Overlay and to the R-4 District for that portion not located within the 100-year floodplain.

The petitioner, Robert Morrone of Bear Realty, agent, is requesting the rezoning in order to accommodate a proposed three lot Certified Survey Map. The CSM will be reviewed tonight by the Plan Commission as the next agenda item. The CSM proposes to divide the 28.77 acre parent parcel into two 27,000 square foot, approximately .62 acre, which are lots I and II, and the remainder of the parent parcel lot III will be 26.40 acres.

Lots I and II are proposed to be rezoned from the current A-2 (FPO) District to the R-4 (FPO) District and to the R-4 District for those portions of the proposed lots not located within the 100-year floodplain. It is the intent of the applicant to sell Lots I and II for the future construction of

single-family dwellings. The remainder of the parent parcel, Lot III, will remain zoned A-2 (FPO).

Pursuant to the CSM, approximately 20,060 square feet of Lot I are upland area, not located within the limits of the 100-year floodplain. Also, pursuant to the CSM, approximately 12,634 square feet of Lot II are upland area, not located within the limits of the 100-year floodplain. New single-family homes are not allowed to be constructed within the limits of the 100-year floodplain.

The R-4 zoning district requires a minimum lot area of 15,000 square feet and a minimum lot width on a public roadway of 90 feet. The proposed Lots I and II are vacant and both have areas of 27,000 square feet and lot widths of 120 feet on 85th Street, both which exceed the R-4 zoning district parameters.

As information to the property owner, if Lots I and II are rezoned from A-2 to R-4, the minimum floor area of a single-family dwelling on these lots would need to be a minimum of 1,400 square feet as opposed to the minimum 1,000 square feet in the A-2 district.

Furthermore, if Lots I and II are rezoned from A-2 to R-4 and R-4 (FPO), the minimum required setbacks as measured from property lines to foundations for a single-family dwelling are: 1) Street setback not less than 30 feet, 2) Side setback not less than 10 feet, and 3) Rear setback not less than 25 feet. Furthermore, no structures are allowed to be constructed within the limits of the 100-year floodplain, which is located on portions of both of the proposed Lots I and Lots II.

The remainder of the parent parcel, Lot III, will remain zoned A-2 (FPO). The A-2 zoning district requires a minimum lot area of 10 acres and a minimum lot width of 300 feet on a public roadway. The proposed Lot III has an area of 26.40 acres and lot width of 952.6 feet which exceeds the A-2 District parameters.

The zoning of the properties surrounding the parent Luigi Ziccarelli property are as follows:

- North (across 85th Street): Unplatted single-family lots, zoned R-4 (UHO).
Tuckaway Trails single-family subdivision, zoned R-5.
Tuckaway Trails storm water retention area, zoned C-1 and FPO.
- South: Vacant land, zoned R-11 (UHO), FPO and C-1.
- East: Unplatted land, zoned C-1 (FPO) and A-2 (FPO).
- West: Unplatted single-family dwellings, zoned R-2 (UHO) and FPO.

The rezoning of the Lots I and II to R-4 and R-4 (FPO) will make the proposed single-family lots similar in size to the existing single-family lots in the neighborhood. Moreover, the proposed Lots I and II exceed the lot area and lot frontage requirements of the R-4 District.

The Village staff recommends approval of the zoning map as presented.

Tom Terwall:

This is a public hearing. Is there anybody wishing to speak on this matter?

Robert Morrone:

Robert Morrone, Bear Realty, agent for Luigi Zicarelli, 4011 80th Street Kenosha, here to answer any questions if there are any.

Tom Terwall:

Anybody else wish to speak? Anybody else? Jean, is there anything you wanted to add, or are you giving it a rest?

Don Hackbarth:

Move approval, Mr. Chairman.

Wayne Koessl:

Second.

Tom Terwall:

THERE'S A MOTION BY DON HACKBARTH AND A SECOND BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING MAP AMENDMENT. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

K. Consider the request of Robert Morrone of Bear Realty, agent, on behalf of Luigi Zicarelli, for a Certified Survey Map to subdivide the property located at 6707 85th Street, to create two (2) additional properties.

Tom Shircel:

The petitioner/property owners are requesting to subdivide the property located at 6707 85th Street, Tax Parcel Number 92-4-122-152-0006-0, to create two additional properties.

The CSM proposes to divide the 28.77 acre Luigi Zicarelli parent parcel into two 27,000 square foot lots, Lots I and II, and the remainder of the parent parcel will be 26.40 acres.

During the previous agenda item this evening, the Plan Commission considered the rezoning of a portion of Tax Parcel Number 92-4-122-152-0006-0 from A-2 (FPO), General Agricultural District with a Floodplain Overlay, to the R-4 (FPO), Urban Single Family Residential District with a Floodplain Overlay and to the R-4 District for that portion not located within the 100-year floodplain. As you recall, you did recommend approval to the Village Board for that rezoning.

The R-4 zoning district requires a minimum lot area of 15,000 square feet and a minimum lot width on a public roadway of 90 feet. The proposed Lots I and II are vacant and both have areas of 27,000 square feet and lot widths of 120 feet on 85th Street, both which exceed the R-4 zoning district parameters. It is the intent of the applicant to sell Lots I and II for the future construction of a single-family dwelling on each lot.

Pursuant to the CSM, approximately 20,060 square feet of Lot I are upland area, not located within the limits of the 100-year floodplain. Also, pursuant to the CSM, approximately 12,634 square feet of Lot II are upland area, not located within the limits of the 100-year floodplain. New single-family homes are not allowed to be constructed within the limits of the 100-year floodplain.

The remainder of the parent parcel, Lot III, will remain zoned A-2 (FPO). The A-2 zoning district requires a minimum lot area of 10 acres and a minimum lot width of 300 feet on a public roadway. The proposed Lot III has an area of 26.40 acres and lot width of 952.6 feet, which exceeds the A-2 District parameters. Lot III of the proposed CSM is improved with a 968 square foot, single-family Cape Cod style house, constructed in 1948. The property also has three detached accessory buildings, two garages and a shed.

As information, all of the existing structures on Lot III are located within the limits of the 100-year floodplain. The Zoning Ordinance does not allow for structures to be constructed within the 100-year floodplain. Therefore, all of the existing structures on Lot III are considered legal but nonconforming structures. Additionally, all of the existing structures on Lot III meet the setback requirements in the A-2 District.

The proposed CSM conforms to the Whittier Creek Neighborhood Plan as adopted by the Village Plan Commission as Resolution #02-05, on March 25th 2002. You can refer to Exhibit A for that.

In order to inform the property owner, as well as any prospective purchaser of the properties, two notes have been placed on the CSM stating: "No structures, including but not limited to: single-family dwellings, garages, sheds, pole buildings, gazebos, swimming pools, decks, etc., shall be located within the 100-year floodplain" and "The single-family dwellings constructed upon Lots I and II shall have relatively similar street setbacks and shall have a street setback that is similar, or as close as possible, to that of the existing house at 6639 85th Street (CSM No. 1336)" which is directly to the east of these two proposed single family lots.

The following issues are important for the property owner and any future property owner to understand:

1. There are no municipal water services extended from the water main to the street property lines for Lots I and II along 85th Street. The water main is located underneath the actual 85th Street pavement, which is the northern outer lane, at an approximate depth of 7 feet. Similarly, there are no municipal sanitary sewer laterals extended from the sewer main to the street property lines for these lots as well. The sanitary sewer main is located underneath the actual 85th Street pavement in the southern outer lane at an approximate depth of 18 feet.

Therefore, the property owner/eventual property owner(s) will be responsible for open cutting of portions of the 85th Street pavement to make the water and sewer lateral connection(s) to the mains and will also be responsible for the restoration of the open road cuts.

The Village will require the following regarding the water and sanitary sewer work:

- a. Work-in-the-Right-of-Way" permits are required prior to commencing any work.
 - b. Saw cut the pavement.
 - c. Trench Boxes shall be used for the entire vertical trench excavation(s) of the sanitary sewer.
 - d. If possible, the excavation(s) for the sanitary sewer shall not encroach into the southern 85th Street driving lane.
 - e. The water service(s) shall be bored underneath the 85th Street pavement to a pit (within the northern outer lane) where it is connected to the water main.
 - f. The width of the road pavement replacement will be determined at the time of excavation, but shall not be less than 11 feet in width per lot per water service and sewer lateral.
 - g. Slurry backfill shall be used.
 - h. Replace road pavement in-kind.
 - i. Curb and gutter shall be replaced at the nearest expansion joints.
 - j. Any damage to under-drain for the 85th Street roadway shall be fully restored.
 - k. It shall be the property owner's responsibility to ensure that the depth of the house foundation(s) in relation to the depth of the invert elevation of the sanitary sewer is adequate to ensure that gravity sanitary sewer service can be provided to the basement(s) of any proposed houses.
 - l. The work to the 85th Street pavement shall be completed in a safe, but expedient manner in order to avoid extended lane closures and disruption to the roadway.
2. As the CSM depicts, there is an area of 100-year floodplain between the 85th Street right-of-way and the non-100-year floodplain area or upland of Lots I and II. As information, no fill will be allowed within the 100-year floodplain, and that includes for not even for any future driveway(s) to the lot(s). Any driveways traversing the 100-year floodplain shall be installed to follow the existing contour of the land.
 3. As information and pursuant to the Village Floodplain Overlay District, no land use, development or development related activity shall be permitted in floodplain areas which will:
 - a. Cause any obstruction to flow, or

- b. Cause an increase in the regional flood height equal to or exceeding 0.01 foot.

In this case, this Section applies to the installation of driveways in the 100-year floodplain as mentioned in number 2.

4. Pursuant to the CSM, the existing gravel driveway that serves the single-family dwelling at 6639 85th Street CSM No. 1336, encroaches onto the proposed Lot II by 5.4 feet. This driveway encroachment is a civil matter between the two property owners.

According to Village records, there are no outstanding taxes or delinquent assessments on this property. However, there is a deferred water assessment on the property in the amount of \$36,970. According to Mr. Rich Hooper of WE Energies, no additional easements are required.

The proposed land division/lots conforms with the minimum requirements of the R-4 District and the land division conforms with the Village's Land Division and Development Control Ordinance, Village Zoning Ordinance and all other relevant Ordinances or requirements of the Village.

With that, I'll turn it back to the Board.

Tom Terwall:

Comments or questions? Mike, is this one you want to add on to?

Mike Pollocoff:

Yes. I don't know if the petitioner realizes that those utility crossings are going to be in the \$25,000 to \$30,000 each.

Tom Terwall:

Can't do it with just one, Mike?

Mike Pollocoff:

No, water is on your side of the road, and the sewer is in the road, and when we put that sewer in it's deep. The soil is just like jello. It cost us an arm and a leg to put it in. At the time, it's one of those things where the property owner decided not to have laterals put in because it was less expensive. So it's very tough soils, and 85th Street is a major through road.

John Braig:

Is it wet at the bottom of that 17 foot level? I can speak to that. My father was a sewer and water contractor, and I've been wet many times working with him. And we had jobs where you dug and dug and dug and you didn't know if you were gaining ground at all because of the way it washes in. And, yes, you're talking money.

Mike Pollocoff:

When you think back to when we did that sewer project and how long it took that road to stabilize, that took years to get that thing—

John Braig:

Quite a few years.

Mike Pollocoff:

Just before you get into it, or your client if you're representing somebody, it's going to be--

Robert Morrone:

Further requirements of this, you're saying we'll have to bore under the road to get to the water.

Mike Pollocoff:

You'll have to cut a hole in the road because the water main is in the road--

Robert Morrone:

Set up a box, okay.

Mike Pollocoff:

Right, put a box in there. And then you'll have to bore across. That's the easier one. Sanitary sewer is about 17 feet deep. At about 11 feet it's just like jello.

John Braig:

Quicksand.

Mike Pollocoff:

It's going to be difficult to keep that trench in place, and it's going to require slurry. We've got extensive drainage systems underneath the stone on that road to keep that road level.

Robert Morrone:

You're saying we can't do it with one service . . .

John Braig:

Because it will be hard keeping that trench box in place.

Tom Terwall:

. . . . make one cut . . .

Mike Pollocoff:

Well, you could put in a larger cut, a larger line.

John Braig:

He can put a riser in.

Tom Terwall:

And come to the side of the road

Mike Pollocoff:

Put another manhole in. But any cut in there is going to be a bear. It's going to take a big contractor. It's going to be beyond most of the local plumbers. I just don't want you to think that sewer is going to be easy. It's going to be a bear.

Mike Serpe:

(Inaudible)

Tom Terwall:

We have a motion. Is there a second?

James Bandura:

I second.

Tom Terwall:

A MOTION BY MIKE SERPE AND A SECOND BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. THANK YOU, MIKE, FOR THE GOOD NEWS. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

L. PUBLIC HEARINGS AND CONSIDERATION OF FOUR (4) SHORELAND CONDITIONAL USE PERMITS: The request of Crispell-Snyder, Inc., Consulting Engineers, on behalf of the Village of Pleasant Prairie, for four (4) Shoreland Conditional Use Permits to install/modify shore/stream protection at the Lake Michigan outlets of Barnes Creek, Tobin Creek, 116th Street Creek and at Tobin Creek in Carol Beach Park.

Tom Shircel:

As a part of the hearing record, the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request as presented and described below:

Findings of Fact

1. The Village/petitioner is requesting a four Shoreland Conditional Use Permits to modify existing and install new shore/stream protection and associated improvements at the following general locations:
 - The Lake Michigan outlet of Barnes Creek, northern outlet,, located at Lakeshore Drive, just north of 98th Street.
 - The Lake Michigan outlet of Tobin Creek, located at Lakeshore Drive, between 108th Street and 110th Street.
 - The Lake Michigan outlet of an unnamed tributary to Lake Michigan, located at Lakeshore Drive and 116th Street.
 - The Village-owned Carol Beach Park, which Tobin Creek runs through, which is located along the north side of 111th Street, east of Sheridan Road.
2. The projects areas include the portions of the Lakeshore Drive road right-of-way, the 116th Street right-of-way, Tax Parcel Numbers 93-4-123-202-0120-0, 93-4-123-292-0411-0, 93-4-123-292-0405-0, 93-4-123-293-0200-0, 93-4-123-304-1800-0, 93-4-123-304-1780-0 and 93-4-123-301-0990-0, which are located in portions of U.S. Public Land Survey Sections 20, 29 and 30, Township 1 North, Range 23 East in the Village of Pleasant Prairie.
3. The properties are zoned as follows: Tax Parcel Number

93-4-123-202-0120-0	C-1 Lowland Resource Conservancy District.
93-4-123-292-0411-0	PR-1, Park-Recreational District
93-4-123-292-0405-0	R-5, Urban Single-Family Residential District
93-4-123-293-0200-0	PR-1, Park-Recreational District
93-4-123-304-1800-0	PR-1, Park-Recreational District
93-4-123-304-1780-0	PR-1, Park-Recreational District
93-4-123-301-0990-0	C-1, Lowland Resource Conservancy District (small portion of the property where the shore/stream protection is taking place)

4. The Shoreland Conditional Use Permit Application and its related attachments includes: the application and plans certified by Richard J. Wirtz, a Wisconsin Professional Engineer, which is provided as Exhibit 5.
5. The Army Corps of Engineers, pursuant to letters dated May 18, 2001, has authorized the proposed stream protection work under ACOE General Permit GP/LOP-98-WI.
6. Additionally, the ACOE, pursuant to a letter dated July 24, 2003, has conditionally authorized the proposed stream protection work under ACOE General Permit GP/LOP-98-WI.
7. The Wisconsin Department of Natural Resources pursuant to letters dated May 25, 2001, has conditionally authorized permits for the proposed stream protection work.
8. Pursuant to a letter dated January 29, 2003, the WIDNR permits for the Barnes Creek, Tobin Creek, and 116th Street Creek stream bank protection projects have been extended until January 29, 2004.
9. Crispell-Snyder Engineering has applied for permits and is waiting for WIDNR approval of the permit application Carol Beach Park for the stream bank protection project.
10. All of the abutting and adjacent property owners within 300 feet of the four Shoreland Conditional Use Permit project areas were notified via U.S. Mail on September 29, 2003. Notices were published in the *Kenosha News* on September 29, 2003 and October 6, 2003. I also want to add that there was a public informational meeting held by Crispell-Snyder and Bob Martin, our Village Engineer, last Thursday where several neighbors did attend to get general information on these projects.
11. According to Section 12.29-8 of the Village's General Zoning and Shoreland/Floodplain Zoning Ordinance (Village Zoning Ordinance), the Plan Commission shall not approve a Shoreland Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials that the project as planned, will not violate the intent and purpose of all Village Ordinances and meets the minimum standards for granting of a Shoreland Conditional Use Permit.

With that, this is a public hearing and I'll turn it back over to the Plan Commission.

Tom Terwall:

This is a matter for public hearing. Is there anybody wishing to speak on this matter?

Cesar Dorisak:

My name is Cesar Dorisak. I am owner of one of the lots adjoining to the Tobin Creek. Before there was a culvert put up. They changed, the water raised and took some of the land from my lot. It presents right now a very ugly picture. When will they be improving with the stones there? I'm asking maybe it would be possible to dump in that area. I know that area . . . of the dirt, and then it will be a very nice curved area there. Otherwise, it's exposed soil and it's a very

ugly picture I would say. So if that's possible, that's what I'm asking. You have my permission as the owner of the lot.

Tom Terwall:

Mike, we don't need any special DNR approval to do that, do we?

Mike Pollocoff:

Yes, but I can we can try to fit it in. They won't be down there watching us, but if you—

Tom Terwall:

We've got the approval of the property owner. If we leave a little dirt there.

Mike Pollocoff:

There's a lot of equipment moving around, so you never know what's going to happen.

Cesar Dorisak:

When there was a small culvert, the water was building up and was eroding the dirt. Now you have big culverts and water is flowing pretty well, but the ugly side is there, and it is a very beautiful area there with that foot bridge, etc., so it will be very nice if you just added a little bit and it will become . . . very beautiful area there.

Tom Terwall:

You'll let Bob know, Mike?

Mike Pollocoff:

We can do that.

Mike Serpe:

The DNR doesn't want you to restore areas that have been degraded, but they'll allow you to go shoot a morning dove. It will get done.

Tom Terwall:

Your address again?

Cesar Dorisak:

517 Cherry Street, Winnetka. It's the southwest corner of the Tobin Creek.

Tom Terwall:

We need a motion.

Mike Serpe:

I'd move approval, Mr. Chairman.

Don Hackbarth:

Second.

Tom Terwall:

IT'S BEEN MOVED BY MIKE SERPE AND SECOND BY DON HACKBARTH TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD HAVING FOUND THE NECESSARY FINDINGS OF FACT. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

M. Consider the request of Scott Simon of the Simon Group for a Miscellaneous Discretionary Exemption for the Village Land Division and Development Control Ordinance related to filing a Preliminary Condominium Plat to convert the Meadowland Apartments into the Meadowland Villa Condominiums generally located at 102nd Street and Old Green Bay Road.

Jean Werbie:

Mr. Chairman, the petitioner is requesting a Miscellaneous Discretionary Exemption from the Village Land Division and Development Control Ordinance to eliminate the requirement to file a Preliminary Condominium Plat for the proposed Meadowlands Village Condominium.

Section 18.0203 C of the Village Land Division and Development Control Ordinance allows for the Village Board to grant an exemption from particular requirements of the Land Division Ordinance in unusual circumstances, where a particular proposed land division or re-plat is technically subject to this Ordinance but poses none of the potential problems addressed by this Ordinance and provided that compliance with a particular requirement is unnecessary to accomplish the purposes of this Ordinance.

The petitioner is requesting and proposing to convert the Meadowland Apartments that are currently under construction pursuant to the Village Site and Operational Plan approval, Planned Unit Development regulations and Development Agreement approved by the Village in 2001,

into condominiums. The apartments were designed with individual entrances that can be converted to condominiums very easily. No new public improvements will be required. The Village previously approved the building plans. If this exemption is approved, it is anticipated that the Final Condominium Plat and a new Planned Unit Development Ordinance will be forthcoming before the end of the 2003 to convert the apartments into condominiums. The 128 condominiums will range in size from 761 square feet to 1,621 square feet. Attached garages and detached garages will be available to all units.

The Developer is requesting to skip the filing of a preliminary condominium plat and file the final condominium plat with the Village for review and approval. The Village staff has already reviewed the draft plat for corrections and additions. In addition to submitting the corrected Final Plat, application and fees, the Developer will still be required to submit the revised Declarations for the Condominium, Articles of Incorporation, By-Laws, and Operating Documents.

The Village staff recommends that the filing of the Preliminary Plat is unnecessary to accomplish the purposes and intent of the Village's Land Division and development Control Ordinance; therefore shall be exempt from filing a Preliminary Condominium Plat prior to filing the Final Condominium Plat with the Village.

If approved by the Village, the Developer shall submit the following: the corrected Final Plat, final plat application, and application fees, the PUD Zoning Amendment application and fees, revised Declarations for the Condominium, Articles of Incorporation, By-Laws, and Operating Documents and any other documents as may be necessary as a result of the platting process.

The ordinance requires that the Plan Commission make a recommendation prior to the Village Board taking any official action on this request. Staff recommends approval as presented.

James Bandura:

Move for approval.

Don Hackbarth:

Second.

Tom Terwall:

MOTION BY JIM BANDURA AND SECOND BY DON HACKBARTH THE GOOD PASTOR TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

8. SUCH OTHER MATTERS AS AUTHORIZED BY LAW

John Braig:

It might not even be appropriate, but I think it's a credit to the Village Administration and hierarchy for the way they responded to the garbage situation. I think that is something that should be recognized.

9. ADJOURN

Mike Serpe:

Move to adjourn, Mr. Chairman.

Don Hackbarth:

Second.

Tom Terwall:

**MOTION BY MIKE SERPE AND A SECOND BY DON HACKBARTH TO ADJOURN.
ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

