

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
April 26, 2004**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on April 26, 2004. Those in attendance were Tom Terwall-Chairman; Michael Serpe-Vice-Chairman; Donald Hackbarth; Jim Bandura; John Braig; Larry Zarletti. Wayne Koessl and Eric Olson were 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're here for an item on the agenda that's listed as a public hearing, we would ask that you hold your comments until the public hearing is held. If you're here to speak on an item that's not a matter for public hearing or not on the agenda at all, 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?

- 5. PLAN COMMISSIONERS COMMENTS**
- 6. OLD BUSINESS**
 - A. TABLED 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.**

Tom Terwall:

We need a motion to remove this item from the table.

Mike Serpe:

So moved.

James Bandura:

Second.

Tom Terwall:

MOVED BY MIKE SERPE AND SECONDED BY JIM BANDURA TO REMOVE THIS ITEM FROM THE TABLE. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

Jean Werbie:

Mr. Chairman, 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 148 single-family lots and seven outlots.

On October 13, 2003 the Plan Commission held a public hearing for the Conceptual Plan and tabled the public hearing so that the Village staff could continue to evaluate the crossing of 122nd Street to the east over the Kenosha County Bike Trail to serve both the Prairie Trails East and West Subdivisions.

I'd like to get into some historical background information regarding the development in that area.

The proposed Prairie Trails East Subdivision is located within the southern 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, with average lot areas per dwelling unit ranging from 12,000 square feet to 18,999 square feet per lot. The net density of the Neighborhood pursuant to the Neighborhood Plan is about 21,047 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 Prairie Trails East and West Subdivision site areas:

- C On July 25, 1990, the Village Plan Commission held a public hearing, and on July 30, 1990 the Village Board held a public meeting and approved a Master Conceptual Plan for the development of the William McLaughlin property which was located on either side of the Kenosha County Bike Trail extending from about 26th to 36th Avenues from about 120th to 128th Streets, which included the Oakridge Subdivision property developed by Keith Kull. The first phases of 1990 McLaughlin's Conceptual Plan were developed into the Prairie Trails West and Prairie Trails West Addition #1 Subdivisions and a later phase was later to be known as the Prairie Trails East Subdivision.

The 1990 Plan proposed that 122nd Street would connect the west and east sides of the development across the KC bike trail. According to the Village staff's notes, the crossing of the bike trail at 122nd Street was reviewed and verbally approved by Kenosha County staff with the approval of the Conceptual Plans considered and reviewed in 1990 and with the development of the Prairie Trails West Subdivision. In reliance of the verbal discussions with Rick Ladine, Kenosha County Parks Director and Gary Sipsma, Highway Department Superintendent, and having received no written objections to the Engineering Plans from the County, the 122nd Street roadway, curb and gutter, sanitary sewer, water and storm sewer public improvements were designed and constructed leading up to the Kenosha County Bike Trail by the developers of Prairie Trails West Subdivision in order to service future development lying east of the Kenosha County Bike Trail.

As noted in the July 25, 1990 Plan Commission minutes, "The Village staff has been in contact and has had discussions with the County (Rick Ladine and Gary Sipsma) from the very beginning regarding this development and what they (the County) would like to see happen at the trail. The County's recommendation to the Village was an at-grade crossing with a road as perpendicular as possible to the bike trail."

In the approval letter to Bill McLaughlin dated November 21, 1990, it was specifically noted that "Kenosha County's written approval shall be required for the at grade bike trail road crossing. Pedestrian crossing signs/pavement signs shall be installed/painted in the vicinity of the bike trail. The proposed street should be perpendicular to the trail."

- C On August 5, 1992 the Village Plan Commission held a public hearing, and August 17, 1992, the Village Board held a public meeting and conditionally approved the Preliminary Plat for the Prairie Trails West Subdivision. The preliminary plat was approved subject to comments and conditions as noted in the approval letter sent to Mr. McLaughlin. Prior to the Village's consideration of the Preliminary Plat, the Plat and a transmittal letter were sent to George Melcher, Director of Kenosha County Planning & Development, Mr. Robert Sheahan, Kenosha County Land Conservation Committee, Mr. Fred Patrie, Director of Public Works for Kenosha County, and Mr. Rick Ladine, Parks Director, Kenosha County Parks. The letter specifically stated that it is assumed that if no correspondence regarding the plat is received in the Village office, that the reviewing agency had no comments or concerns regarding the Plat.
- C On April 20, 1993, since modifications were made to the plat with respect to the shoreland jurisdictional area in the north end, copies of the Prairie Trails West Preliminary Plat and a transmittal letter were again sent to George Melcher, Director of Kenosha County Planning & Development, Mr. Robert Sheahan, Kenosha County Land Conservation Committee, Mr. Fred Patrie, Director of Public Works for Kenosha County, and Mr. Rick Ladine, Parks Director, Kenosha County Parks. The letter specifically stated that it is assumed that if no correspondence regarding the plat is received in the Village office, that the reviewing agency had no comments or concerns regarding the Preliminary Plat.
- C On May 19, 1993, the Village Plan Commission held a public hearing, and on June 7, 1993 the Village Board held a public meeting and conditionally re-approved the Preliminary Plat for the Prairie Trails West Subdivision.

- C On August 2, 1993 a comment letter was received from Kenosha County regarding the Prairie Trails West subdivision. The only two comments were regarding the construction of a type C intersection at CTH EZ and 122nd Street and the need for the required Kenosha County utility easements needed to cross the Kenosha County Bike Trail.
- C On August 12, 1993, copies of the Prairie Trails West Final Plat and a transmittal letter were sent to George Melcher, Director of Kenosha County Planning & Development, Robert Sheahan, Kenosha County Land Conservation Committee, Fred Patrie, Director of Public Works for Kenosha County, and Mr. Rick Ladine, Parks Director, Kenosha County Parks. The letter specifically stated that it is assumed that if no correspondence regarding the plat is received in the Village office, that the reviewing agency had no comments or concerns regarding the Final Plat.
- C An August 27, 1993 a transmittal letter in the file from the Developer's Engineer indicated that revised Prairie Trails West Subdivision engineering plans were sent to Gary Sipsma at Kenosha County for their review and approval.
- C On September 24, 1993, the final engineering plans for the Prairie Trails West Subdivision were sent again to Fred Patrie, Director of Public Works with Kenosha County. The plans were sent with a written request for Kenosha County to grant sanitary sewer and storm sewer easements for the crossing of the Kenosha County Bike Trail at 122nd Street. Three original easement documents were sent to Kenosha County. The plans clearly indicated the Village's future intent to cross the bike trail with future roadway improvements and no objections were received from the County regarding the crossing. Furthermore, the County indicated that pedestrian crossing signs shall be painted on the pavement and signage shall be displayed at the bike trail/roadway crossing.
- C On December 22, 1993, Mr. Fred Patrie, Kenosha County, received the original grant of easement documents for the municipal services crossings of the bike trail as reviewed and approved by Mr. Bernie Vash of the Kenosha County Corporation Counsel. On April 28, 1994, the easements were approved by Kenosha County and signed by John Collins, the then County Executive and Nancy Principe, the then County Clerk.
- C 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 the Sheridan Woods Neighborhood located between the 116th and 128th Streets and between Sheridan Road and the Kenosha County bike trail, including the subject property.
- C On April 27, 1994, the Village Plan Commission held a public hearing and approved a Neighborhood Plan for that portion of the Sheridan Woods Neighborhood.
- C On July 24, 1996 the Village Plan Commission held a public hearing, and on July 29, 1996 the Village Board held a public meeting and conditionally approved the Final Plat for the Prairie Trails West Addition #1 Subdivision. The subdivision was in compliance with the previous approved Preliminary Plat.
- C 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 Neighborhood Plan for the Sheridan Woods Neighborhood. The Village contracted with land use planners from HNTB to assist in the preparation of the revised Neighborhood Plan for the entire Neighborhood.

- C 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 Plans.
- C On July 11, 2001 the Village staff held an Open House to answer questions related to the revised Neighborhood Plans, the Alternatives 1 and 2. About 40 residents and interested persons attended this open house.
- C On August 13, 2001 the Village Plan Commission held a public hearing and approved a revised Neighborhood Plan for the Sheridan Road Neighborhood as a guide for future development. 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.

Since the 2001 approval of the revised Sheridan Woods Neighborhood Plan, the Village has been working with the petitioners 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 at the northwest corner of the site just north of 122nd Street.

General Comments:

The proposed Conceptual Plan 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 148 single-family lots. A total of 17.5 acres of land will be used for new public right-of-ways, and about 38 acres will be designated as open space for wetlands, dedicated park space and other open space. The average single-family lot within the development is 18,255 square feet with a net density of about 1.64 units per acre.

RESIDENTIAL DEVELOPMENT: The Prairie Trails East Conceptual Plan proposes 148 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 Avenue. Phase 2 proposes to include 76 lots with a fourth access point at 122nd Street. All construction traffic will access the development from 128th Street which is the State line. Signs and barricade will prohibit construction traffic from using 26th and 28th Avenues and 122nd Street until necessary.

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

- 148 total dwelling units

- 404 persons
- pursuant to the information provided by the Kenosha Unified School District for Pleasant Prairie 62 public school age children are likely to come from this development.

This information has already been provided to the Kenosha Unified School District.

OPEN SPACE: Approximately 38 acres or about 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:

- C **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 excluding the 1.57 acres of wetlands is proposed to be dedicated to the Village for a public park purposes.
- C **WETLANDS:** 6.04 acres of wetlands are located within Outlots 2, 3, 4 and 5 proposed to be preserved. These wetlands are based on wetland stakings completed by the SEWRPC biologist on December 14, 1999, and were field delineated on June 11, 2003 by Hey and Associates. This information has now been concurred by the DNR with respect to their second staking on February 3, 2004. As part of the wetland staking application and procedures, the field delineated wetlands shall be rezoned into the C-1, Lowland Resource Conservancy District. The Village Plan Commission and Village Board will consider the zoning map amendment at the time that the Preliminary Plat is considered.
- C **OTHER OPEN SPACE:** 25.05 acres of other open space located within the Outlots 1, 2, 4, 5, 6 and 7. A portion of this area on Outlots 1 and 2 will be used for retention areas for the development.

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. Outlots 2, 3, 4 and 7 also have some preservation areas. These areas shall not be mass graded and shall be protected throughout the construction and building processes.

RETENTION AREAS: Six retention facilities to handle the storm water management facilities are provided. 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 requirements for the Village's review as a part of the engineering work. If additional storage capacity is needed, more retention areas may be required and development lots could be lost.

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 to the C-1, Lowland Resource Conservancy District, and the other open spaces areas would be rezoned to the PR-1, Park and Recreational District.

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

at 128th Street, 26th and 28th Avenues and Phase 2 proposes to include 76 lots with a fourth access point at 122nd Street. All construction traffic will access the development from 128th Street.

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

Temporary turn-arounds are required for all dead ended streets that are intended to be extended when adjacent undeveloped land is proposed to be developed. Therefore 122nd and 126th Streets on the east end of the development will terminate with temporary cul-de-sacs that would temporarily encroach into Outlots 4 and Lots 67 and 68. The other option is that the developer could obtain off-site Temporary Easements from the adjacent landowners. 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 cul-de-sac island will be required. The temporary cul-de-sac will be removed and the easement vacated when future development to the east is proposed at the cost of that developer and those improvements are extended.

KENOSHA COUNTY BIKE TRAIL CROSSING: Since 1990, the conceptual plans for the development of the Prairie Trails West and East Subdivision areas have included the crossing of the Kenosha County Bike Trail at 122nd Street. Over the years, these conceptual plans, preliminary and final plats and engineering plans for the construction of public improvements leading to the Bike Trail were forwarded to various Department Heads at Kenosha County. The two previous subdivisions, Prairie Trails West and Prairie Trails West Addition #1, were approved by this Village and were constructed in reliance with meetings with Kenosha County Department personnel and the verbal commitments and easement approvals granted by Kenosha County for the crossing of the Bike Trail at 122nd Street. That being said, however, there have not been any detailed engineering plans submitted by the Developer to the Village or to Kenosha County nor has a formal written request been submitted to Kenosha County for the permits to cross the Bike Trail because the crossing was planned to occur with the development of the Prairie Trails East Subdivision located east of the Bike Trail.

If the Conceptual Plans are approved by the Village for Prairie Trails East for the crossing of the Bike Trail, then Kenosha County will need to evaluate the engineering plans for the Kenosha County Bike Trail crossing to determine how the public improvements need to be made to facilitate the safest construction of the roadway crossing, other utility crossings, the site visibility, proper drainage and the type of signage that will be required on each side of the Bike Trail. As indicated to the Village by Rick Ladine, the Kenosha County Parks Director in 1990, it is likely that the roadways will need to be reconstructed so that the horizontal grade comes up to the bike trail. Also, if the existing landscaping, trees or brush are cut back along the Bike Trail, a replacement and re-vegetation-landscaping plan will also need to be provided to the Village and Kenosha County for approval.

For the following reasons, the Village staff over the years has supported the crossing of the bike trail with 122nd Street:

1. The Village staff has sent notifications, had discussions with County personnel, had public meetings, and public hearings since 1990, when the original phase of the Prairie Trails West development was proposed by William McLaughlin, which identified the purpose and need for sound land use planning which included the crossing of the bike

trail for east-west accessibility between the phases of the subdivisions. The Village staff believes strongly in interconnecting the subdivisions.

2. Conceptual and Neighborhood Plans were prepared and updated over the years since 1990 to reflect the roadway crossing of the Bike Trail to provide connectivity between the proposed and future subdivisions. This connection was identified for residents to freely travel between homes/subdivisions without having to travel west to the nearest arterial to backtrack and travel east.
3. Traffic studies conducted by the Developer's Engineer SRF and reviewed by the Village's Engineer have been prepared. The Village's Consulting Engineer which set forth that the increased amount of traffic traveling west over the Bike Trail on 122nd Street was minimal. In fact, it was stated by the Village's Engineer that the benefit was actually greater to those residents in Prairie Trails West area traveling eastward and providing for an alternative third access to/from their subdivision.

The Village Engineer is here to add just a few comments. In your packets, there are some staff memos from SRF Consulting Group. The one I think that Bob is going to be talking about is the one that covers the Prairie Trails East Development Study that's dated November 21, 2003.

Bob Martin:

Bob Martin, 8600 Green Bay Road. Just a quick synopsis of what SRF (Village's transportation consultant) looked at when they did the traffic study in that area was to look at the general direction of travel for both subdivisions and what impact there would be across the bike path. Briefly, there's been a number of transitions of where the road crossings were within the proposed subdivision, so that was referred to in the memo as with a connection going across, so that promoted kind of easier traffic from the east side of the proposed subdivision to go through the bike path. That was eliminated at one point, or it was looked at with and without it. So when I refer to that, that's what we're referring to.

With the connection in place, that east/west within that proposed subdivision, the proposed traffic to the existing subdivision to the west was 230 trips. And the existing to the proposed or the reverse of that the study indicated there was 420. So the net benefit was really for the people traveling from the existing subdivision through the proposed subdivision, and that's just determined by primarily southern traffic. So it would be a lot easier to go that direction out and go down over to Sheridan and south which is primarily what that says.

So the total two-way traffic was 650 trips per day going across the path from both subdivisions. Without that connection, and that was I believe one of the Plan Commission members brought that up what would happen if that connection was taken out, the two-way trips dropped from 650 to 350. So they get reduced pretty significantly, and that's because there's a lot more difficulty in trying to go east or west through that subdivision, obviously, if you don't have that connector. So you'd have to go all the way down basically to about 128th and then back up. That's not very convenient. So people would go out to 128th and go to their destination from there.

The split, without the connection, would be approximately 124 trips from the proposed through the existing, and there would be 226 from the existing through the proposed. Those are just kind of proportioned amounts. So the 124 trips really equates to an additional 13 homes in that neighborhood, because there's just under ten trips per household per day that are generated, so

that's where these--you take 145 or 148 homes times ten that's essentially the number of trips that are going to be generated by that proposed subdivision. With that, I'll answer any questions.

John Braig:

Just a clarification on the trips. A trip to the store and back is that one or two trips?

Bob Martin:

It's two.

John Braig:

Thank you.

Jean Werbie:

4. Since 2001, compromises were made to internal road layouts in the Prairie Trails East Subdivision, and that what Bob was just referring to with the removal of a cross street in between the two north/south streets in the Prairie Trails Development. This was done to reduce and discourage the amount of traffic exiting to the west through Prairie Trails West Subdivisions but still allowing for an alternative means of access for both subdivisions lying on either side of the bike trail.
5. Public infrastructure improvements – public roadway, water, sewer and storm sewer were constructed leading up to the Bike Trail in reliance of verbal commitments made to the Village regarding the crossing and the Village was granted a sanitary sewer easement from Kenosha County, the Board and respective Committees, to cross the bike trail on April 28, 1994 and it was installed, and it is underneath the Bike Trail where the center of the future roadway would be located. The Village staff's notes indicate that meetings were held in 1990 and in August and October of 1992 which specifically discussed the trail crossing with Kenosha County, William McLaughlin and Keith Kull.
6. The connectivity of the neighborhoods by crossing the Bike Trail allows for additional public safety surveillance looking south/north on the Bike Trail and facilitates easier movement through the neighborhoods for police patrols.
7. The connectivity of the neighborhoods by crossing the Bike Trail allows for Fire & Rescue Department emergency service accessibility to Prairie Trails West and East on a 37 foot wide urban profile roadways, no open ditches or narrow rural roadways, to both the neighborhoods and the Bike Trail.

I'd like to introduce the Village's Fire Chief. Paul Guilbert, and he can comment on the need for accessibility for emergency services for our subdivisions in Pleasant Prairie.

Paul Guilbert:

Good evening. I'm Paul Guilbert, Jr. I'm the Chief of Fire & Rescue. I work at 8044 88th Avenue. Just for historical perspective, I've been the Fire Chief since October 1986. And beginning in 1989 when the Community Development Department was formulated, and even

prior to that, each department receives a copy of plans and proposals for what will occur in the Village whether it be single family, multi family, commercial, industrial such as you have in LakeView Industrial Park.

The reason it goes to each department is for us to review the impact of what that improvement will be onto our departments. And what I'm charged with doing is providing fire and EMS throughout the Village of Pleasant Prairie. We track each and every month what our response times are beginning with how long it takes us to get out the door, which we do approximately 96 percent of our calls we're out the door in a minute or less. What we have no control over is how long it takes us to arrive at the address we were called to served.

I'm also charged with creating a tiered system that brings service into Pleasant Prairie that's not Village of Pleasant Prairie Fire & Rescue units. If our units are dedicated to an emergency or multiple emergencies and we cannot provide service, then we have a system that brings mutual aid in to seamlessly provide service to the public, and many, many times there's service by fire apparatus from other communities or ambulances from other communities, and they don't even know that those units aren't Pleasant Prairie units.

What that has to do with what we're talking about this evening is we need to plan for smooth and easy access into subdivisions or anywhere else in the Village for that matter. And when we look at a development such as this one, we look for multiple accesses. And that's in the event there's a significant weather emergency or other kind of event that would provide us from using one or more accesses to that particular development.

I told you what year I started here. I was party to those meetings in 1990 with Mr. McLaughlin, and we looked at Prairie Trails east and west, and we laid out the roads that you have seen this evening with development and a significant east/west roadway albeit 122nd Street. You can look at developments that you've approved that haven't been built or developments that you've approved that have not been built or will be built, and you'll see roads that just dead end, and that's all planned for future. That's what occurred here. 122nd Street was brought to the bike trail and ended for those days when Prairie Trails East would be constructed. Why I bring that here is because our thought process goes back to 1990. It's been there a long time.

Our concerns are access into the site. There's two primary accesses off of 116th Street, 26th Avenue, 28th Avenue. Both of those roads were constructed to rural profile. They're 18 feet in width. 122nd Street and the new road that will come in from State Line Road/Russell Road is to an urban profile of 37 feet. That would allow multiple emergency vehicles to pass. That would assure that we have access into those facilities during significant weather such as heavy snowstorms. That would allow people to have garage sales and do whatever kind of parking they want and still allow us a significant pathway that we wouldn't be assured of on 26th and 28th Avenues when those roads were built to be somewhat dead end streets.

So when the Fire Department was given this to review back in 1990, those were are feelings. And as we're asked to review it again those continue to be our feelings. So that not only does this Fire & Rescue Department have access, multiple opportunities to get in there and serve, but so does our mutual aid.

Tom Terwall:

Thank you.

Jean Werbie:

Mr. Chairman, if I could continue then.

8. The connectivity of the neighborhoods by crossing the Bike Trail allows for the more economical and timely provision of public snow plowing activities by not requiring the backing up of snow plows or the backtracking of routes.
9. The connectivity of the neighborhoods by crossing the Bike Trail allows for safer and more economical provision of school bus pick-up and drop off.
10. The connectivity of the neighborhoods by crossing the Bike Trail allows for the more economical provision of garbage/recycling collection activities.

Sitting next to me is Mike Pollocoff, who is our Village Administrator, and maybe he would like to comment on the need for provision of municipal services.

Mike Pollocoff:

Mr. Chairman, as the Fire Chief indicated, when a subdivision is laid out and we look at the road pattern, our challenge and our chore on behalf of the taxpayers is to ensure that as the Village accepts the improvements in that subdivision that, one, they could be maintained, and secondly they can be maintained at a cost that's acceptable to the existing taxpayers. One of the worst things we could do is accept an improvement that is either substandard or does not accomplish the goals of being able to maintain it effectively. In this case, if the subdivision was not going to have access to the east, I think at that point the staff would have pushed to have another access point come out onto 39th Avenue for the reason of, as Jean identified, snow plowing, school bus pickup and garbage and recycling.

I think in any business where you're making deliveries or you're doing maintenance, for snow plows we want to make sure that they're not driving into an area, backing up, and doing a lot of unnecessary backing or turning or driving on roads that they will not plow. In the case of this subdivision, a snow plow would go in on 122nd, plow the subdivision, plow the other side, would go back out and go up to 116th Street, come back down 28th or 26th Street and then plow those areas there. There's redundant time spent. Same thing for garbage collection. At some point, the more you do that, the more time you pay for somebody to be riding in a truck not accomplishing anything productive. They're going from one place to the other, and you can plow that road and plow it again, but you still need to be able to get from one area efficiently.

A lot of the equipment that we deal with, snow plows, garbage trucks, that's big equipment. The goals, again, is to accomplish as much with that piece of equipment when you're out on the road without having to run back for salt, run back and deposit garbage. So it's a necessity of big equipment. Same thing with a school bus, they're all large. So you want to be able to facilitate good traffic movements and turning movements within a development so you're not backing things up or dead ending them.

To a degree, as the Chief indicated, at one point in our planning we accepted dead ends as a place to stop where the next phase was going to happen or another future subdivision was going to occur, and we quit doing that about three years ago because we did have somebody, unfortunately, was backed over by a truck. The truck was doing its job. The person was out there

in the snowy weather, couldn't be seen, the person didn't hear the backup alarm, and pretty soon you had a tragedy. So now, as we indicated in the future plans, whenever there's a dead end we put a cul-de-sac in so, there again, it's safe turning movements in an area. And that's needed, because the kind of things that we do in providing services to the people it's got to happen in a way that a big piece of equipment operates. And it's got to happen in a manner that's cost effective. No one is eager to pay more in garbage collection, taxes for removal of snow by having inefficient operations where you're delivering a service that no one is receiving because you're going over the same ground twice.

And as we lay these things out we do everything we can to make sure that as the Village grows and develops that the streets are interconnected in such a way that we can deliver our services in the most cost effective and safe manner possible. And that's what leads us to the layout of the streets that we see in this subdivision and all the subdivisions we've brought to you before and the ones we'll continue to bring forward. We require the developers to construct those in the manner that will help the Village taxpayers once the development is constructed and the developer is gone and we assume the responsibility for taking care of that.

Jean Werbie:

Continuing in the staff comments:

11. The accessibility for those residents exiting to the east is important for the residents in the Prairie Trails West/Oak Ridge/Green Tree Estates Development because if 39th Avenue were ever closed due to an incident or accident they would have means to get out of their subdivision.
12. The traffic studies evaluated by the Village's consulting firm SRF demonstrated that there would be minimal increased levels of traffic due to the crossing and that all Village roadways are designed to handle this type of traffic.

Now, there are reasons that the Village should not consider the crossing of 122nd Street across the Kenosha County Bike Trail.

1. Many of the residents do not want the crossing that live in that area.
2. The residents feel that a public safety concern has not been demonstrated by the Village to warrant the need for an alternative access.
3. The residents want the integrity of the Kenosha County Bike Trail protected from roadway crossings for pedestrian and bicycle safety.
4. The residents are concerned that the extension of 122nd Street will lead to excessive traffic and speeding by the residents in both subdivisions and accidents could occur as a result.
5. The residents are concerned that this crossing may set a precedent for subsequent crossings.
6. The residents are concerned with storm water management with the crossing of the bike trail.

7. Kenosha County has not evaluated any detailed engineering plans for the crossing to date and has not yet been asked to provide written permits for the crossing to date.

Due to the amount of concern regarding the Bike Trail crossing, the staff this week put five different alternatives together that should be considered by the Village Plan Commission and Board prior to making a final decision regarding the Bike Trail crossing at 122nd Street. The residents were sent two of these alternatives. We developed three others since that time.

ALTERNATIVE # 1 – Provide for the at-grade crossing of 122nd Street at the Kenosha County Bike Trail to serve both the Prairie Trails West area and Prairie Trails East Subdivisions. This was the original proposal as shown on all the conceptual plans to date.

ALTERNATIVE # 2- Leave the existing 122nd Street as it is as a dead-end without a turnaround with existing bollards blocking the use of the Bike Trail by vehicles on the west side of the Bike Trail in the Prairie Trails West Subdivision. The Village will cease roadway maintenance and snow plowing on the dead-end then at this area, and terminate the east side of 122nd Street in a cul-de-sac with bollards on the east side so that crossing by vehicular traffic would not be possible.

ALTERNATIVE # 3 – Reconstruct the existing 122nd Street into a cul-de-sac turnaround on the west side of the Kenosha County Bike Trail in the Prairie Trails West Subdivision similar to other subdivisions that terminate in a dead end, and assess the cost to construct the cul-de-sac to the benefitting property owners in the Prairie Trails West area subdivisions, and then terminate the east side of 122nd Street in a cul-de-sac on the east side in the Prairie Trails East Subdivision. Bollards to prevent vehicular traffic from crossing the Kenosha County Bike Trail would be installed on either end of the cul-de-sacs. Pedestrian traffic can still travel freely between the two areas.

ALTERNATIVE # 4 – Reconstruct the existing 122nd Street into a cul-de-sac turnaround on the west side of the Bike Trail in the Prairie Trails West Subdivision and construct the cul-de-sac to the benefitting property owners in the Prairie Trails West area Subdivisions and terminate the east side of 122nd Street in a cul-de-sac. Again, cul-de-sac on the east, cul-de-sac on the west, no bollards, but a gravel emergency access road would be constructed between the two. Exactly how you would be preventing traffic from crossing, there would need to be some type of break away gate or break away bollards or some type of break away method in order to allow emergency vehicle to cross in the even of an incident.

ALTERNATIVE # 5 – Vacate and remove that segment of 122nd Street just south of where 32nd Avenue and 122nd Street intersect leading up to the Bike Trail in the Prairie Trails West Subdivision and assess the cost of the removal of the roadway pavement and curb and gutter improvements to the benefitting property owners in the Prairie Trails West Subdivision area and terminate the public roadway at 122nd Street and 32nd Avenue and install a cul-de-sac on the east side of 122nd Street in the Prairie Trails East Subdivision. With this alternative, there would still be some type of gravel roadway connection to the bike trail for pedestrians, and there are existing municipal improvements such as sewer and water and storm that are underneath this roadway, so there would need to be easements that are maintained and granted to the Village in order to make sure those public improvements are still maintained unless those are removed as well.

With that, Mr. Chairman, that is the staff report from our last meeting in October with respect to the Prairie Trails East Subdivision Development and the Conceptual Plan. This is a matter for public hearing, and at this time I would welcome additional comments.

Tom Terwall:

Anybody wishing to speak on this matter please step to the microphone and begin by giving us your name and address.

Keith Kull:

My name is Keith Kull. I live at 3609 122nd Street, Pleasant Prairie, Wisconsin. After much discussion and debate on such a sensitive issue, I'm glad to hear open dialogue between area residents and the Village which hopefully ends in the conclusion that the crossing at the bike trail at 122nd Street will not occur. I believe the thought and subsequent plan of crossing the bike trail over a decade ago was done with good intention and when the community was much smaller. However, one good deed is worth many good intentions, and to recommend in today's environment an elimination of this proposed crossing would truly be at the best interests of the current and future residents and prevail a progressive nature of the Village.

There have been recent suggestions, as we've seen tonight, that propose a number of alternative regarding the bike trail crossing. I believe that removing the spur and replacing it with a park-like setting with the bike trail access for cyclists and foot traffic is by far the best solution. Secondly, I believe that a proposal that isolates this section of pavement and restricts it or dedicates it only for recreation use, i.e., a bike trail/cycle/foot access would be feasible, but only in conjunction with the minor improvements or a make over of the spur to change its obvious appearance that is an abandoned road.

Beyond that, a proposal suggesting an emergency access across the trail would not be needed from my understanding because there would only be additional initial costs and an ongoing continued maintenance, in other words plowing and keeping it cleared, and it would potentially promote unauthorized vehicle crossings.

Lastly, I believe for safety and emergency access to the newly proposed subdivision, the Village has already addressed this need. First, having access roads extending north to 116th Street . . . will provide excellent coverage and protection. As for police coverage, three access roads should be adequate along with the regular patrolling using the bike trail.

Other earlier proposals encouraged vehicle traffic across the Kenosha County Bike Trail and served as a thoroughfare through our neighborhood subdivision. Those proposals go against the grain of a progressive community whereas to increase the risk of vehicle and pedestrian accidents on both the bike trail and the neighborhood subdivision streets.

I request the Village planning staff, Board, abandon any proposals for recommendations across the bike trail at 122nd Street. Thank you.

Ted Pickus:

Good evening. I'm Ted Pickus, 1220 Grand Avenue, Waukegan, Illinois. We proposed this conceptual plan back in 2002, and we've been working with the Village and Jean. We've had a

number of issues arisen that we've tried to overcome. Latest is we did meet with the neighborhood and tried to reroute, as Jean said, the traffic flow going from the east to the west. What I would like to propose tonight is we would very much like a decision made. We're open to what you decide, but we really need to proceed along. And we do have the first phase not affecting the bike trail, so even if you could approve something where there is some comments or further discussion that needs to be made that you could at least approve the first phase I'd greatly appreciate it.

Tom Terwall:

Thank you.

Rick Renzuli:

Good evening, gentlemen. Rick Renzuli, 12126 28th Avenue. This is a new plot here or a new plan. It looks like they're using 28th Avenue as the main thoroughfare through that new subdivision. As the Fire Chief said and everyone else, that road is only 18 feet wide if that. There is no room for sidewalks or anybody to even walk on gravel next to that road. It goes from road blacktop to culvert. You guys are going to make that the main thoroughfare through that? Even though the other subdivision was made with 37 foot roads, we're not going to use that access? Are you guys going to widen those roads? 26th and 28th Avenue are they going to be widened to 116th?

Mike Pollocoff:

Yes, that would be a requirement that the Village placed on the developer to improve those roads.

Rick Renzuli:

Widen it all the way, Mike? And what about at 116th? Is that going to get widened from Sheridan Road to 39th?

Mike Pollocoff:

116th is an arterial in the Village's transportation plan that will be widened. Not for this development, but it will be widened.

Rick Renzuli:

I know you're a busy man. Have you ever been on 116th and 28th Avenue when school lets out with the buses? Have you seen when the weather is bad and everybody parks to pick up their children?

Mike Pollocoff:

Yes.

Rick Renzuli:

It doesn't make any sense. Somebody is going to get hurt on that road. That's almost as bad as going over a bike trail. And then once you guys start construction on that road, how do we get in and out of there? Do half and half?

Mike Pollocoff:

Construction has to occur in a manner that people that live there can get to their homes everyday.

Rick Renzuli:

Widen that road at 37 feet?

Mike Pollocoff:

Well, the design hasn't been done. I'm not sure that 37 feet is--

Rick Renzuli:

As Mr. Pickus said, he'd like to start on phase 1. Phase 1 is in my backyard, so I'm just wondering how he's going to get to phase 1 without using 28th Avenue for construction. I know you say you're not going to, but I live there. Even the surveyor came there and he used 28th Avenue and it was the Saturday before Easter last year, in and out of there with his jeep six or eight times and the mud that was on that road, and when I stopped to ask who is going to clean that up, he just left. So I don't trust anybody anymore. I'm sorry. I would like to propose--I don't know if I'm way out of order, but reading the *Kenosha News* I'd like to propose a moratorium and have Pleasant Prairie stop any more subdivisions that haven't started yet. The ones that are started let them finish until we catch up.

Mr. Olson said when he last left at the last meeting he said there's no more room left in the schools. He said that as he was leaving, and he's on both Boards. I take that as a notion he thinks the same way. We're moving further and further away from the schools, and we're bussing these kids back and forth to schools. I know it's up to all of us to pay for the schools. I've got to complaint with that, but I do have a complaint with the bussing. I bet that's getting to be hundreds of thousands of dollars a year to bring kids back and forth to school. My wife and I moved across the street from a school when our kids were little to use that school.

I've had a lot of problems with the subdivisions, water. I know it's in the past, you guys put that sewer system in and nobody inspected it to make sure everybody shut their septic wells off and I had that one back up into our house. It's a hell of a mess. I don't know how much more I've got left. I know people say just move out of there. Well, my wife died in that house a year ago and I don't feel like moving out of there just yet. If you are going to widen that road, then I guess that would be a good idea. But if you leave it that way, Mike, that's dangerous as hell. I'm telling you it's a very populated road. And if you're not going to go to the west and you can't go to the east because if I understood it right, that's in the future. I know the engineer says that would be good going from 39th to Sheridan, well, the way I understand it from Jean that's in the future going to Sheridan so that's not going to be there.

I don't know what I'm saying anymore except that I don't want to be bothered anymore. I'm at the end of a dead end road. I just want to live my life and be left alone. I'm thinking of the dust, the noise, the road's going to be a mess. Who do I contact to clean my house, my windows, my

screens? I've seen it on 116th. I could see if there was a real big need for all this building, but I had all this stuff prepared but I'm not going to--you look in the *Kenosha News* you see how many foreclosures are in the paper. The one I've got here is 38. That's one day. There's no room in the schools. Jobs are leaving like crazy. I'm wondering why are we building hundreds and hundreds and hundreds of home. I question the need for it. I really do. I think we should do what Randall did and let's take a breather and let's finish up all these huge subdivisions and see if there is a need for it. That way you wouldn't even have to get any emergency vehicles into there because there wouldn't be one there. Thanks for your time.

Tom Terwall:

Thank you.

Julie Santelli:

Hello. My name is Julie Santelli, and I moved to at 12135 32nd Avenue in the fall of 2001. I must express my concern with any road crossing the bike trail at 122nd street. Prairie Trails is a neighborhood of young children, and many days my children and others play in the large grassy area south of 122nd Street. It currently is not a common place for cars. I would also like to mention my daughter is severely deaf in her left ear and has some hearing loss in her right ear. When you add a helmet, her hearing decreases even more. Although she knows the rules of the road, she does not hear traffic noises until they are right behind her. It will become a huge safety issue for my children. They will not be able to go to the pond and grassy area if there is a road crossing.

We use the streets and the bike trail because there are no sidewalks for them to play and ride bikes. We currently have few cars at this location, and adding any amount of new homes and crossing the bike trail will increase traffic to the streets of this young neighborhood. After listening to the proposals, I would like to see option number 5 happen. I would give our children more of a park area which is lacking considering the amount of homes in our area. But I would also be happen with option number 2 with some minor improvements. If option 4 is considered, I believe some residents would respect it and not cross, but I believe many would not respect the rule for emergency access only and would be habitual users. Thank you for your time.

Tom Terwall:

Thank you.

Jeff Patterson:

Good afternoon. Jeff Patterson, 12140 32nd Avenue. I'd like to applaud the Planning Commission for their recent proposals. It shows a good attempt at trying to help us out over here. That being said, I'm still going to read by prepared statement. Proposing the crossing of the Kenosha County Bike Path anywhere, including 122nd Street with motorized vehicles would be grossly irresponsible to the neighbors of the adjoining neighborhoods and to the users of the bike trail both present and future. To have any postponed roads butting up to the bike path on either side for future crossings would be ludicrous. The yet to be built subdivisions should have no provisions built in to accommodate any future motorized vehicle crossing. Ideally, a formal declaration on the part of the Village of Pleasant Prairie in conjunction with Kenosha County stating there will be no crossings in Pleasant Prairie of the Kenosha County Bike Trail would be a

good start and, frankly, a decent conclusion to all of this. We should protect and preserve the Kenosha County Bike Trail for future generations. We have the ability to plan for fire and police access now before development without crossing the Kenosha County Bike Trail. The Village of Pleasant Prairie should be finding ways to enhance outdoor recreation in Pleasant Prairie, not hinder it, which I think by their proposals they are doing that, especially in light of the fact that the opportunity for incorporating enhancements into future plans is available today, instead of having to go back and make remedies after the fact. Thank you.

Tom Terwall:

Thank you.

Mike Renner:

Hi, my name is Mike Renner. I live at 3211 122nd Street. I'm the President of Prairie Trails West Subdivision. There no longer is an addition 1 per se. We've merged the two subdivisions. I just want to point out as far as plowing that street, if it were to stay, there's a home on the 122nd Street side, but there's no driveways or mailboxes or anything along that street, so I don't think the safety of a snowplow is really that much of a concern. I don't really see the need of any cul-de-sac in that area. Assessing the cost for something that we didn't propose in the first place I don't feel is right for our subdivision. I do appreciate the job the Planning Commission has done to give us a nice quiet subdivision, and I want to keep it that way, and that's why I'm here. Thank you.

Tom Terwall:

Thank you.

Bret Brandenburg:

Bret Brandenburg, 3403 120th Place. Just two things and I'll keep it simple. As far as the subdivision design goes, I still question putting that many homes up against the bike trail and turning the bike trail essentially into part of a subdivision instead of the open area it is now. And the only other thing I have to say is there's still open issues on Prairie Trails West with the former developer and construction outfit. I have a duck pond on my land from when they left the hole there. That issue has still not been resolved. We were here last October. I brought that issue up. As important as the issue was, I have not been contacted by the parties involved. They don't seem to be interested in dealing with the issue even though there's an open DNR letter and agreements to take care of the problem and restore my property.

So I guess seeing that there's many alternatives here today, just to go back on the Prairie Trails West, at one time that was only--that 1990 conceptual plan on there depicts that there was only 66 homes in the original subdivision total. I think there's a little over 100 now. That was, once again, where the developer starting with Mr. McLaughlin asked for something and got it, asked for something again and got it, and it continues on. So I guess before any approvals are done a request was made tonight to give me approval and then just tell me what I've got to do. I don't think that's really the good course of action. I think that with all the concerns, with all the different alternatives, with potential engineering issues, which has got my property into trouble, I think that everything has to be agreed upon, developed and totally accepted--basically an

accepted plan before we just say we're going to start this and then we'll see what happens. I don't think there's any room in this particular case to see what happens. I think it needs to all--starting tonight there's just too many proposals out there. I don't think we should be approving anything and saying we'll decide on alternative 1 through 5. It needs to be laid out everything that's going to be done and finalized before this thing progresses. Thank you.

Tom Terwall:

Thank you. Anybody else? Anybody else?

Lisa Pressel:

My name is Lisa Pressel. I live at 3300 122nd Street. I moved to this Village ten months ago, and we picked that subdivision because it was nice and quiet. The roads were wide. I have a child in kindergarten, and the bus stop is on the road, and I would not be too thrilled if there was more traffic on the street because of the new community and the access over the bike trail. I know there are other bus drops on 122nd Street, and the children do stand there and they are dropped off on the street because there are no sidewalks. And, frankly, if the road went over the bike path I would probably move out of this subdivision, because that's not why I moved away from a crowded busy street where a person was paralyzed. I moved from that situation to this community especially for the quietness and the slow movement and the peacefulness of that part of the community. It is very nice. The pond is nice. We moved because of the access of the bike trail. And if that was around, I'm afraid we would have to leave the Village. We would have no problem with selling our home even though we've been here less than a year. Thank you.

Tom Terwall:

Thank you. Anybody else? Anybody else? I'm going to close the public hearing and open it up to comments and questions from Commissioners and staff. Do you have anything to add, Jean, before I do that?

Jean Werbie:

The one comment that I wanted to talk about had to do with a comment that Rick had brought up with respect to wanting a moratorium on building and development in the Village of Pleasant Prairie. Basically our attorneys have told us that it truly would be unconstitutional to put a moratorium in place in Pleasant Prairie if there is no good reason to do it. You can't just refuse people the opportunity to develop their land because you don't want them to develop their land. If we were working on some type of detailed land use plan in a particular area, or if we were working on a storm water management drainage issue in a particular area, moratoriums can be put on by the Village Board, but they have to be very short lived and they have to have a very specific purpose in mind as to why those moratoriums are placed. In an area like Pleasant Prairie where there is a tremendous benefit by realtors, developers, homeowners, new and old property owners who want to locate here, it would be pretty detrimental to the Village to place a moratorium if, in fact, we don't have some very good reasons why we were going to do it in the first place, and if we weren't working on anything or any reason to stop that development in the first place.

So, for that reason I understand that Randall and some other communities who have very little going on are doing that, but we've extended municipal sewer and water to a number of areas to this community. We have pretty good land use plans in place in a number of areas. And it would be very difficult and it would probably be challenged by property owners, developers, realtors and others if we said, okay, we're done and we're not going to be doing any more development in this community. So that would be pretty problematic for the Village to do that. We have placed them in the past when we rewrote our business districts. We've done it when we've evaluated a storm water management plan in one area. We did it for another brief time when we worked on a detailed land use plan a couple of years ago, but the key is that we can't stop people from developing their land. What we can do is guide and direct them and provide the regulations in place so it's the type of development that this community wants to see when it's developed.

Mike Pollocoff:

I might add that Rick referred to the Town of Randall and Twin Lakes had a moratorium, and Bristol is under a moratorium right now while they revise their land use plan. The statutes give you specific authority for short specified amounts of time to do things for specific reasons. And the reasons that aren't included are because the schools are full, because the buses have a hard time getting in, because the roads are inadequate. People who over time, the home building industry, the road building industry, have been very successful in assuring that the legislature takes that authority away from municipalities, and the only thing you can really put a moratorium on is just for a specific item which would be the complete rehaul of your master plan which we've already done. And we couldn't justify that we're doing it again, or, again, for a small specific area. So it sounds nice, it sounds like the answer to a lot of problems, but the basic fact of it is it's illegal.

Tom Terwall:

Just to follow on with that as well, the reason that Prairie Trails West was ever allowed to develop was because sewer and water became available to that area. The reason they became available to that area is because prior to that you had the subdivision on the west side, Pleasant Homes and the Village Green Subdivisions, both of which received sewer service from a privately owned sanitary sewer system and privately owned wells that were in such disrepair that there was raw effluent pooling out under the surface out there, such that the Village went in and took them over, and we were forced by the State to run municipal sewer and municipal water out to that area at significant cost. That sewer line had to come all the way from the City limits at 7th Avenue, out 7th Avenue to 91st Street by the outdoor theater, out Sheridan Road all the way to 116th Street, west on 116th, and what did we take, 28th Avenue, Mike?

Mike Pollocoff:

Yes.

Tom Terwall:

And 28th Avenue south into that area at significant cost. The State tells you if you're going to put that sewer in they tell you how you have to size it. And we were forced by the State, and we would have done it anyhow I think, to size it to service that entire area. So for 15 years now the Village has been carrying that cost to provide the sewer to that area. So when Prairie Trails West developed, that was to the Village's advantage. That's money that we needed, money that we had

already spent to provide that sewer service. And the same is true of Prairie Trails East. That was all part of the sewer service area as defined by the DNR and SEWRPC, and so we're just now beginning to recoup debt that we incurred some 15 years ago. So the development in that area is occurring because we were forced by the State to provide sewer and water to that area, and now that it's there to let it sit idle and not develop it because the schools are full is not something that I could support.

Mike Serpe:

I have to commend Prairie Trails West property owners of a professional presentation tonight. I know this subject is pretty volatile in the neighborhood because of it's nature I guess to cross or don't cross. Pleasant Prairie has developed very nicely in the last 15 years because of the staff that we have, because of the Plan Commission, because of the Board, because of the residents getting involved, and we're pretty proud of that. I don't think any of us can point our finger at any development we have, whether it be residential, commercial, or industrial that's subjective. It's first class and we're proud of it.

Mr. Kull said the times have changed from the time that the plat was first approve to today things have changed, and I agree with that. I also think things are going to change again in the future. What I'm getting to is that if we don't cross that trail now, I think sometime in the future whether it be five years, six, eight, ten years when Prairie Trails East is developed and relationships are made between east and west instead of traveling 15 minutes one block east, they'll be able to go across the trail, I think that's going to happen eventually.

That being said, and I'm not going to make a motion on this yet, I would consider alternate number 2, and that would be to leave the road, 122nd Street, just as it is right now, and then Mr. Pickus would put a cul-de-sac on his portion of Prairie Trails East. In the event that minds change, times change, feelings change, that the neighbors get together and say, you know what, these two subdivisions should be joined, the traffic probably won't be that bad, we have that capability of joining those two streets together. If it never happens, it never happens. But at least we're not locking the door or shutting the door on ourselves by taking that road out or doing something else with it. I'm open to other suggestions.

John Braig:

In a way I agree with Mike. I've been zig zagging back and forth on this issue ever since it started. I can appreciate the residents of Prairie Trails West not wanting the traffic through their area. I personally don't think it will be as much as maybe some people do. I look at a sketch here and somehow we've got to get--there's one good access to Prairie Trails East that's obviously from the State Line Road. We have to provide other access. To the north we're dealing with two inferior roads which are going to have to be improved, and yet the length of those roads is much longer than the single road through Prairie Trails West. So, from my view, we've got a group of people who are trying to push the traffic onto another group of people. Either way, somebody is going to have to deal with the traffic. We also have an indication of a future roadway to the east out of Prairie Trails East. Are we going to have the same argument when a development is developed east of Prairie Trails East? I can't quite see what that roadway is, but when that roadway is proposed to continue east to Sheridan Road, are those people going to say we don't want it, we don't want the traffic through. This is something we deal with all the time.

I appreciate what the Fire Chief said as far as access through there. If his only decent access is off of State Line Road and 28th Avenue or 26th Avenue are inferior roadways or haven't been upgraded yet, he's got a problem getting those vehicles through there just the way they are. And if there's school buses there or people parking along the side, we'd have a heck of a problem there. I don't know how I'm going to vote on this yet. It's a ticklish issue. But when you look at it from a good planning standpoint, obviously--here's another viewpoint. Take the bike path out of consideration, because in reality the bike path crosses every major roadway between the State Line and the City of Kenosha and there haven't been any problems. People that use the bike path know they have to be careful there. The roadways are marked. So a roadway crossing the bike trail in the subdivision is not the problem that it is on Springbrook Road or any of the other major arteries. But if the bike trail was not there, just for sake of discussion, it would make all the sense in the world to extend 122nd Street through Prairie Trails West. And yet, as I said initially, the residents don't want it.

If we had vacant land that we could extend the roadway through without impinging on anyone, that would be our option. But pushing the roadways north on 26th and 28th Avenue is just favoring one group versus another. It's a difficult decision. But I agree with Mike that we definitely have to leave our options open in the end because I have a conviction that we will all see the day when that crossing will be there and it won't be because the Commission ordered it as such, it will be because the residents in the area saw the benefit of having that roadway go through. Simple as you in Prairie Trails West wanting a vehicle access to the park. Now, don't say you aren't going to take your car to the park. I've got grandkids and I take them to lots of parks. Some I can walk to, some we drive to, but virtually every time I'm using the park you see somebody that got access to the park coming in a car. So that in itself would be a reason for you to want the crossing.

Larry Zarletti:

Thank you, Mr. Chairman. I was also impressed with the staff's willingness to get together with the residents, and I appreciate the residents having a very professional approach to what is kind of a touchy situation. I had an opportunity to take a drive out there, and it is just a beautiful area, and I can certainly understand what the residents are talking about. One thing that does concern me is no matter what plan is adopted here, I think it's of paramount importance that there be access there, that you are able in an emergency to open a locked gate and travel from one end of that subdivision to the other. I listened to the comments of the Fire Chief. I know that everyone is concerned with your safety, not only your public safety, but your fire safety, EMS and things like that, and why not rely on the professionals to tell you how they can best service you. So no matter how the plan goes, whether it's one of the alternatives that are approved or not, I strongly believe that there should be an access gate, and I would presume that the Chief has other situations where the Fire Department would have keys or access to certain places, and that's what I would recommend in that area.

I did have a question to Jean through the Chair. Have you had situations like this in the past where an already developed subdivision was assessed for some type of improvement?

Jean Werbie:

Maybe Mike could answer that.

Mike Pollocoff:

No, we haven't done that. Typically it's been such where the improvement was to benefit the developer and we required the developer to do it and there wouldn't be an assessment for that. The logic in this recommendation for the assessments to be charged for two of those alternatives is that if you were going to back up and buy into the assumption that we would have approved a subdivision such as Prairie Trails West without another access, at that point we would have required the developer to install a cul-de-sac or not put that in, and we require developers to pay 100 percent of the cost for the improvement, so the homeowners or the property owners would have paid for that in their lot cost to begin with. So the fact that didn't happen because we unwound the comprehensive plan and the plan that it was developed under, again, in keeping with the spirit of the Village's ordinance where the taxpayers do not pay for development improvements that would be something that would have to be assessed against benefitting property owners.

Larry Zarletti:

Who would be paying for the road to go across? I understand the developer would pay for the cul-de-sac, but what about the road coming across to meet the other?

Mike Pollocoff:

The developer would have to pay to meet the existing profile from the west to the east. So the assessment would be if the alternative which shows to put a cul-de-sac on the west side, again, logic being if that's what was really wanted, that's something that would have been provided in the original subdivision and the people would have paid for that cost in the original lot.

Larry Zarletti:

If we reach that point, I might like to hear from the developer as to not taking a chance at anything they're going to do is held up maybe to work something out that the other side was taken care of. I can see the residents' point, and I was doing a little math on it and it's probably \$250 a household if there was 100 houses there. That would be a burden for some. And I'm sure there's quite a few people who probably don't have issue with it right now, but if the road was open they would maybe have issue with the amount of traffic. So I agree with a lot of the comments other Commissioners have made and really don't know at this point how I would want to vote on this. But I do know that I'm very interested in these alternatives and making it absolutely crystal clear that you have to have emergency access to the other side. Thank you.

Don Hackbarth:

I would like to address the Chief. I want to put a scenario together here. Let's say that we don't put the cross over together. There's a fire in the new subdivision in one of the homes. How would you take a large piece of equipment to that site?

Chief Guilbert:

That plan calls for coming in off 116th Street, using 26th or 28th Avenue, or coming off the State Line Road.

Don Hackbarth:

Let's say you chose to come in State Line Road, there's no access, time is of the essence. Let's say there's a vehicular accident at the opening on Russell Road. What would you have to do?

Chief Guilbert:

We'd have to go back to 116th Street.

Don Hackbarth:

How long would that take?

Chief Guilbert:

Seconds to minutes. I couldn't tell you. I can tell you what happens with the fire apparatus that it's very difficult to turn that around. When my counterpart and I talked about numbering homes and accesses, he's dealing by his own admission in an automobile where you can turn that around in somebody's driveway. We can't do that with fire trucks. We would have to go somewhere that would accept that turn around. That would all add to the time.

Don Hackbarth:

Time is of the essence in a fire or an emergency.

Chief Guilbert:

Yes, sir. We measure it in seconds.

Don Hackbarth:

The other scenario I have is let's say we don't do anything with the access road and we don't plow it and somebody has heart attack on the bike trail. Or let's say in winter they're skiing and you decide to come down into that west subdivision. How would you get your emergency equipment in there if that road was full of snow?

Chief Guilbert:

And to get onto the bike trail?

Don Hackbarth:

To get onto the bike trail.

Chief Guilbert:

We'd have to attempt to navigate south of 116th on the bike trail, or we'd have to walk from State Line Road and get up onto the bike trail.

Don Hackbarth:

Thank you. I would like to concur with John. The bike trail crossing is not the issue as far as traffic is concerned. ML is crossed. I don't think there are bicycles getting hit on that thing, are there, or joggers? I don't ever recall an accident from somebody coming across ML or Springbrook Road?

Mike Pollocoff:

There's been close calls.

Don Hackbarth:

That's a pretty fast intersection anyway. Mike, what impact would that have in infrastructure that comes up to the subdivision? Would it still be continued across anyway to service that, or would it have to come in from another area?

Mike Pollocoff:

In order to keep the system flowing and looped, water would cross the bike path and have to continue across. The sanitary sewer in essence runs down the bike path. Prairie Trails West receives their sanitary sewer from that connection. If the alternative was the selection where the bike path was removed, it would make maintenance of the sanitary sewer a little more problematic where we can't drive a sewer cleaner in on grass to get out and clean the manholes, and that has to happen every couple years. Storm sewer wouldn't be an issue.

Don Hackbarth:

I think I'm pretty definite. I've made up my mind on this. I personally like alternative 4. And the reason I say that is because of access. Alternative 4 provides for access for emergency vehicles across that bike trail. I don't know if it's with a speed bump, with a gate that somehow a vehicle could get through. It would allow for turnarounds of emergency vehicles. It would allow for snow plowing. I personally like alternative 4 with a way to block that access across so that in the event emergency vehicles could still get across that bike trail. So what I'm saying is the general flow of traffic couldn't use that to get across, but in the event of an emergency there is access across that bike trail to get to that subdivision in the quickest possible way.

James Bandura:

Going with Mr. Hackbarth's suggestion here, how would that actually be blocked off? Maybe that's a question to staff. How would you still have the access going across?

Mike Pollocoff:

If the alternative was the selection with the cul-de-sacs on both ends, typically on our road profile we have a mountable curb that people can get in their driveways or what have you. On this we would seek to put a vertical curb up, an engine could get up over that curb, has the horsepower to do it or an ambulance. It would be a little more difficult for police cars to come up over that. That would be more difficult. And then at some point there, on one side of the bike path or the other, it would either be gated or with the break away bollards where they would push them over with an engine, and that would be the way to get across.

Our concern with putting a gate up there and blocking it, as Chief Guilbert indicated, one of the ways that we manage our fire and rescue department, as well as every other community outside of Kenosha, is we rely on mutual aid agreements. If we're off at a big fire or emergency event, Winthrop Harbor, Somers, Wadsworth, Bonnie Bell, there's a number of different departments that could be coming in here that might not have the key, they might not understand coming through a subdivision and having it be blocked at the bike path, and then being able to respond to that and being frustrated. So it's not . . .if there was knock over bollards that a car is not going to push over or no one is going to want to damage their car pushing those over, then all we do is have an engine push them over and pay for the damage to the engine to the chrome or whatever has been damaged on that to push those things over. But we'd physically construct a cul-de-sac in such a manner that it would either be damaging to a car or very difficult for a car to get over. That's not to say that someone who has a four wheel pickup and go crazy going over it, but that would be the reason for the bollards.

James Bandura:

I just have to side with the Chief in having full access on that. If that would provide full access, I guess that's not an alternative.

Tom Terwall:

Mike, in order to go with alternative 4, would you have to hold a special assessment hearing for all of the people in Prairie Trails West that you're going to assess for that work?

Mike Pollocoff:

That's correct.

Tom Terwall:

I could support alternative 2. I'm all in favor of leaving the road alone. The only problem is the difficult of snow plowing. If, in fact, we're going to have access with knock down bollards, you'd have a difficult time plowing that section of 122nd Street east of 32nd Avenue if you don't have a cul-de-sac.

Larry Zarletti:

Times change and the Village is very progressive. There's a lot of things going on here, and sometimes you've got to take a baby step backward to go a bunch of steps forward. So number 4 is actually the alternative I circled right away. I concur with Commissioner Hackbarth on that. I guess I'm movable with regards to the locked gate based on your comments, Mike, but there definitely has to be access there. I guess the only thing I'm hung up on with alternative 4 is this assessment to these folks. Hindsight is 20/20. I would think as I sit on this Commission now and someone came through with a development that had a plan to do something similar to this, I might want to add to that, that if in the event that the time the secondary part of the development takes place that something changes where we want to do something like this, that someone else is going to be held responsible to pay for it like we do now. I know that someone from the development from the east side is here, and I would be interested to know if they would have any

interest in making that more palatable to the folks on the other side who don't necessarily want to hold up their project?

Jean Werbie:

Are you asking a question to the developer that you want a response, or is that a rhetorical question?

Larry Zarletti:

Yes, I am actually asking a question to the developer if they would be willing to work with the Village on doing something like that.

Mark Kaplan:

My name is Mark Kaplan. I would like to take this opportunity to answer that question and maybe just to make a comment or two. I was involved with Bill McLaughlin when this development was originally proposed. And the plan was always to cross the bike path, and it was set up actually working with the staff, with Jean Werbie and Mike, many, many years ago for very good reasons to cross the bike path, including the fire department and the police department. Before any home was there, we always anticipated and expected that good planning would necessitate crossing the bike path as we have two entrances to the east of our project to continue along Sheridan Road.

It's my concern tonight, even as we're here, that now Jean, because of a lot of resident's concerns, we've come up with an alternative 1, 2, 3, 4 and 5. And I must admit there are residents that are going to be coming to the park that is located in Prairie Trails East; there are residents that will be friends going back and forth; and as part of the original development team and being a land planner and being involved in many residential communities, it really disheartens me to think that we're going to isolate these two communities, because these two communities will be traveling back and forth. Friends will be there and children will be playing with other children. I must admit even as I hear this process and not allowing--because if the bike path was not there, this road would definitely be connected. Definitely. It would not be a question of people living in a home and saying I don't want it to be connected.

But what I am concerned with right now is if we did do a cul-de-sac to ask the developer to pay for the west side, I really don't see it as being a fair situation to say to the developer, well, now that the plans have been changed, would you pay for that? It's really not a fair thing. Of course, anything can be discussed and worked with staff. That's what staff is for, and we continue to work with staff. But I just wanted to make these comments today. Obviously, I appreciate the concern about the cost. It's something new that has been added. But we have worked with the staff of Pleasant Prairie for years in creating the first section and now the second section and the third section. As far as the cost goes, I don't even have any idea what the cost would be at this point. And whether the homeowners would pay for it or the developer should pay for it, I'm sure that's something that should be discussed probably in the future.

But what I'm concerned with tonight really is I absolutely believe that our original intention, good planning, we're going to open up the east, it's hard for me to believe that a development that I was part of ten years ago is not going to allow this road to be opened so that all of the

homeowners can be driving to each others' homes. That's all I wanted to say. I hope in some way that answers your question.

Tom Terwall:

Do you have anything you want to add, Jean?

Jean Werbie:

I just wanted to mention that, and I spoke with Bret Brandenburg a little bit before the meeting, it was back in October that I spoke with Michael Allenbecker, Waste Water Management Investigator, regarding the complaint investigation on the Brandenburg property and the notice of noncompliance. At that time it was left by the DNR that Mr. Brandenburg would scrape or turn up the soil on his property for the DNR to come back out there and do another detailed soils analysis of what type of soil was placed on that site. And then once that was done, if nothing was found, then the Pickus group would go out and just restore that land area. Mr. Brandenburg indicated to me that he's going to be doing that now this spring, and then the DNR will be out there to do their analysis. So time has just gone on with respect to this, but right now we're waiting on Mr. Brandenburg to do this turning up of the soil. The DNR is going to come down and then they'll do their evaluation. Either way, there is an order by the DNR for this work to be done, and the soil needs to be turned up so that that evaluation can be done. So that's still in process.

Tom Terwall:

But it shouldn't affect our decision tonight because there is already an order in place, correct?

Jean Werbie:

That's correct. And it's an order that the DNR has placed.

Don Hackbarth:

My gosh, it's been since 1990. It's over ten years now. It depends upon how bad you want this. There are tradeoffs in everything in life. I agree, I don't think the developer should pay for that cul-de-sac on that other side. And if the residents on that west side want it so bad, they've got to say we're willing to block that trail and yet leave access for rescue equipment to go over, and bite the bullet and pay it. Pay for the cul-de-sac. I believe that 122nd there must be plowed. It's got to be plowed, because alternative number 2, not plowing it, then you still can't get emergency vehicles across that in winter. If you're not going to plow 122nd, it does absolutely no good to put the cul-de-sac on the other side with the pylons or whatever it is. Because in winter if there's a fire on the other side, the emergency vehicle is not going to go across an unplowed street to try to get to the other side. It depends on how bad you want to limit the access across the bike trail, and if you want it that bad to be limited, 122nd with a cul-de-sac I still say number 4 is the way to go.

Tom Terwall:

Something we don't want to lose site of is even though since 1990 the County has been aware of our intention to cross the bike trail with 122nd Street, they're now saying we don't know about that, and if you're going to make that happen you need our approval. You have to have full

County Board approval. If this has to go to the County Board to get County Board approval, you know as well as I do that the residents of Prairie Trails West are going to be down at the County Board meeting, and I wouldn't want to sit here tonight and speculate on whether or not the County Board is going to support that crossing. So that's another bridge we're going to have to cross.

Mike Pollocoff:

I have a procedural issue I want you to think about as you're going through these alternatives. The alternatives that are going to require a special assessment, one, I can tell you from a financial standpoint the Village hasn't budgeted extra money for a developer to put in a cul-de-sac for a developer, so we don't have those funds in hand. And, secondly, we can't just make that a contribution to the development or to Prairie Trails West for their development. So if you choose an alternative that requires that a special assessment needs to be made, the motion is going to need to be structured so that recommendation goes to the Village Board, but I think there also needs to be a backup alternative. Because the Board, before they make that decision to levy assessment is going to conduct a public hearing, and we're going to go through a process to develop that assessment cost and we'll have the hearing to assess the affected properties and that would be the Prairie Trails West and Keith Kull's subdivision, because they would be the ones that would be primarily benefitting by having their subdivision have only one access, and this cul-de-sac would provide the return.

So the Plan Commission can't place a decision in the Board's box that the Board is really not able to act on when they have their review of this, because in order to effectuate that recommendation to the Plan Commission, they're going to have to have a subsequent public hearing to levy the assessment. So it's a little more problematic process if you choose an alternative that's going to have that kicker of having a special assessment and having them charge that cost out.

I think the other item, as you consider your motions, I haven't seen anything that leads me to believe that Kenosha County is going to take a long view on anything that's going to be a difficult discussion. So any motions that you make are still going to have to be subject to Kenosha County living up to commitments that they made dating 1990 going forward. The recent correspondence from the County has indicated that those plan reviews, the correspondence, the verbal discussions back and forth have evaporated. So I think to go forward and making a recommendation to the Village Board, and for the Village Board to make that next step, whichever recommendation you follow, if it's going to require some input by Kenosha County, and I think all these with the exception of removing the road entirely are going to require some input from Kenosha County, it's going to have to be with the caveat that it also be approved by the Kenosha County Board.

Larry Zarletti:

I had a question for I believe it is Mike who is the President of the subdivision. What are your thoughts on whether or not those people in the subdivision how they feel about the assessment?

Mike Renner:

They wouldn't feel good about it at all, I can tell you that.

Larry Zarletti:

Let me rephrase that. Do you think that they are adamant enough about this and feel strongly enough about this that they're willing to back it up with some assessment dollars?

Mike Renner:

I couldn't tell you that without talking to people about it. Because this is relatively new. I've discussed it with a couple people, the possibility, the but I haven't formally held a meeting or presented that to the residents. Also, I don't have any control over the other people. There's three other subdivisions basically on 122nd Street involved with this, and I can't really control how they feel about it. I don't think there's any other homeowners associations besides ours in that area.

Larry Zarletti:

Thank you.

Tom Terwall:

I think, first of all, we owe it to the developer of Prairie Trails East to give him authorization to proceed. He's waited long enough while this has been going on. Basically all he's saying is if you can't give me anything else, give me authorization to proceed with phase 1, because the bike trail isn't an issue there. I'm not so sure that what I'm not in favor of is to say either alternative 1 which is let the road go through, or alternative four which calls for a special assessment against the property owners, and hold a public hearing. If the property owners feel strongly enough that they don't want that road to go through and are willing to pay the special assessment to create that cul-de-sac, I would support that. And if that's not what they want, then the road goes across as originally planned. I'm against the Village paying for that cul-de-sac. That's something that I cannot support, especially in today's environment where the State keeps trying to cram a tax freeze on us. We don't have that kind of money in the budget to pay to do something twice. So that's my thinking.

James Bandura:

I do agree with you, Tom. I agree that to have an alternate like number 1 and number 4, and have the people in the subdivision take a vote or whatever, or give us some guidance to what they want to do if they'll accept the special assessment to put the cul-de-sac in and be done with it, and have some kind of emergency access across there, I think that's the route to go. And at least get the developer started and going on this.

John Braig:

Could we approve both 1 and 4, plain and simple? One is approved and the developer can proceed and in the meantime it's up to the residents of Prairie Trails West to approve the development of a cul-de-sac, and if they're successful alternative 4 is in effect. If they're not successful or not willing to pay for the cul-de-sac, then we proceed with alternative number 1.

Larry Zarletti:

I would actually like to make this a motion that we recommend to the Board approval to start the subdivision for the developer, and that we choose alternative 4 subject to County approval and a public hearing on the special assessment. And if that fails, alternative 1 be immediately in place.

John Braig:

I'll second that.

Tom Terwall:

The only question I have, Larry, is both alternative 1 and alternative 4 require County approval.

John Braig:

Well, that we're dealing with all the time.

Tom Terwall:

I understand.

John Braig:

And if we don't get County approval--there's a question. If we don't get County approval to cross the bike path, are we still approving the subdivision?

Tom Terwall:

Yes.

Mike Pollocoff:

By your motions you are.

Jean Werbie:

If, in fact, you do that and you cannot cross the bike trail, there will need to be some reworking internal to this subdivision on the east side, and we'll need to, for example, put a cross access road, because otherwise we're going to have too long of a dead ended road without an alternative access within its own subdivision. So we're either going to have to make the crossing where I've shown it in the green, or we're going to have to cross to the north/northeast. Somehow we're going to have to eliminate that long dead ended road, so we will still have to make some minor modifications if you go with alternative 4.

John Braig:

So we need to weave a contingency in the approval.

Jean Werbie:

Correct.

John Braig:

I withdraw my second.

Tom Terwall:

You're welcome to do that, but I would ask that you not withdraw your second.

John Braig:

Alright. I thought it would be necessary so we could restate the motion.

Tom Terwall:

If your motion passes, it will still go to the Village Board as our recommendation. But between now and the Village Board meeting staff would have to come up with—

Mike Pollocoff:

Or you could amend the motion.

John Braig:

My second stands.

Mike Serpe:

If alternative 2 is considered, you could still cross the bike trail with a cul-de-sac and Prairie Trails East. You can still make that emergency crossing with emergency equipment. Why can't—they're not going to plow the bike trail either. Either way, the bike trail is not going to get plowed. They don't plow the bike trail. That could have three feet of snow on it. You're not going to plow that either, either way. Whether you go with the cul-de-sac on either side, you're just not going to plow the bike trail, but you can still get across with emergency equipment with alternative 2 just as you can with 4, and you're eliminating the extra burden and process of a public hearing and all kinds of things, and we're still going to have to wait on Kenosha County's decision.

Larry Zarletti:

My only concern with number 2 was that it said that the Village would cease to maintain the roadway. Now, if there was some way to change that, I would certainly agree to number 2 versus number 4 and restate my motion.

Mike Serpe:

I believe, Larry, it's there because once you start plowing snow towards the bike trail it would have to be piled up in front of the bike trail because there's no place else to put it. So you just continue on 32nd Avenue with the plows and don't even go east on 122nd Street to the bike trail so, therefore, it wouldn't be touched during winter.

Tom Terwall:

That's what he means by not maintain it. We just wouldn't plow east of 32nd Avenue on 122nd Street.

Larry Zarletti:

What would that do to the safety issue of having to get through there in an emergency? It would be completely out of the question.

Mike Serpe:

If you have that much snow where you can't get through 122nd Street, you've not going to get through the bike trail either, because who is going to plow that? Nobody.

--:

You've got Winthrop Harbor, too . . .

Mike Pollocoff:

He's out of order.

Tom Terwall:

The other issue is if you put knock down bollards there are you going to have the snowplow knock them down every time they plow? That's not going to happen.

Mike Pollocoff:

No. The reason for not plowing it is, one, we don't want to back up because that's a problem. But the other problem is if you do plow, you make it worse, because you take a three inch snowfall, for example, and you're going to take that whole three inches on that 122nd and you're going to move it all up to the end of the road, that's where a majority of it is going to be, so you're taking a situation where a three inch snowfall you can probably get an engine across, but not if you pile up a ton of snow at the end of the street, because with that dead end you can't make that snow disappear. Like in a cul-de-sac you can move it around and spread it out.

Larry Zarletti:

I would have a question of the Fire Chief. Is this going to really put you in a bad situation if we go with alternative 2 and that road is not plowed? I do understand, Chief, that you make due with

what you have. I understand the professionalism in which you respond, but can you tell me are we putting people at risk by not opening that up to a degree?

Chief Guilbert:

I have to go back to our original comments back, it was a through street. And the true evaluation of all the alternatives, the through street is the easiest for us. The other ways, we would need it plowed. If you're going to consider it an emergency alternative, it's got to be plowed to the bike bath, and then the bike path has to be improved to get us across.

Larry Zarletti:

So if it remained blocked, are you still reasonably certain that you could provide a service to both sides in a safe manner?

Chief Guilbert:

Assuming that nothing happened on 116th Street and nothing happened on 128th Street from getting us in there, we could do that. It's going to take us longer, but we can do that.

James Bandura:

A quick one to Mike. If there was a cul-de-sac there, there's more of a chance of it being plowed?

Mike Pollocoff:

If there's a cul-de-sac there, it will be plowed with everything else.

Tom Terwall:

So the motion on the floor at least is to approve alternate 1 and alternate 4, and if the property owners want to petition for an assessment hearing for alternate 4, we'd go ahead and hold that public hearing. And if they vote in support of paying that assessment, then alternate 4 would go. In the meantime the Village would approach the County to find out if we're going to be granted access or not. If we're not going to be granted access, then it's a moot point, correct?

Mike Pollocoff:

That's correct.

--:

How do you follow . . . when you've got break aways . . .

Tom Terwall:

That's the point I just raised. It's the same whether you use 2 or 4.

Mike Pollocoff:

You don't plow.

--:

(Inaudible) . . . six months.

Tom Terwall:

The advantage you have is--well, more than that. With a cul-de-sac, at least, you don't take the snow all the way from 32nd Avenue and stack it against the end of the street like we'd be forced to do now. So the only thing you wouldn't plow is between the two cul-de-sacs. You wouldn't have any plowed up snow in either of those cases. So whatever snow fall there was is what you'd have to go through. This sure wouldn't be the first time our fire trucks have gone out after the snow fell and before the County plows came out. With the engines that we're running, as long as we don't have to go through a four foot drift we'd be okay.

Larry Zarletti:

Mr. Chairman, with that said, and that gentleman made an excellent point and I didn't think about that. If you have a cul-de-sac with the number 4 plan versus the alternative 2 plan, there could be days when you can't get through there anyway and you'd have to make some other arrangements to get through there. So that's kind of cause for consideration as well. Being a toss up between, in my estimation, of 2 or 4, if 4 is not going to get us where I wanted to go through there, I would have absolutely no problem with withdrawing or amending my motion to go with alternative 2 and leave it at that and make that the recommendation.

John Braig:

I'd like to call for the question on the original motion.

Tom Terwall:

OKAY, HE'S CALLED FOR THE QUESTION. THE MOTION ON THE FLOOR IS TO APPROVE ALTERNATIVE 4--OR SEND A RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE ALTERNATIVE 4 OR ALTERNATIVE 1. ALL IN FAVOR SAY AYE OR RAISE YOUR HANDS IN FAVOR.

Voices:

Aye. – John Braig, Jim Bandura and Don Hackbarth

Larry Zarletti:

This was from my original motion to take alternative 4?

Tom Terwall:

Who supports the motion then? John, you did?

John Braig:

I did.

Larry Zarletti:

If he'll withdraw the second I'll withdraw the motion so we can rephrase it.

Tom Terwall:

We can't because he called the question. So it's a three to three tie. Your second recommendation was alternative 2 or alternative 1, correct, Larry?

Larry Zarletti:

Well, no, there wouldn't be an alternative 1 if you went with alternative 2. Alternative 2 would be the alternative.

Tom Terwall:

Would you put that in the form of a motion?

Larry Zarletti:

Yes, sir, I would.

Tom Terwall:

I'LL SECOND IT. THE MOTION NOW IS TO GO WITH ALTERNATIVE 2, WHICH MEANS NO CROSSING OF THE BIKE TRAIL AND LEAVE 122ND STREET AS IT IS. ALL IN FAVOR SIGNIFY BY RAISING YOUR HAND PLEASE?

Voices:

Aye. Mike Serpe, Tom Terwall and Larry Zarletti

Tom Terwall:

We're back to three to three.

Mike Pollocoff:

You do have the alternative to proceed with no recommendation to the Village Board.

Tom Terwall:

Let's do that.

Mike Pollocoff:

And I think the other option or the other alternative that you may want to consider in the interim is getting a commitment to Kenosha County as to what they're going to approve.

John Braig:

Yes, we may be spinning our wheels here until we know what the County is doing.

Mike Pollocoff:

If it goes to the Board with no recommendation, in that intervening time before the Board acts on it, it would be my recommendation that Kenosha County make a decision on it.

Tom Terwall:

But our recommendation would still be that approval be given to proceed with the development of the Prairie Trails East Subdivision. I'm not in favor of holding that up any longer.

John Braig:

Can we move to approve--go ahead, Mike.

Mike Serpe:

That's what I was going to bring up. The topic here is the consideration of a conceptual plan, and we should address that and get Mr. Pickus on his way, and then we're at a stalemate with reference to how we're going to handle 122nd Street on the west side. So I would move approval of the conceptual plan with no recommendation regarding 122nd Street. That would be a Board decision.

John Braig:

I can second that.

Tom Terwall:

MOTION MOVED BY MIKE SERPE AND SECONDED BY JOHN BRAIG TO APPROVE THE CONCEPTUAL PLAN AND LEAVE THE DETERMINATION OF 122ND STREET TO THE VILLAGE BOARD AFTER CONSULTATION TO THE COUNTY? THAT'S A GIVEN. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye. John Braig, Jim Bandura, Don Hackbarth, Mike Serpe, Tom Terwall and Larry Zarletti

Tom Terwall:

Opposed? So ordered.

John Braig:

Move a brief recess.

(Recess)

B. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATION PLANS for the request of Patrick Smith of ProLogis, owner of the building, to allow Hospira/Abbott Laboratories, lessee, to occupy the existing approximate 302,000 square foot building as a warehouse and distribution center for the storage and distribution of hospital-related products at 10501 80th Avenue in the LakeView Corporate Park.

Jean Werbie:

Mr. Chairman, this is a matter for public hearing. 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. Patrick Smith of ProLogis, owner of the building, is requesting a Conditional Use Permit, including Site and Operational Plans, to allow Abbott Laboratories/Hospira, lessee, to occupy the existing approximate 302,000 square foot building as a warehouse and distribution center for the storage and distribution of hospital-related products at 10501 80th Avenue in the LakeView Corporate Park, Tax Parcel Number 92-4-122-281-0220. The existing ProLogis building, located on the east side of 80th Avenue, south of 104th Street is located at that location and provided as Exhibit 1 in your packets.
2. Abbott Laboratories/Hospira will use existing building to house temperature controlled warehouse operation for hospital products. Approximately 200,000 square feet of the building will be used for storing finish products including intravenous bags; semi-rigid polypropylene bottles; small plastic and glass vials; ready-to-use plastic syringes filled with aqueous solutions placed into corrugated boxes; solutions such as sterile water, saline solutions, glucose, potassium chloride, sodium chloride and some drug solutions; medical devices such as syringes and catheter kits. Approximately 60,000 square feet of the building will be dedicated to incoming materials and supplies that will be stored and later shipped to manufacturing sites such as pallets with rolls of thin film poly resins used for making IV bags, pallets of knocked-down corrugated boxes stacked on wood pallets, pallets of empty glass bottles and plastic vials and other consumable supplies such as Tyvek bunny suits, gloves and booties to be worn in clean room areas. Approximately 10,000 square feet will be used for offices and the remaining area for mechanicals. This facility will employ approximately 95 full time employees.

3. The Conditional Use Permit and Site and Operational Plan Application and the associated attachments are provided in your packets as Exhibit 2. For additional information pertaining to this proposed warehouse/storage facility, refer to the attached narrative which is the Operational Plan from the petitioner in Exhibit 3.
4. Fencing: In conversations with Pat Smith of ProLogis, the property owner, for security reasons Hospira has plans to do one of the following:
 - a. Install vinyl coated chain link fencing around a majority of the sides of the building and the entire rear of the building, enclosing the truck docks and perimeter fire roadway. If the fencing is installed, the height of the fence has yet to be determined, but will be between 6' and 10' in height as allowed by the Zoning Ordinance. Also, Hospira/Abbott is considering the installation of barbed wire atop the fence if allowed by the Village Zoning Administrator. If the barbed wire is not permitted, then perhaps angling the top portion of the chain link fence will be considered. No razor wire will be permitted on the fence. The gates must allow for emergency response personnel to access.

The Fire & Rescue Department has commented on the proposed fencing and has stated:

“Chain link fences with gates are shown on Drawing TI-1, dated 3/8/04. This reduces access to the building in emergencies. Further discussions will be needed with the owner/tenant, concerning the operations of these gates. Possible solutions would be to have the gates open automatically on receipt of a fire alarm, or installing a Knox Box unlocking system.”

According to Mr. Smith, ProLogis and Hospira/Abbott are more than willing to work with the Village regarding the fence issue and associated access issues.

OR

- b. Install exterior surveillance cameras throughout the property.
5. The property is zoned M-2, Heavy Manufacturing District and pursuant to the Zoning Ordinance, the proposed storage and warehousing of products primarily comprised of plastic requires a Conditional Use Permit.
6. As background information, the building was originally constructed over 1995-1996. On October 18, 1995, the Village Plan Commission conditionally approved the Site and Operational Plans for SC Johnson to construct the 302,500 square foot warehouse and distribution facility.
7. The building is currently being leased by Deluxe Media Services, Inc., which will vacate the building to allow Abbott/Hospira occupancy.
8. The petitioner has provided the information to illustrate compliance with the Conditional Use Standards as included in the Operational Plan in Exhibit 3.

9. Notices were sent to adjacent property owners via regular mail on April 12, 2004 and notices were published in the *Kenosha News* on April 12, 2004 and April 19, 2004.
10. The petitioner was faxed a copy of this memo on April 23, 2004.
11. According to Section 12.29-8 of the Village's General 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 information presented at the public hearing this evening, that the project as planned, will not violate the intent and purpose of all Village Ordinance and meets the minimum standards for granting of a Conditional Use Permit. Furthermore, the Plan Commission shall not approve any site or operational plan application without finding in the decision that the application, coupled with satisfaction of any conditions of approval, will comply with all applicable Village ordinance requirements and all other Federal, State or local requirements relating to land use, buildings, development control, land division, environmental protection, sewer service, water service, storm water management, streets and highways and fire protection.

With that, I'd like to continue the public hearing, and I'd like to introduce representatives from Hospira to make a further presentation on the project.

Luber Kechee:

My name is Luber Kechee. I'm with ProLogis Development Services. We're the owner of the property.

John Pichiati:

My name is John Pichiati. I'm with ProLogis, the same.

Tom Terwall:

And you're available to answer questions. Anybody else wishing to speak on this matter? Anybody else wishing to speak? Hearing none, I'll open it up to comments and questions from Commissioners and staff.

John Braig:

I have a question. There seems to be a greater concern for security on this than the other park tenants. I don't want to question the fact that they wanted the security as much as--the security obviously deals with the first consideration a theft. I note in the application that drug solutions will be there. Can you elaborate on the nature of the drugs? And, are the drugs the reason or the concern for security or security because of the value of the products being handled?

Tom Rezak:

I'm Tom Rezak with Abbott Laboratories, soon to be part of Hospira. The reason for the security goes along with our overall corporate security plan that we try to secure all our facilities. That's also something that is mandated by the FDA that oversees the products that we make, that we maintain a certain level of security. Not so much from theft, but anybody who can come in and

maybe adulterate our products and do any harm to them. So that's part of it. Again, part of it is just our global policy on security. We try to secure all our sites.

John Braig:

Thank you.

Larry Zarletti:

Is this a manned gate? It says the gates will allow for emergency personnel, etc.

Tom Rezak:

At this point we haven't planned it through all the way, but most likely during the day when we're there it's manned. But the facility as we intend to operate it probably would be manned from 5 a.m. to possibly 9 p.m. at night. After that it would be through a security system or interlocked with the fire alarm system that would be detached. But mainly during the day the gate would be opened most of the time during the day.

Tom Terwall:

And you would maintain it or you would support an interlock between the fire alarm system and the opening of those gates? That would be acceptable?

Tom Rezak:

I believe that would be, because that would also be tied into our security system.

Tom Terwall:

I understand. Anything further? If not, what's your pleasure?

Don Hackbarth:

What's the relationship between Abbott and Hospira?

Tom Terwall:

Hospira is a spinoff from Abbott effective this Friday I believe?

Tom Rezak:

At the end of business on Friday. Abbott Laboratories is spinning off a hospital supply business.

John Braig:

And when would you occupy this building?

Tom Rezak:

We're looking at occupying it in September for use. But there's some buildouts that need to happen prior to that.

Mike Serpe:

First, welcome to Pleasant Prairie, and it amazes me that you got out of Illinois. We're very happy you're here. I'd move approval of the conditional use.

James Bandura:

I'd second.

Tom Terwall:

MOVED BY MIKE SERPE AND SECONDED BY JIM BANDURA. I'D ALSO ADD MY WELCOME. IT'S NOT BEEN EASY TO GET ABBOTT TO COME ACROSS THE LINE. THE STATE OF ILLINOIS HAS FOUGHT US EVERY WAY POSSIBLE TO PREVENT THAT FROM HAPPENING. SO WE SEE THIS AS A FIRST STEP AND LOOK FORWARD TO MANY MORE. BUT, BEFORE WE VOTE ON THE MOTION, JEAN, YOU'VE GOT SOMETHING YOU NEED TO READ INTO THE RECORD, CORRECT?

Jean Werbie:

Yes, I do. The Village staff and Plan Commission have determined that based upon the foregoing information presented in the application and related materials provided and the public hearing this evening, that the proposal to allow Abbott Laboratories/Hospira, lessee, to occupy the existing approximate 302,000 square foot building as a warehouse and distribution center for the storage and distribution of hospital-related products at 10501 80th Avenue in the LakeView Corporate Park meets the following standards for granting a Conditional Use Permit in that:

- < does not impede the traffic patterns on the site or cause traffic congestion or traffic circulation problems and the traffic patterns on the site do not hinder, harm or distract the provisions of public services;
- < does not impair an adequate supply of light and air to the adjacent properties;
- < does not increase danger of fire;
- < does not create storm water flooding or drainage problems;
- < has no existing identified hazard, danger, harm, noxiousness, offensiveness, nuisance or other adversity or inconsistency that would endanger the public's health, safety or welfare;

- < the proposed and applied for use on this particular parcel is not inherently inconsistent with either the M-2, Heavy Manufacturing District in which it is located or the adjoining Zoning Districts or the industrial neighborhood; and
- < the proposed and applied for use will comply with all applicable Village ordinance requirements and all other applicable federal, state or local requirements relating to land use, buildings, development control, land division, environmental protection, sewer service, water service, storm water management, noise, streets and highways and fire protection.

With that and based on the foregoing information, the Village staff recommends that if the Plan Commission determines that the petitioner has met the specific standards for granting of a Conditional Use Permit and Site and Operational Plan approval as specified above; then the Conditional Use Permit and Site and Operational Plan shall be subject to the comments and conditions as outlined in the staff memorandum.

Tom Terwall:

THANK YOU. THE MOTION BY MIKE SERPE AND SECOND BY JOHN BRAIG BEFORE US, THEN IS THAT THE COMMISSION HAVING FOUND THAT THE REQUESTED PETITION MEETS THE REQUIREMENTS AS OUTLINED IN THE STAFF MEMORANDUM THAT WE GRANT THE CONDITIONAL USE PERMIT AND THE SITE AND OPERATIONAL PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED BY THE STAFF. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

C. Consider the request of David Bergstrom of Ragnar Benson, on behalf of G & K Lakeview Association, LLC, owner, for Site and Operational Plan approval for Hospira to occupy 41,722 square feet of the existing building at 8400 104th Street with offices.

D. Consider the request of David Bergstrom of Ragnar Benson, on behalf of G & K Lakeview Association, LLC, owner, for Site and Operational Plans for Hospira to occupy 43,559 square feet of the existing building at 8401 102nd Street with offices.

Jean Werbie:

Mr. Chairman, separate action is required for each item above, C and D, however these items are related so they are being proposed to be discussed at the same time.

The petitioner, David Bergstrom of Ragnar Benson, on behalf of G & K Lakeview Association, LLC, owner, is requesting Site and Operational Plan approval for Hospira to occupy:

- 1) 41,722 square feet of the existing building at 8400 104th Street with offices, hereinafter referred to the 8400 Building. The property is further identified as Tax Parcel Number 92-4-122-213-0008. It's provided as Exhibit 1.
- 2) 43,559 square feet of the existing building at 8401 102nd Street with offices, hereinafter referred to the 8401 Building. The property is further identified as Tax Parcel Number 92-4-122-213-0008.

Hospira is a subsidiary of Abbott Laboratories and is currently headquartered in Lake Forest, Illinois. In order to meet the office space requirements resulting of the separation of Hospira from Abbott Labs, Hospira needs to lease additional office space. The 41,722 square feet of leased office space in the 8400 Building and the 43,559 square feet of leased office space in the 8401 Building addresses Hospira's office needs. The leased space in the two buildings will house Hospira's Finance, Customer Service, Product Complaint, Medical Affairs and IT Business groups.

The existing interior office space within both buildings will be remodeled to accommodate up to 350 Hospira employees. The majority of the remodeling construction work will occur on the interior of the building and there will be little impact on the exterior appearance of the building or the site. The work affecting the exterior of the building with this project will be limited to new roof-mounted HVAC units, new underground telephone and data cabling to and between each building and in-filling several existing dock doors with windows.

According to the submitted Site and Operational Plan Application and associated materials, the 8400 Building is approximately 83,000 gross square feet in area, and the 8401 Building is approximately 72,000 gross square feet in area. No additions to the building are proposed with this application.

The Operational Plan indicates that Hospira will be leasing 41,722 gross square feet in the 8400 Building and 43,559 gross square feet in the 8401 Building. The Hospira offices will be located in the center portion of both the 8400 Building and the 8401 Building.

Pursuant to the Village Zoning Ordinance, the Plan Commission shall have the authority to review and decide applications that are occupying more than 50 percent of the gross area of a building. For that reason, that's why these applications needed to come to you this evening.

The abutting properties are zoned M-2, Heavy Manufacturing. The proposed office uses are permitted uses within that district.

The Village staff is also reviewing plans to expand the on-site parking for the 8400 and 8401 Buildings. The parking lot expansion is to create additional employee parking for Hospira. According to parking lot expansion site plan, which is Exhibit 4, the number of existing parking space for the 8400 Building is 241 and the expansion will add 23 spaces to this site. Thus, the total on-site parking spaces will be 264, which meets and exceeds the minimum required parking spaces.

Likewise, according to parking lot expansion site plan, the number of existing parking space for the 8401 Building is 184 and the expansion will add 55 spaces to this site. Thus, the total on-site parking spaces will be 239, which meets and exceeds the minimum required parking spaces.

Therefore, the total number of parking spaces for the 8400 Building and the 8401 Building combined will be 503 spaces. Unless the representatives from Hospira have anything to add, the Village Staff recommends approval of Site and Operational Plan approval for Hospira to occupy 41,722 square feet of the existing building at 8400 104th Street for office use and 43,559 square feet of the existing building at 8401 102nd Street for office use subject to the comments and the conditions as outlined in the staff memorandum.

Tom Terwall:

Anything you wanted to add? Comments or questions?

John Braig:

Move approval for the site and operation plan for 8400 104th Street subject to the conditions as outlined by staff.

James Bandura:

Second.

Tom Terwall:

IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY JIM BANDURA TO APPROVE THE SITE AND OPERATIONAL PLAN FOR THE 8400 104TH STREET BUILDING SUBJECT TO THE TERMS AND CONDITIONS AS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

Don Hackbarth:

Move approval for the site and operational plan for the 8401 102nd Street office.

Larry Zarletti:

Second.

Tom Terwall:

BEEN MOVED BY DON HACKBARTH AND SECONDED BY LARRY ZARLETTI TO APPROVE THE SITE AND OPERATIONAL PLAN FOR 8401 102ND STREET SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. AS A FORMER TENANT IN BOTH OF THESE BUILDINGS I'M GLAD TO SEE THIS

HAPPEN, BECAUSE YOU DON'T LIKE TO SEE THAT SPACE SIT VACANT. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

John Braig:

That cafeteria might be nice out there, too.

Jean Werbie:

Welcome.

Tom Terwall:

Are you going to bring an Abbott cafeteria with you up here? Welcome. There's more space.

E. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT for request of Pat Kressin, agent on behalf of the property owners, Bachaus Golf & Development Associates to rezone the field delineated wetlands into the C-1, Lowland Resource Conservancy District on the property generally located between 43rd and 47th Avenues and 107th Place and 109th Street in the proposed Whispering Knoll Subdivision.

Jean Werbie:

Mr. Chairman, this is a public hearing. The petitioner is requesting a zoning map amendment to correct the zoning map and rezone the field delineated wetlands, excluding the very small portion of the wetlands that is being filled for a portion of 108th Street from the R-3, Urban Single Family Residential District into the C-1, Lowland Resource Conservancy District. The non-wetland areas on the site and the wetland portion to be filled will remain in the R-3 District. This is a rezoning that comes as a result of the development of the Whispering Knolls Subdivision. Again, that subdivision is generally located between 43rd and 47th Avenues at about 109th Street on the south and 107th Place on the north.

The wetlands were originally staked on September 20, 1994, the Wisconsin DNR and re-staked by the Regional Planning Commission on June 7, 2001. There are three wetland areas located within the development located within Outlots 1, 2 and 3 totaling 3.31 acres, which excludes the wetland portion to be filled. An approximate 3,572 square feet of wetlands was approved by the Wisconsin DNR to be filled for the proposed 108th Street into the development from 47th Avenue.

This is a matter for public hearing, and the staff does recommend approval of the Zoning Map Amendment as presented.

Tom Terwall:

This is a public hearing. Is there anybody wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak? Hearing none, I'll close the public hearing and open it up to comments and questions from Commissioners and staff.

John Braig:

Move approval.

Mike Serpe:

Second.

Tom Terwall:

MOTION BY JOHN BRAIG AND SECOND BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD FOR THE ZONING MAP AMENDMENT 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 FINAL PLAT for the request of Pat Kressin, agent on behalf of the property owners, Bachaus Golf & Development Associates for a Final Plat for the proposed Whispering Knoll Subdivision on the property generally located between 43rd and 47th Avenues and 107th Place and 109th Street.

Jean Werbie:

On March 2, 1998, the Village Board conditionally approved a Preliminary Plat for the proposed Development which expired on September 2, 1998. Subsequently, the then developer Sanjarco Homes submitted a new Preliminary Plat and said Preliminary Plat was conditionally approved by the Village Board on March 5, 2001, and on February 3, 2003, the Village Board granted an extension of said approval. The current property owner and developer, Bachaus Golf & Development, are petitioning for approval of the Final Plat for the proposed Whispering Knoll Subdivision. Again, that's located between 43rd and 47th Avenues, approximately between 107th Place and 109th Street.

RESIDENTIAL DEVELOPMENT: The roadways have been altered slightly primarily as a result of wetlands that have appeared since the original wetland staking in 1994. As a result the

development includes 40 single family lots and three outlots. This is two lots less than shown on the Preliminary Plat.

The gross site area is 32.4 acres, 23.9 net acres for a net density of 1.67 units per acre with an average lot size of 23,356 square feet per lot.

Population projections within the proposed development are based on the number of households when fully developed:

- 40 total dwelling units
- 109 persons
- pursuant to the Kenosha School District 17 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 planning.

TREE AND WETLAND PRESERVATION: The north 20 feet of the development on Lots 4 through 11 and Outlot 1 have a 20 foot wide dedicated woodland protection and preservation easement and Lots 1, 39 and 40 and Outlot 3 adjacent to 47th Avenue have a 25 foot dedicated woodland protection and preservation easement. Trees located in these easement areas that are greater than eight inches shall not be removed without written permission from the Village. The Village shall permit the removal of dead, dying or decayed plant material.

The wetlands were originally staked on September 20, 1994 by the Wisconsin DNR and re-staked by the SEWRPC on June 7, 2001. There are three wetland areas located within the development located within Outlots 1, 2 and 3 totaling 3.31 acres. A small area of wetlands was approved by the DNR to be filled for the crossing of 108th Street. In addition on September 16, 2003 a variance was approved by the Village Board of Appeals to allow for the back of curb of the north and south side of 108th Street to have a zero foot setback to the wetlands.

Existing wetland and wooded areas shall be protected by erosion control and construction site fencing during mass grading operations and construction of the roadways and homes.

ZONING: The property is currently zoned R-3, Urban Single Family Residential District. This requires lots sizes to be a minimum of 20,000 square feet and 90 feet in lot width. There is also an area that is zoned C-1, Lowland Resource Conservancy District, and that will be considered at the Village Board meeting on May 3rd, and that is to consider to rezone all of the wetlands in that designation. The R-3, Urban Single Family Residential District allows for a net density not to exceed 2.2 dwelling units per net acre. As discussed above, the development has a net density of 1.67 units per net acre. This zoning classification and this plat does conform with the Village's Comprehensive Land Use Plan.

STORM WATER RETENTION FACILITIES AND OTHER PUBLIC IMPROVEMENTS:

Storm water retention facilities are located within Outlot 2. That's adjacent to 43rd Avenue. Storm sewer will be extended, at the Developer's cost, in 43rd Avenue from the northern

boundary of Mission Hills Development past Outlot 2 to the Village's pond located east of the site in Prairie Lane Heights Subdivision.

Sewer is being installed through-out the development and in 43rd Avenue extending from its terminus in 43rd Avenue to the end of Outlot 2 and in 47th Avenue to service Lots 39 and 40. All homes shall be provided with 10 foot gravity basement sanitary sewer service unless otherwise noted on the plans.

An urban profile roadway with curb and gutter is being installed in 43rd Avenue from Lot 35 to just past Outlot 2. No sidewalks are required in the subdivision; however a 10 foot wide pedestrian walkway shall be installed as part of the first phase of public improvements between Lots 6 and 7 leading from 107th Place to Prairie Lane School property. So that children will be able to walk through this subdivision and get to Prairie Lane School without having to go out onto 47th Avenue.

A right-of-recovery could be afforded to the Developers for sewer, water, storm sewer and/or roadway improvements installed in 43rd Avenue and sewer and water installed in 47th Avenue if approved by the Village Board for improvements specified below in the chart. The actual costs for such improvements will be provided at the time the Final Engineering is completed and prior to Village Board considering the Final Plat. As noted in the chart, Tax Parcel Number 92-4-122-261-0055 and 261-0060 will only need to pay the recoverable costs if they choose to connect to the services. Tax Parcel Numbers 262-0102 and 262-0101 will be required to pay for sanitary sewer when connected; however, the developer's engineer shall provide verification that the lots can be serviced with this sewer being installed in 47th Avenue. If Parcel 261-0055 and/or 261-0060 are subdivided, then at the time of the required Certified Survey Map, when it's submitted for approval, a condition of that approval would require the costs to be paid for said improvements prior to recording said CSM. If Parcels 261-0055 and/or 261-0060 installs a driveway to 43rd Avenue, associated roadway costs will be required to be paid. Laterals shall be extended by the Developer to the property lines.

So we would need to hold a special assessment hearing before the Village Board before any of these special assessments could be levied as deferred assessments on those properties.

SITE ACCESS: After construction activity is completed, the subdivision is proposed to be accessed from one access during construction, and that is 47th Avenue at 108th Street. A second access off of 43rd Avenue at 109th Street will be available for property owners to get to their homes. They will need to access through Prairie Lane Heights and Mission Hills Subdivision to access their development, so they will have two access points.. All public improvement and house construction vehicles would access via 47th Avenue, not through the existing development. The Village shall install signage in said development and adjacent subdivisions, at the developer's cost, to reflect this no construction vehicles access requirement, only when the homes are completed. Heavy construction vehicles, including trucks hauling and delivering fill material will be restricted to operating between 7:00 a.m. to 8:00 p.m. Monday through Friday and 9:00 a.m. and 6:00 p.m. on the weekends.

With that, this is a matter for public hearing. And this is one of those subdivisions that we have been working on and off with since 1994, and ten years later we're bringing it back before you for final plat.

Tom Terwall:

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

Kurt Koesser:

Kurt Koesser, 4122 109th Street. I just have a couple questions. Regarding the storm water, are you going to be tying into the existing pond that's back at the end of 43rd?

Jean Werbie:

The engineer can come up and answer your questions. Either one of us can. I didn't know if you had other questions, Kurt.

Tom Terwall:

Ask your questions, Kurt.

Kurt Koesser:

Okay, I have that question and there's a parcel of land to the south on 47th Avenue that doesn't appear to be developed. That's not part of this parcel?

Jean Werbie:

No, that's owned by Phil Godin, and at this point he's chosen not to develop his land.

Kurt Koesser:

Alright, that's all I have.

Pat Kressin:

My name is Pat Kressin with . . . representing Bachaus Golf & Development. My address is 125 South 84th Street, Milwaukee, Wisconsin. To answer the gentleman's question on the storm water, yes, the storm water detention pond that you can see in blue on this document has an overflow tied to the pond. The overflow for this pond right here goes right through here along the roadway and outfalls into this pond.

Jean Werbie:

Repeat the question, Pat.

Pat Kressin:

He is asking what kind of flow we expect out of this pond into this pond. To answer that question, this pond will detain most of the storm water on site, and it will alleviate a lot of the storm water that was coming across these lots through a ditch. There are a variety of ditches as well as a storm sewer throughout the development that outlit into this pond. I don't know the cubic feet per second, but it will be greatly reduced than what it currently is now.

Kurt Kozer:

The existing pond over here during heavy rainfall overflows onto the land to the north. So I'm just concerned that if there's a lot of water fed out of this new pond into this one that you're going to have some problems here.

Pat Kressin:

This pond is designed to handle the 100 year storm and detain it for a certain period of time before it's released.

Tom Terwall:

Anybody else?

Suzanne Bozarth:

Suzanne Bozarth, 10736 43rd Avenue. I live right there, the next lot over. My concern is our road is right now a gravel road. We petitioned probably a couple years ago to have that blacktopped, and it was approved. And then the prices came back and they were two to three times higher than what we had originally thought they were going to be. We did get the majority of the neighbors to agree to get the road blacktopped. My concern is now, half of our road, or maybe up to about 108th or so, will be curbs and gutters. There's six existing houses there now. We're only adding two more. Is there any way we can blacktop the whole road and not do curbs and gutters? I personally feel, and I know some of my neighbors it's going to affect our property value to have half the road curbs and gutters and then a wide road going to narrow road if we do blacktop. It wouldn't look right. It's going to affect us. We're going to have to pay more money than we initially had planned. That's one question.

The second question is on the back of my lot will there be a ditch? That won't be on my property? That will be behind my property?

--:

(Inaudible)

Suzanne Bozarth:

Okay.

Jean Werbie:

We can't hear the nod. You'd have to respond.

--:

The ditch will be on our property.

Suzanne Bozarth:

And a third question. If they have to do these curbs and gutters and we choose to go ahead and we also want our road paved, I know part of it we were trying to get in with another subdivision

to have the rest of the road paved so the cost would be lower. Is there some way to state that, that we can join in officially so our cost will be lower? That's all my questions.

Mike Pollocoff:

In response to the first one, the Village ordinances require that when a development goes in that we obtain full improvements because it's going to be the most cost effective thing for the Village to maintain over time. So we would need to have curb and gutter go to the terminus as shown on that map. And at that point it would taper into either the existing gravel road that's there now, or a rural profile road. Similar examples of where this has happened before would be Whittier Heights Subdivision where you come from 86th Street into an existing improved subdivision or 54th Avenue in Whittier Heights. Or over by Tuckaway Trails over by 82nd. I don't think it's detrimental. It's a rural profile road and that's what it is.

We have spoken with the developer and asked them the question whether or not when they did their bidding if they would give us or solicit unit prices for however many square yards of asphalt would be needed to complete the paving of 43rd Avenue from where the urban profile stops down to the end. Of course, we haven't seen those yet and I don't think they have either, but the opportunity for savings is significant versus having an asphalt contractor just move in there for that small amount of paving. The process would be if they did that the developer supplies us with a price, and then we would go back to each property owner and have them sign a waiver of notice of special assessment which, in essence, they would agree to pay that share of the price of the paving once they knew what it was, and then the developer proceed to award his contracts and go forward.

Mike Serpe:

The property owners would sign the waiver of assessment. Are all property owners willing to have this done, or is there somebody holding out?

Suzanne Bozarth:

I'm not sure . . . three out of the five . . . not spoken to the other two . . . the one that probably wouldn't would be on the end across from the pond . . .

Mike Pollocoff:

If that was the case, if not everybody wanted to do it, then there would have to be a special assessment hearing where the Board would levy the assessment, then everybody would have to pay.

Tom Terwall:

Has that road been there that long that it didn't have to be paved at the time it was developed?

Mike Pollocoff:

Right. I think the very home was put in in the late '70s when it was constructed. At that time the developer, Bensolice, carved out a gravel road and there you are.

Tom Terwall:

The house I just sold had a similar situation where my house was the first house with curb and gutter, and then as the road went east of me it went to a rural profile. It was well engineered so it didn't look like a problem area at all. I'll close the public hearing and open it up to questions and comments from staff.

Jean Werbie:

The staff recommends conditional approval of the final plat subject to the comments and conditions as outlined, as well as the draft memorandum of development agreement, as well as the development agreement you have before you.

John Braig:

So moved.

Mike Serpe:

I'll second it. Question. Reference to Mr. Kozer's question on that pond, the pond that he was referring to, the one he said that in heavy rains it does have a tendency to overflow. If any amount of rain water is going to be caused to go into that pond, is that going to create a larger problem for his area? Should we look at that closer? I'm sure we have already.

Pat Kressin:

The amount of water will be at the same, but it will be at a different rate, though. That detention pond, all that water in that watershed that more or less is our development directly goes into that pond now. With the improvements, it will go into the pond on site and detain it until it reached a certain level before it's discharged into the other pond.

Mike Serpe:

Okay.

Tom Terwall:

MOTION BY JOHN BRAIG AND SECOND BY MIKE SERPE 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. Items G and H are going to be tabled at request of petitioner.

Jean Werbie:

We need a motion to table those, please.

Mike Serpe:

Move to table.

John Braig:

Second.

Tom Terwall:

MOVED BY MIKE SERPE AND SECONDED BY JOHN BRAIG TO TABLE ITEMS G & H UNTIL THE NEXT MEETING, JEAN?

Jean Werbie:

They did not indicate to me. They're not public hearings so we don't have to resend notices.

Tom Terwall:

Okay. All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

I. Consider the request of Craig Riley of STS Consultants, on behalf of the Congregation of St. Anne, owner, for a Certified Survey Map to divide Outlot 13 of Prairie Ridge (St. Anne Church) into two (2) parcels.

Jean Werbie:

The petitioner is requesting to divide Outlot 13 of Prairie Ridge (St. Anne Church) into two parcels and create a 0.928 acre Parcel 2, which is proposed to be attached to Outlot 12, which is the Extended Love Child Day Care Center, and a 12.2559 acre Parcel 1, which contains the St. Anne's church building and associated improvements. The property to be divided is located at 9091 Prairie Ridge Boulevard, identified as Tax Parcel Number 91-4-122-081-0400-0.

Both the St. Anne's property and the Extended Love properties are zoned I-1, Institutional District. Pursuant to the Village Zoning Ordinance, the I-1 District requires that newly created

lots be a minimum of 10,000 square feet with a minimum frontage of 75 feet on a public roadway.

The St. Anne's property is 13.1879 acres. The CSM proposes to divide Outlot 13, the St. Anne's property and create two new parcels. Parcel 2 is a 0.928 acre parcel, which is proposed to be attached to the abutting Extended Love Child Day Care property for the purposes of a future expansion for that facility. Parcel 1 is the 12.2599 acre remainder of the St. Anne's property, which contains the church building and associated improvements.

Parcel 2 does not meet the minimum 75 feet of frontage on a public roadway. Therefore, a note has been placed on Sheet 1 of the CSM stating that: Parcel 2 is not considered buildable unless and until Parcel 2 is combined with Outlot 12.

According to Village Finance records, there are outstanding property taxes that are not delinquent but outstanding on the St. Anne's property in the amount of \$18,225.88, amount due by April 30, 2004. Additionally, Village Finance records indicate that there is an outstanding sewer connection fee for St. Anne's in the amount of \$12,800.

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.

Village staff recommends approval of the Certified Survey Map subject to the comments and conditions as outlined in the staff memorandum.

Don Hackbarth:

Move approval.

John Braig:

Second.

Tom Terwall:

MOTION BY DON HACKBARTH AND A SECOND BY JOHN BRAIG TO APPROVE THE CSM 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.

3. SUCH OTHER MATTERS AS AUTHORIZED BY LAW

Don Hackbarth:

Jean, I know you guys are really working hard. Is there any way we can get, remember I asked for the map of the Pleasant Prairie and the divisions and all of that.

Jean Werbie:

We do have that. In fact, it's being printed off as we speak. I had Rich Robinson make some changes this past week, and I saw the first of the maps were being printed off. So now that he's got it completed, he's printing off the large ones and printing off small ones. We can hand deliver them to you or we can get them to you at the next meeting. We just took care of that.

Don Hackbarth:

They were so helpful.

Jean Werbie:

We just got that taken care of.

4. ADJOURN

John Braig:

Move adjournment.

Mike Serpe:

Second.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.