

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
5:00 P.M.  
July 12, 2004**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on July 12, 2004. Those in attendance were Tom Terwall-Chairman; Michael Serpe; Donald Hackbarth; Wayne Koessl; Jim Bandura; John Braig; Eric Olson; Larry Zarletti. Wayne Koessl was excused. Also in attendance were Michael Pollocoff-Village Administrator; Jean Werbie-Community Development Director; Peggy Herrick-Assistant Planner and Assistant Zoning Administrator and Tom Shircel-Assistant Planner and Assistant Zoning Administrator.

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

Tom Terwall:

If you're here to speak on Items 6A or B or 7C or D, those are public hearings. We would ask that you hold your comments until the public hearing is held so they can be included as part of the official record of the public hearing. If you're here to speak on any other matter, which would be any item not on the agenda, now would be your opportunity to do so. We would ask that you step to the microphone and begin by giving us your name and address. Anybody wishing to speak under citizens' comments?

- 5. CONSIDER THE MINUTES OF THE JUNE 14, 2004 PLAN COMMISSION MEETING.**

John Braig:

Move approval as presented.

Larry Zarletti:

Second.

Tom Terwall:

**MOTION BY JOHN BRAIG AND A SECOND BY LARRY ZARLETTI TO APPROVE THE MINUTES OF THE JUNE 14, 2004 PLAN COMMISSION MEETING AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So carried.

**6. OLD BUSINESS**

**A. TABLED PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATION PLANS for the request of Sara McNear of Richard Connor Riley & Associates, LLC, agent, on behalf of Nextel Communications, to construct and operate a cellular telephone facility consisting of a 180 foot high monopole tower with 12 mounted antennae and a 12' x 20' equipment shelter at the tower base on Village owned property located at the southeast corner of 104<sup>th</sup> Street and Sheridan Road.**

Tom Terwall:

We need a motion to take this item off the table.

Michael Serpe:

So moved.

John Braig:

Second.

Tom Terwall:

**MOTION BY MIKE SERPE AND A SECOND BY JOHN BRAIG. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So carried.

Jean Werbie:

Mr. Chairman, as a part of the findings of fact for this public hearing, the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request as presented and described in your packets.

1. PUBLIC HEARING COMMENTS:

During the May 24, 2004 Public Hearing, the Plan Commission voted unanimously to table the Conditional Use Permit and Site & Operational Plans for Nextel Communications. The reasons for tabling the request were due to disagreements with several of the Village staff comments. On Friday, June 9, 2004, revised plans for the project were e-mailed to the Village staff. The revised plans with a latest revision date of 07/08/04 address the debated issues as follows:

- A. The Village is requiring that the proposed 12 foot wide access road, which extends from 104<sup>th</sup> Street southwards to the Nextel lease area be an asphalt paved access road, rather than a gravel road.

The access road will be asphalt paved.

- B. The Village is requiring that the entire 20' x 40' leased area will be asphalt paved, rather than a graveled lease area.

The revised plans still indicate that the lease area will be surfaced with gravel.

During a June 4, 2004 telephone conversation between Ms. McNear, Nextel Representatives and the Village staff, the Nextel Representatives decided that they wish to pursue placing gravel in the lease area rather than asphalt paving the lease area.

However, the Village staff stands by the original recommendation that the entire 20' x 40' lease area shall be asphalt paved, rather than a graveled. Reasons for the asphalt paving include: reduced maintenance, prevents unsightly weeds/grass from growing through, durability and aesthetics. Other cell tower lease areas located in the Village that contain gravel have an unkempt appearance with weeds and grass growing through the gravel and is an ongoing easement maintenance issue to follow up on for the Village

Additionally, an argument made by the Nextel Representatives to forego the asphalt paving was that any future co-locator within the lease area would lead to the removal of asphalt, rather than gravel, to accommodate the equipment shelter and underground cabling, which would be more costly. However, with the reduction in size of the lease area from the original 40' x 60' to the 20' x 40' as presented this evening, whereby Nextel will be the sole lessee within the lease area, the argument of asphalt pavement removal is no longer valid.

The Plan Commission will need to make the final decision this evening pertaining to whether the lease area shall be surfaced with asphalt.

- C. The Village and Nextel have agreed that the landscaping shall be installed outside of the proposed fencing and outside of the 20' x 40' lease area. The perimeter landscaping shall consist of 3 foot tall evergreen shrubs along all sides of the 20' x 40' lease area with mulch or decorative stone at the base of the landscaped areas.

The perimeter landscaping around all sides of the lease area shall be installed and maintained at Nextel's expense. The landscaping will be installed outside of the

proposed fencing and outside of the 20' x 40' lease area. The Village will grant a Landscaping, Access & Maintenance Easement to Nextel Communications in order to allow access to the perimeter landscaped area for maintenance. Nextel Communications will be responsible for the maintenance of all of the landscaping.

- D. The Village is requiring that Nextel Communications install a remote satellite receiver on the tower (along with supporting equipment) in order to enhance the safety of police officers utilizing portable radios in the eastern portion of the Village. The cost of the equipment and installation would be at the expense of Nextel Communications.

Ms. McNear, on behalf of Nextel Communications, stated that Nextel is willing to install the police antenna and associated coaxial cabling at their cost; however, due to liability reasons, Nextel does not want to install the other associated equipment.

The Village staff stands by a portion of the original recommendation in that Nextel Communications shall install a remote satellite Police Department receiver on the tower along with the associated coaxial cabling.

During the June 4, 2004 telephone conversation between Ms. McNear and the Village staff, the following was agreed upon regarding the Police Department remote satellite receiver antenna on the 180 foot tower.

Nextel shall provide and install, at Nextel's expense, the Village Police Department remote satellite receive only antenna on the tower at a port height of 60 feet with the tip of the whip antenna to be no higher than 72 feet.

Nextel shall provide and install, at Nextel's expense, the underground cabling associated with the Village Police Department remote satellite, receive only antenna. Nextel shall run the underground cabling to the northwest corner of the lease area, just outside the fence enclosure. From that point, the Village will provide the cabling to the Booster Station where the associated equipment will be housed.

No Kenosha County Civil Defense Siren or other whip antennas shall be required by the Village for the tower.

- 2. Other changes since the initial May 24, 2004 Public Hearing:
  - a. The Nextel lease area has been reduced to 20' x 40' from the original 40' x 60' lease area. Any future co-locator on the monopole tower that requires a new equipment shelter or other apparatus will need to negotiate a separate lease agreement with the Village. Additionally, a nonexclusive easement will need to be granted over the 12 foot wide access drive to allow other future users to use the access drive to reach their lease areas.
  - b. Finally, during the June 14, 2004 meeting, the Plan Commission again voted unanimously to table the Conditional Use Permit and Site & Operational Plans

for Nextel Communications. The reason for tabling the request was due to revised Site & Operational Plans had not yet been submitted to the Village. We do have those plans now, so this item has been continuously tabled actually since May 24th.

With respect to background information, this information was read into the record at previous meetings and I am including it as part of the record. I am not going to re-read it. It has to do with the zoning of the property, the site and operational plan information, the equipment shelters, as well as additional information regarding the findings that the Plan Commission must reach in order to grant this conditional use permit for Nextel Communications to locate this monopole tower at 104<sup>th</sup> Street and Sheridan Road on the Village's property.

With that, I'd like to continue the public hearing on this matter, and the staff would be happy at some point to read our conclusions and recommendations regarding this matter.

Tom Terwall:

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

Sara McNear:

My name is Sara McNear. My address is 7600 County Line Road, Burr Ridge, Illinois, and I'm here as agent on behalf of Nextel. After reviewing all the conditions that the Planning Commission staff has recommended, Nextel has pointed out two issues they wanted me to raise tonight. The first one is that, although the Planning Commission is recommending asphalt in the leased area, they continue to request that you allow gravel in this minimal area that has now been reduced to 20 feet by 40 feet. They're willing to asphalt the access road, but they would like to ask that the gravel would be permitted in the smaller lease compound, which will be surrounded with the landscaping as shown in the revised drawings.

The second point I just wanted to raise was Nextel pointed out to me today after reviewing the conditions that there was possible misunderstanding on the conference call that in, I believe, it's Section 14 of the final recommendation concerning the installation of the satellite antenna receiver, that Nextel does not want to provide the antenna at their cost. They're willing to increase the rent by \$200 per month. It's already at \$1,500 a month for just the installation of the antenna or the tower. They will not be collecting additional reviews from leasing ground space to other co-locaters. But by increasing the rent \$200 a month, they hope that that would compensate the Village for any other concerns they might have, which over the course of the term of the lease, the initial term is five years with five year renewal terms. So we ask that you take that under consideration as well.

Tom Terwall:

And the proposal is to increase the rent by \$200, and they will install but not furnish the antenna, is that correct?

Sara McNear:

That's correct.

Tom Terwall:

Thank you. Anybody else wishing to speak?

Marty Johnson:

My name is Marty Johnson. I'm with the Wisconsin Department of Natural Resources and also the property manager for the Chiwaukee Prairie State Natural Area. Just had a couple comments that I'd like to read off concerning the Nextel power. It's the Department's understanding that the proposed cell tower will be 180 feet tall with without no lights or guide wires associated with it. Cell towers or large structures over 200 feet tall have been the cause of large numbers of bird deaths through collisions. Citing the tower is approximately a half mile from the lake shoreline, which causes some concern due to the fact that Lake Michigan shoreline is a major migration corridor for millions of birds, over 300 species, each year. During migration, birds fly 2,000 to 3,000 above sea level. During overcast skies birds are forced to travel at lower elevations between 500 and 1,500 feet bringing them in contact with these tall structures. The birds either hit the structures because they can't see it in the clouds or fog, or they are attracted to the light or are created by the lights on the structure, and they end up running into the guide wires or colliding with other birds.

Impacts from these collisions can be severe, such as a case in western Kansas where an estimated 10,000 long spurs died on a foggy night when they ran into a 420 high TV tower. The proposed tower is proposed the 200 foot height that current . . . for migrating birds. The Department would recommend that the tower stay under 200 feet, and if for some reason that the tower height would be raised over 200 feet, the Department would recommend it being relocated to a location further away from the lakeshore and that rapidly flashing strobe lights be placed on the tower to ward off flying birds.

Tom Terwall:

Thank you. Is there anybody else wishing to speak? Anybody else? Anybody else? Hearing none, I'll close the public hearing and open it up to comments and questions from Commissioners and staff. Don you had a question?

Don Hackbarth:

I was just asking why they would insist on the gravel.

Tom Terwall:

Do you know what Nextel's position is? Why are they are opposed to blacktopping it?

Sara McNear:

They feel it's just a minimal amount of area. They feel that they're agreeing to asphalt the access road, and they really just--I think maintenance wise and for any particular reason it's almost a minimal area that needs to be asphalted. I can't give you any other information than that.

Tom Terwall:

Mike, what's the cost of that antenna? If they increase the revenue by \$200 per month, how long would that take to pay off the price of that antenna?

Mike Pollocoff:

I want to say it's \$3,400.

Tom Terwall:

So we're looking at 17 months. Any comment on that, Mike?

Mike Pollocoff:

That would be something I'd be willing to recommend. In actuality I think it probably would help with whatever vendor supplied, their responsibilities came back directly to the Pleasant Prairie Police rather than Nextel in the middle. We did in our previous discussions, based on the nature of our utility at the booster station, determine we would rather have our crews digging around or by the booster station and the reservoir rather than another contractor running across that ground. So we were okay with that.

The other thing I might add as far as the asphalt, when you leave tonight you can look at the closest which is right behind the Village Hall here. We have another tower where that same application of herbicide and stone was put down, and it doesn't look good. It's a constant back and forth between the Village and the lessee to maintain their site. In this area in particular there are so many varieties of vegetation, either wetlands or weeds or whatever you want to call it there, I think it's going to be a difficult area to keep nice. We have a difficult time getting the grass started at the booster station site. So that's why we recommend for permanent cleanup is to have that site asphalt and be done with it.

Tom Terwall:

The area outside of the 20 by 40 foot area that they're going to leave, what's that surface?

Mike Pollocoff:

Grass where we mow and maintain that.

Tom Terwall:

I guess the only way I could even consider approving gravel would be if there's a clause in the contract that said we'll maintain weed control at your cost, so that if we have to do a weed application or whatever, that gets added to the rent. Other than that, I'm not interested.

Michael Serpe:

We're getting a number of cell tower requests for the Village, and I think we're getting so many that it's time that we make sure that when these are installed that they're going to be aesthetically pleasing because they're going to be there forever. Tom, what you're saying is good, but what bothers me or my fear of happening is that the weeds will grow and they're not going to maintain it for whatever reason. If they don't maintain it, then we have to get on it with letters and threatening them and do this, that and the other thing. If we do this thing right, a 20 by 40 area, if they can sponsor NASCAR, I don't think a 20 by 40 blacktop patch is going to break them or cause them to go in the red for whatever reason. I think we have to be conscious of how many of these things we're approving. We know there's a need. America can't live without cell phones. We know that. So as long as we're going to have them, let's make them as nice as possible and let them fit into the community as best they can.

Eric Olson:

I see that the tower is 180 feet. There's no antenna on top of that 180 feet, is that correct? They're all at the 150 foot level. So I guess I don't understand what the DNR-

Tom Terwall:

It's their opinion don't go any higher.

Eric Olson:

They don't have a problem with this. They don't want us to install anything else. Okay.

John Braig:

In regards to the asphalt, if they're willing to have a blacktop or asphalt driveway, the incremental cost of a 20 by 40 blacktop area in my mind is insignificant. If there's concern about digging or cutting through it for future facilities, I would suggest throwing a couple piece of conduit underneath before it's blacktopped. I do have a question regarding the antennas. It seems as though we're talking about a receive only antenna. Where will the transmitter antenna be located?

Mike Pollocoff:

The transmitter antenna is at the Roger Prange. So under our license that's where we can transmit from. Our problem is keeping the signal--our receive antennas we have one here at the Village Hall, so to boost it we need another one out there. So we can't broadcast from that.

John Braig:

As I understand it you're going to transmit from Prange. At this facility on this tower you'll have a receiver or receive only antenna and a receiver. What are you doing with the signal that that receiver receives? It will be passed to a booster.

Mike Pollocoff:



What it does is it repeats the signal and enhances it for people especially with hand held radios that are in the lower areas.

John Braig:

In effect it's transmitting a signal. Where is that antenna?

Mike Pollocoff:

It will be on the tower. That will be at 60 feet.

John Braig:

I thought we were talking about a receive only antenna.

Mike Pollocoff:

Well, it just doesn't receive it and disappear. Maybe Larry knows how this works, too.

Michael Serpe:

I think it receives on one frequency and transmits on another.

John Braig:

That's what I would surmise, but are you going to do it on the same antenna? That means switching the receiver out when you switch the transmitter in, or will the transmitter feed its own antenna which I would expect.

Michael Serpe:

John, all the repeaters, and I know this from experience, that the City of Kenosha has, the Police Department has on all their locations, they're only one single fold antenna, and those are all repeaters. So somewhere in that antenna they receive and retransmit at a different frequency.

Larry Zarletti:

That's the key. It's on a repeater. My question was if the police antenna needs to be serviced, who will service it?

Mike Pollocoff:

Our contractor.

Larry Zarletti:

So working on their pole and coming on their property that's all part of the agreement, no problem?

Mike Pollocoff:

Right.

Don Hackbarth:

I drove by the water tower the other day too look at our setup. Inside the fenced area is that blacktopped?

Mike Pollocoff:

It's blacktopped. It's hard to see it, but it's between the tank and the booster station and then as you go east from there is blacktopped.

Don Hackbarth:

We're following the same principle of blacktop. The other thing is that's over 5,000 square feet of roadway in blacktop. Is that going to require a retention/detention basin to gather that stuff? That's going to be a little bit of runoff.

Mike Pollocoff:

From the driveway? No, that can discharge straight to the wetland there.

Don Hackbarth:

And that's acceptable?

Michael Serpe:

Right.

Jean Werbie:

So the underground cabling associated with the Village Police Department's satellite receiver that's still going to be paid for by the Village or Nextel?

Mike Pollocoff:

By the Village.

Jean Werbie:

So both the satellite receiver and the cabling both of those would be paid for by the Village? And in exchange they're going to be giving us \$200 extra month in lease payments?

Eric Olson:

That's their proposal, so we'd have to change our recommendation.

Jean Werbie:

I just wanted to clarify that and I'm making those changes. I just wanted to clarify and I think Mr. Olson did that. The DNR is not opposed to the 180 foot high tower. They would just be opposed to extending it above that 200 foot mark in the letter, and I will make this letter that Marty Johnson gave us dated July 12<sup>th</sup> part of the public record and included as one of the exhibits.

Tom Terwall:

Recommendations from staff?

Jean Werbie:

Village Staff Conclusions and Recommendation. The Village staff has determined that based upon the foregoing information presented in the application, and the information presented this evening, that the project meets the following standards for granting a Conditional Use Permit in that the project:

- a. does not impede the traffic patterns on the site or cause traffic congestion problems; or traffic circulation problems and the traffic patterns on the site do not hinder, harm or distract the provisions of public services;
- b. does not impair an adequate supply of light and air to the adjacent properties;
- c. does not increase danger of fire--in so far as the danger of fire does not exceed the capabilities of the Village Fire & Rescue Department as shown in the Exhibit 4 — comments dated May 6, 2004 from the Village Fire Chief;
- d. does not create storm water flooding or drainage, create obnoxious odors or otherwise endanger the public health, safety or welfare;
- e. 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 related to the proposed use;
- f. the proposed and applied for use on this particular parcel is not inherently inconsistent with either the I-1, Institutional District in which it is located or the adjoining zoning districts and neighborhood; and
- g. 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.

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 as specified above and discussed this evening, then the Conditional Use Permit shall be approved subject to all the comments and conditions as outlined in the staff memorandum that you have,

with the two modifications that the staff is recommending. That is that the leased area be asphalt instead of gravel as presented by staff, and then the modification that the satellite receiver cabling be installed by the Village with Nextel increasing their monthly payment with \$200 additional each month to the Village of Pleasant Prairie.

Eric Olson:

Move approval with the changes in the conditions outlined by staff.

Larry Zarletti:

Second.

Tom Terwall:

**MOTION BY ERIC OLSON AND A SECOND BY LARRY ZARLETTI TO APPROVE THE SITE AND OPERATIONAL PLAN AND CONDITIONAL USE PERMIT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED BY THE STAFF MEMORANDUM FOR A 20 BY 40 FOOT AREA BE BLACKTOPPED, AND THE AGREEMENT BE MODIFIED TO INCREASE THE RENT BY \$200 A MONTH AND HAVE THE VILLAGE SUPPLY AND NEXTEL INSTALL THE SATELLITE RECEIVER AND CABELING ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So carried.

Larry Zarletti:

I have a quick question to the representative if I could. To the Nextel Rep, could you tell me if you know how far reaching that antenna will be or Nextel customers, like what areas is it going to fill in that maybe wasn't getting reception before?

Sara McNear:

Yes, I did bring a propagation map that shows you the before and after coverage, so I can give that to you right now.

Larry Zarletti:

Thank you.

Tom Terwall:

Mike, does this solve the police and fire communications problems in Carol Beach?

Michael Serpe:

Yes.

Tom Terwall:

Is that the end of it you think or not?

Michael Serpe:

Yes, that's the end of it unless it gets lower.

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

Jean Werbie:

Mr. Chairman, the petitioner is requesting approval of a revised Conceptual Plan for the proposed Prairie Trails East Subdivision generally located north of 128<sup>th</sup> 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.

The proposed Prairie Trails East Subdivision is located within the south central portion of the Sheridan Woods Neighborhood. The Sheridan Woods Neighborhood is generally located between 116<sup>th</sup> and 128<sup>th</sup> Streets and between Sheridan Road and 39<sup>th</sup> Avenue. The Village's Comprehensive Land Use Plan indicates that this Neighborhood is proposed to be developed prior to 2010 and 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. 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.

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 122<sup>nd</sup> Street to the east over the Kenosha County Bike Trail to serve both the Prairie Trails East and West Subdivisions. The Plan Commission continued the public hearing until April 26, 2004 and recommended approval of the Conceptual Plan for the proposed subdivision, subject to the comments and conditions of the Village Staff Report of April 26, 2004. However, the Plan Commission had no recommendation regarding the crossing of the Bike Trail.

On May 3, 2004, the Village Board received the Plan Commission recommendation from the public hearing, and after considerable discussion the Village Board decided to refer the Conceptual Plan back to the Plan Commission after the Conceptual Plan is revised by the Developer. However, the Village Board did decide that crossing of the Bike Trail will not be required and Alternative 2 related to the crossing of the Bike Trail be approved with bollards

being installed at 32<sup>nd</sup> Avenue; a cul-de-sac be installed on the east side of the Bike Trial; and that the Village will not maintain or make any improvements to the paved roadway between 32<sup>nd</sup> Avenue and the Bike Trail. In addition, to these changes the plan shall be revised to eliminate 28<sup>th</sup> Avenue as a main thoroughfare from 116<sup>th</sup> Street to 128<sup>th</sup> Street, not eliminating the interconnect of 26<sup>th</sup> and 28<sup>th</sup> Avenues to Prairie Trails East.

Based on the Village Board comments at the May 3 Village Board Meeting, the Conceptual Plan has been revised. 30<sup>th</sup> Avenue ends in a cul-de-sac adjacent to the Kenosha County Bike Trial, and I'll have Vicky point that out, and provides access to Outlot 3, a Dedicated Park to the Village. 28<sup>th</sup> Avenue no longer connects between 121<sup>st</sup> and 123<sup>rd</sup> Streets, so that interconnect is gone, and was added to connect 30<sup>th</sup> Avenue to 26<sup>th</sup> Avenue within the development.

The Conceptual Plan has been revised pursuant to the Village Board discussion on May 3, 2004 and complies with the Sheridan Woods Neighborhood Plan with the modification that the Kenosha County Bike Trial will not be crossed by a public road. The current Sheridan Woods Neighborhood Plan was approved by the Village on August 13, 2001. There's some history that we had put into the staff comments that dealt with how long we had been looking at this particular subdivision. We've been looking at it since 1990, and there were meetings before the Plan Commission and Board at that time; in 1994 before the Plan Commission; in 2001 before the Plan Commission. We have indicated all this previously so I won't go into those details again.

But what I can say is since 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, which is just a little bit larger than a third of an acre, with larger lots in the northeastern portion of the property where the property is wooded and a park adjacent to the Kenosha County bike trail in the northwest corner of the site. As stated above, the Conceptual Plan has been revised pursuant to the Village Board meeting of on May 3 and complies with the Sheridan Woods Neighborhood Plan with the modification that the Kenosha County Bike Trial will not be crossed with a public road.

With respect to the general comments, again, we've read these into the record several times before. I'm just going to highlight some of this information, because the general layout of the subdivision has not changed in the last several meeting.

The proposed Conceptual Plan consists of 117.56 acres of land located within the south central portion of the Sheridan Woods Neighborhood. Approximately 62.54 acres is proposed to be developed with 148 single-family lots; approximately 17.6 acres of land will be used for new public right-of-ways, and approximately 38 acres will be designated as open space including 9.74 of wetlands, 7.11 acres dedicated public park, and 21.15 acres of retention areas and other open space are intended to be preserved and protected and maintained by the neighborhood association of the development. The details as you can see are in the staff comments. Again, I will not reiterate those unless you have any concerns or questions. But it covers population projections, open space, tree preservation, retention, proposed zoning map amendments that will be required in the future and site access.

I'm just going to touch on this real quickly. The conceptual plan shows that the subdivision is proposed to be developed in two phases. Phase 1 proposes to include 75 lots with three access points into the development at 128<sup>th</sup> Street on the south, at 26<sup>th</sup> Avenue on the north and 28<sup>th</sup>

Avenue on the north. Phase 2, which is the second part of this development would include 73 lots. All construction traffic will access the development from 128<sup>th</sup> Street. Signs and barricade will prohibit construction traffic from using 26<sup>th</sup> and 28<sup>th</sup> Avenues.

In addition, this development also provides additional access to the east at 123<sup>rd</sup> Street and 126<sup>th</sup> Streets. Again, both of those have been shown previously, and as land develops to the east, those roadways would be required to be extended for access and development. 123<sup>rd</sup> and 126<sup>th</sup> Streets will terminate with temporary cul-de-sacs that would temporarily encroach into Outlots 4 and Lots 15 and 16 or the developer will obtain off-site Temporary Easements, but our understanding is he is going to be working on his own property. Temporary easements shall be dedicated to the Village for the roadway to end in a temporary cul-de-sac that meets the Village specifications except that no island will be required, the cul-de-sac will not be paved nor is curb required. The temporary cul-de-sac will be removed and the easement vacated when future development to the east is proposed at the cost of that developer. In addition, signs will be required to be installed at the Developer's cost that indicates that these roadways are intended to be extended.

With respect to off site improvements, this is some new information this evening that we're presenting. All required improvements to 128<sup>th</sup> Street as required by Lake County will be the responsibility of the Developer. Municipal water shall be extended on 26<sup>th</sup> Avenue to the north and connect to the existing water on 26<sup>th</sup> Avenue at 119<sup>th</sup> Street, so those are off site improvements. Laterals to existing homes on 26<sup>th</sup> Avenue shall be installed only upon the request of and payment by the property owners. The developer shall contact each property owner to determine whether a lateral is being installed. 26<sup>th</sup> Avenue roadway, at a minimum shall be milled and resurfaced from the development north to 119<sup>th</sup> Street. The roadway will remain a rural profile. Additional roadway improvements may be required upon submittal of detailed engineering of existing 26<sup>th</sup> Avenue roadway and core samples of the that Avenue roadway. A 20 foot cross section is desired and depending on the result of the core samples the road bed may need to be improved to meet village roadway specifications, especially if it's damaged during the construction of the municipal water. The Preliminary Engineering Plans shall include information related to the roadway including the core samples for the Village review and evaluation. Additional storm water improvements may also be required to ensure drainage. It's currently not an issue at 28<sup>th</sup> and 26<sup>th</sup> Avenues, but if resurfacing or widening or improvements are made, we will need to make sure it's evaluated so we continue to have proper drainage on 26<sup>th</sup> Avenue. 28<sup>th</sup> Avenue shall be tapered north of the property line to connect to the existing roadway north of the development. So it's not intended that there will be any new improvements to 28<sup>th</sup> Avenue north of the development site. It's not intended to be a through street, and traffic is not going to be encouraged to be going in a north/south movement or direction.

It's important to note that a right-of-recovery could be afforded to the Developers for water improvements installed on 26<sup>th</sup> Avenue if approved by the Village Board. The actual costs for such improvements will be provided at the time the Final Engineering is completed. Property owners with existing homes will need to pay the costs for the water only if they choose to connect to the water main. All new homes will be required to connect to municipal water and pay the right-of-recovery prior to connecting to the water main and any new lots created through certified survey maps would be required to connect to the municipal system. A Special Assessment public hearing for the off-site municipal water improvements will need to be scheduled by the Village Board related to these pending costs prior to approval of the Final Plat. So, again, a special assessment public hearing would need to be scheduled before the final plat for this development, and any property owners that desire to connect to the municipal water will need to pay their fair

share of the costs for extending municipal water past their property as well as any lateral and connection charges.

And the last comment I just wanted to make with respect to the Kenosha County Bike Trail Crossing, the conceptual plan, again, has been revised so that the crossing is not shown. There is a cul-de-sac that is proposed on the east side for that road at this time to terminate. It does not cross. There will a pedestrian connection to the bike trail and across it. With that I'd like to continue the public hearing. And I believe the developers are in the front row and would like to make a presentation.

Tom Terwall:

This is a matter for public hearing. If you wish to speak, please step to the microphone and begin by giving us your name and address. Does the developer want to make a presentation?

Ted Pickus:

My name is Ted Pickus, 3330 Skokie Valley Road, Highland Park, Illinois. I just want to say that, as you know, we've been here for a while, and we've really tried hard to make this work for everyone. And we feel we've got it where it's going to not cause a problem to any of the neighboring homeowners. Obviously, it's difficult to make everyone happy. We're trying our best to do the right thing, and we appreciate all the help the staff has given us in putting the plan together.

Tom Terwall:

Anybody wishing to speak?

Bruce Frederickson:

My name is Bruce Frederickson. I live at 12138 26<sup>th</sup> Avenue. My property borders the proposed subdivision. My concern is the destruction of a perfectly good woods to put in a retention pond. Enough of that woods is going to go anyhow with the extension of 26<sup>th</sup> Avenue. Why destroy the remainder of it which is a natural habitat? That would be my concern. There's not another lot or another area that would be less harmful to the environment to place that retention pond?

Tom Terwall:

Jean will take the questions down and answer them at the end. Thank you. Anybody else wishing to speak?

Char Thompson:

My name is Char Thompson. I live at 11930 26<sup>th</sup> Avenue. I'm against the subdivision altogether. As far as I'm concerned, are they going to--are schools going to be able to handle more children with this capacity? I came from the area of Gurnee, if anybody is familiar with that, that has huge schools and cannot maintain those children. We're starting in that direction already. I see that. Also, it looks to me like we're saving a little bit of wetland to displace a while bunch of wildlife which I think is really wrong. It was mentioned in the last meeting also that if we didn't develop it, then the residents were going to have to incur some of the cost here, and I didn't quite



understand that. As long Ted Pickus owns it he should incur the costs as far as keeping the land and the taxes or whatever needs to be done.

26<sup>th</sup> Avenue we moved there because we like the atmosphere. We like it because it's a dead end street. The children can play. You don't have traffic running up and down. We don't want city water. And as far as city water coming in it's going to change our road and it's going to widen our road. How much of our property is going to be taken up from widening this road. If they really have to do this, the bike trail has a lot of places where the road runs along it if you really have to do it. We don't want 26<sup>th</sup> or 28<sup>th</sup> Avenue opened up to this subdivision. We like our roads. We like our children safe. We like the atmosphere. Can they not figure out if the bike trail as enough property associated with it they could build their own road and make a new road? We don't want the new road.

As far as fire and rescue, are there going to be enough fire and rescue people, staff, to maintain a whole new neighborhood with all the new neighborhoods going up? And what about the Police Department. They're going to need more police. All the residents are going to have to incur the cost. Now, even all of Kenosha County is going to be impacted by this subdivision because it's going to bring in more kids to the schools and which our schools are cutting back on teachers. They're cutting back on programs. There's children out there that needs special education. And with bigger schools, more kids and less teachers, they can't do it. They can't deal with it. The kids get lost in the shuffle. I know that first hand from seeing it in the little Village of Gurnee.

Pleasant Prairie is really nice. I like living here. I really do. And seeing something like this subdivision coming in is really, really disturbing. You see them all over coming up. I just don't know what else to say except once the contractor is done with this whole thing they're out of there. After they're all done, after a year goes through, they're not going to fix anything that goes wrong. That's going to fall on . . . take care of that. That's going to fall on the people. All of these issues just really bother me. I like where I live and I like the way it is, and I think a lot of people do, too. I don't know what else to say but I think it's wrong. I like seeing the deer come in our yards. I do. I really do. And the fox. If they do this, we're not going to be able to see that anymore.

Tom Terwall:

Thank you. Anybody else wishing to speak?

Rick Renzulli:

Rick Renzulli, 12126 28<sup>th</sup> Avenue. I got some welcome news. This is probably going to be the last time you guys are going to have to listen to me up here. This land greed or development or whatever I compare that with a cancer. I've had a little experience with that. It never goes away and it only spreads. I know we're never going to be able to stop this. I've been here before giving you my reasons of why not having this. My offer is this. I'd like to quit. I'd like the Village or . . . to buy my piece of property and move out. I don't want to stand in the way of progress. I really don't. If Pleasant Prairie really needs this development, I don't want to stand in its way. I've been flooded out three times. I've been hit three times, twice at a red light from behind. All of this in the last four or five years while a family member was battling for her life. I've never retaliated. I didn't seek out any revenge, but my property is right on this development property line. I'm looking at dust, water runoff, inconvenience and noise. Compared to what that property is right now, it is so quiet and peaceful. So change it for two years of a construction site,

I can't live there. And I don't think I could be able to sell my home on the open market with that looming in the future. So I'm going to offer it again. I will go away and you'll never hear from me again. You guys can buy the property . . . you could buy the property. I'll take a fair price. It's a beautiful house. It's over an acre of land. Hell, you could probably put two or three more homes up there with the size of these lots.

My only question is this. Are some of these homes going to have like helicopter ports, because I'm just wondering how everybody is going to get in and out of there. Look at that. That is going to be so congested in there unless the development to Sheridan Road opens up and you can run those two main roads going out to Sheridan. Does that make sense? Can you guys see that? How is everybody going to get in and out of there. Right now that looks like a trailer court. I'm sorry. Let's see if I had anything else to say. That's it, but my number is in the book, give me a call, and as soon as we get it done I'll move on. Because if this doesn't happen and I get flooded again or the amount of dust, I'm not threatening or whatever, but I will not suffer alone next time. I really won't. Thank you.

Tom Terwall:

Thank you.

Brett Brandenburg:

Hi, I'm Brett Brandenburg, 3403 120<sup>th</sup> Place. . Just a few comments. One, just in general, these cul-de-sacs that are right along the bike trail, they just seem really compact for a bike trail. We keep talking about aesthetics and what have you. It seems we're pushing homes pretty tight up against that bike trail. I mean we're worried about a cell tower with a little bit of pavement. We are going to end up with a bike trail with nothing but homes, but I guess that's said and gone.

Just a comment for the gentleman who just spoke. I probably had the privilege of living for the last ten years in Prairie Trails 2 Subdivision and been subjected to the weeds, the dirt, the mess, the longevity of the subdivision. I've had my windows closed for the last eight years because of the dust and the dirt and because of that problem in the subdivision. Hopefully if you build this it's a short duration and we don't end up with an open pit so these neighbors have to suffer like my family did.

I did talk to the developers after the last meeting, and we had a little discussion. And unless they want to comment otherwise my understanding is--right now my land is under water and we're trying to get the DNR to re-survey out there again because of the asbestos issue, and until it dries out because of the spring we had, I can't get in there and get this thing cleaned up for the DNR to inspect. But they did promise me that whatever it takes to get this issue done. Now, the DNR has to do their inspection first, and the developers promised me whatever it takes. I hope that's going to be on record, and if there's a dispute to that I hope it's said tonight. Right now I've got an open pit. Over 30 semis of dirt were taken out of there. That's the open pit right now. More may have to be taken out, but it does have to be replaced and finished and done. This has been going on for many, many years. So hopefully this year we can conclude Prairie Trails 2 mess that's still on my land before they start on this east project. Thank you.

Tom Terwall:

Thank you. Is there anybody else wishing to speak?

Jackie Beinsdorf:

Hello. My name is Jackie Beinsdorf. I'm at 11700 26<sup>th</sup> Avenue. I'm right on Tobin Creek. The other day I took a walk to the far south end of 26<sup>th</sup> Avenue and I took a look at the beautiful oak trees that we're going to lose. What I'd like to propose is consideration for those old growth trees and perhaps a rerouting of the road around it. Wouldn't that be more lovely?

I look at all the current development that's going on in Pleasant Prairie. Tobin Woods off of 26<sup>th</sup> Avenue has been roughed in. There's one spec home going up. Apparently none of those properties are selling. Tobin Creek Phase 2 has recently started with available home sites there aplenty. There's development going on on 165. I don't know the name of that development, but it looks quite large. A lot of homes are going in there. I noticed a clearing to the east of the Tobin Woods and I learned today that that is going to be called Lighthouse Pointe. There was a big old growth clearing done there as well.

I heard you say earlier that there is going to be a plan put in place for a preservation of trees. I'd like to hear more about that and exactly what your plans are for new plantings of what you are going to tear down. I understand that we can't stand in the way of this, but I also heard you say that this has to be done by 2010. I think we've got a little bit of time to work on those other developments first.

I see that the developer, Pickus Company, and the Howard Surveying Company neither of those are Kenosha firms. If this is to happen, I would prefer it if the revenues were local instead of Illinois firms. I understand that there's a current rule in Kenosha where contractors are only allowed to have two holes in the ground at a given time. However, contractors subcontract, and every contractor that they subcontract to as well are allowed to have two holes in the ground. I think that ought to be governed. It's possible that I see a confused look on your face that I'm mistaken. This is what I learned at a previous meeting. If there is such a rule, it ought to be governed that a contractor can't subcontract to multiply the amount of holes. If there isn't such a law or a rule perhaps there ought to be some consideration given to that.

It doesn't appear as though an easement is a part of this plan for 26<sup>th</sup> Avenue which I'm very glad to hear about, but I'm curious to know what the long-term plan is for an easement to 26<sup>th</sup> Avenue. What are the costs associated with that? What is the timing? Is it going to be incurred only on the west side of 26<sup>th</sup> Avenue? I suspect that's so since the water main on this section of 26<sup>th</sup> where I live was on the east side of the road.

I've heard you say there would be no construction traffic down 26<sup>th</sup> Avenue, and I appreciate that very much. When they were building Tobin Woods and roughing that in, I had to come and complain to the Village to implore for respectful from the contractors as they barreled down my peaceful road. I understand in the last election the school that was proposed was turned down. I heard the mention of schools brought up earlier. This is a concern. I also heard talk earlier of the increased infrastructure for the fire and police support. Those costs will have to be incurred by the taxpayers. This also is a concern for me. Thank you.

Tom Terwall:

Thank you. Is there anybody else wishing to speak? Anybody else? Anybody else? Hearing none, I'm going to close the public hearing and open it up to comments and questions from

Commissioners and staff. Before I do that, I'm going to ask the staff to respond to questions that were raised if you would, Jean.

Jean Werbie:

I guess the first thing I'd like to do is introduce the developer's engineer, and he can explain why the detention or retention basin is being located in the northeast corner of the development site, as well in the eastern and in the southeastern corners of the development site.

Ronald Adams:

Ronald Adams, Pierson Brown & Associates. The drainage on this property has been evaluated for many years, and the northeast corner has a slight tributary area draining towards the northeast. The majority of the detention will occur in a larger area, more central, where Peggy is showing right now. There's two larger detention facilities, but there's a small amount of drainage that heads off in a northeasterly direction. Originally we had the detention shown in the very northeast corner of the property. We were asked by staff to relocate it to where it's shown currently and we've done so. So it's a trade off. That's where the water goes. You have to capture the water before it drains off site and that's what we've done.

We've done some things up in that area, too. We've made some of the lots wider and so forth to retain as many of the woods as possible. So we're going to make every effort to save as many trees as possible, but there's that storm water management issue which has to be in conjunction with maintaining of the trees. We'll accept a waiver of providing storm water detention in that area, but that's where the water drains.

Tom Terwall:

Jean, can you speak to the issue of tree preservation? Is this a large wooded area?

Jean Werbie:

Peggy is going to mark an area of the subdivision that is a wooded area of the development. It's an area that we are recommending that the lots be half acre or larger in that particular area. Given the fact that subdivisions need to interconnect with existing public roads, we don't have too many options with respect to where we can place interconnections and how we can make them curve and get them out of the woods entirely. We did have an issue that there's a wetland. There was a small isolated wetland that popped up where outlot 2 is located, if Peggy can find that on the map. Right there is outlot 2. Because of that wetland we would have tried to bring the road down and curve it more to the west. We wanted to avoid the woods as much as we could, but because of that wetland we could not get an interconnection north/south road in there without hitting that wetland. And the DNR was not interested in allowing them to touch that wetland even though it was an isolated wetland.

So we've looked at this and looked at this and looked at this, and I'm not sure how else we could lay out the subdivision and not still hit some of these trees. What we have done is we are going to be recommending deed restrictions on the lots so that they have buildable pad areas, and that all the other trees on the perimeter of the lot be maintained and not disturbed or destroyed. And if

there are there will be some type of penalty that's put on the plat as well as in the declarations and restrictions that additional trees must be planted. We haven't worked through all those details yet. It will be similar to some other subdivisions that we have done in the Village. Again, it's not out intent to cut down stands of trees, but we're trying to work with them as much as we can.

There are some areas along the bike trail that have tree lines, and we want to see those preserved and protected. There's no direct access from any of the lots from the cul-de-sac all the way south to the bike trail, so any trees lines along that area would be preserved and protected. We've got over 500 feet of park area adjacent to the bike trail. Again, no direct access in that location except at a designated pedestrian crossover, and any trees in the park area along with the wetlands and the park areas would be maintained.

There is a very, very large wooded complex in the very south end of the site. Peggy is going to show on the overhead where the green area has been identified. Those are all designated field wetlands, and then all of the area surrounding these wetlands are basically treed or wooded areas, and those are all identified to be preserved and protected. So none of those areas will be graded and there won't be any land disturbance. Those are beautiful areas. I've been out there several times myself and taken photographs. So we want to preserve all of those areas as well.

If possible, if there's individual trees in the middle of the site that can be preserved, they'll work around those, but it's very difficult when you're working with a large site whether or not you can preserve one tree here and one tree there that the farmer may have planted a number of years ago before they started doing their farming activities. So it's very similar to other subdivision in that where there's large stands we try to preserve and protect them. Otherwise we have the larger lots. We impose deed restrictions and restrictive covenants so that the trees cannot be cut. Throughout the entire subdivision the developer is going to be required to plant street trees every 50 feet in order to reforest at least the tree lines of all the roads. I haven't seen their declarations in detail, I don't recall I should say, but most declarations require that the lot owners plant a certain number of trees. The older subdivisions didn't have those requirements. The newer ones do. They have to plant so many trees before occupancy or within one year of occupancy to help reforest the area. So those are some of the efforts we have made in the past and the developers have made in the past to preserve and protect the wooded or the treed areas.

Tom Terwall:

Before I open it up to the Commission, Mike, would you speak to the issue of police and fire protection as new subdivisions are added?

Mike Pollocoff:

Typically the Village is right now staffed and we can handle a diverse community of residential subdivisions and manufacturing districts such as LakeView Corporate Park as well as the commercial areas. Every proposal for a Plan Commission hearing where there's a plat of subdivision is reviewed by all departments, the Police Department, the Fire and Rescue, and they evaluate it on a number of different bases. What's going to be the impact on police, and they look at it from a traffic safety standpoint. Is there access in and out of the subdivision and access through the subdivision? And the same for Fire and Rescue. Typically they also look at what the fire flows are going to be for public water supply so that there's enough and adequate hydrants to provide water in that area to fight a fire.

Typically in a single family residential area in the newer subdivision, the exposure to the Village from a fire and rescue standpoint is less than it is in an existing subdivision. The State standards on home construction can still be higher than homes that were built 30, 40, 50 or 60 years ago. There's quite a few old homes in that area. Those typically present a greater risk from a fire standpoint. We also want to know that from a fire and rescue standpoint that the hydrants are going to be placed in a manner that, one, they're going to service the existing subdivision and abutting subdivisions at some point in the future as those mains are extended.

And we also want to be sure and we evaluate it from a response time standpoint. The Village has planned in our master land use plan where future stations are going to be located as the Village grows out through the year so that there's always an adequate response time, and our goal is from a rescue standpoint to be at someone's door within four minutes after a call is received so they can do the work they need to do for life safety. AS the Village grows, at some point there will be more stations to make sure that we can make that response time word. That's really what drives the Fire and Rescue Department. Their evaluation of this and some of the other developments in the neighborhood we're able to meet that requirement.

One of the other questions brought up, one lady was talking about assessments or easements, and I think she might have been talking about assessments. The Village would be requiring, in order for public water to work in this development, the extension of water along 26<sup>th</sup> Avenue from 119<sup>th</sup> Street south.

Jackie Beinsdorf:

Excuse me. I wasn't talking about assessments. I was talking about easements and widening of the road.

Mike Pollocoff:

Okay. One of the things we would require the developer to do is work within the existing right of way, not provide additional right of way. We don't take an easement. We take additional right of way, and that will happen throughout time as the Plan Commission reviews certified surveys along 26<sup>th</sup>. The Village will require additional right of way. But as part of this project, that wouldn't be the case. As Jean's staff comments indicate, we would be looking to maintain a 20 foot wide asphalt profile which is basically what's there now. The road wouldn't be enhanced with the exception of if the construction of the water main is detrimental to the road, then that road would have to be ground up and then resurfaced. And as 26<sup>th</sup> goes farther south, it's not in as good a condition as it is towards 116<sup>th</sup> Street. So I fully expect, just based on my experience with the sanitary sewer construction, that additional road work in depth, not width, will have to take place in order to make that work.

Jackie Beinsdorf:

Can I ask another question?

Tom Terwall:

I've closed the public hearing.

Mike Pollocoff:

With the water main assessment, the developer would have to put that water main in at their expense. We are not going to require the developer to put a water lateral, which is the pipe that goes from the water main to your property line, in for everybody. If you want that lateral to be put in as part of the project, there would be a bid price, and if you want to pay that price you can have it put in and that's your choice. The Village isn't requiring anyone to connect to the water, and that connection would be coming from your house out to the street. That would be your cost. The only time you'd have to pay for your share of the water main would be if you decide to use. If you don't use it, you don't pay for it. If you're happy with your well or your well is working, then that's your decision. The Public Service Commission requires that that deferred assessment and right of recovery exists for ten years, and at the end of ten years, the developer loses their right of recovery for that project cost. So by and large most of that process is out of our hands. It's governed by the PSC. It would be an eight inch water main and we would require that hydrants be located along that water main for fire protection as well as cleaning and flushing the water main.

Jean Werbie:

I just also wanted to mention that someone had mentioned that why not use the bike trail as a public road. That's an interesting concept. It had been on the books for about 35 years, and there was a series of public hearings probably about five years ago after the actual 2000 land use plan was reaching its life span and we started looking on the 2020 comprehensive plan, and it was decided and there were a series of votes and there was discussion at the Plan Commission, there was discussion at the City Plan Commission, at the County level, at SEWRPC, that the bike trail would never become 30<sup>th</sup> Avenue, but it would always stay as Kenosha County's or somebody's bike trail. It would never be converted back to a public road. But there was some significant discussion on that over the last several years to take that out of the plan that that would never happen. So that commitment and that direction has been made that that will always be someone's bike trail and it will not be a public road. So from that point forward, since '98 or whenever it has been, we've never looked at the bike trail as a public road or even the option of it being a public road, that it would always be a recreational amenity to bring pedestrians and bicyclists back and forth through the three or four county area.

There was also a question with respect to the warranty period for public improvements. In Pleasant Prairie, public improvements are put in over a three year time period or a three phase period. In other words, in the first year the grading and the underground improvements and the gravel roads get installed for all the subdivisions. And then in the second year if 50 percent of the homes are constructed, then the curb and gutter and then the asphalt goes in. And then the third year if 75 percent of the homes are built, then the final lift or the final paving of the roads goes in. And if the timing of the construction doesn't fall within those parameters, then that time frame is extended and the warranty periods for the acceptance of those improvements is extended as well. Some subdivisions are completed in three years; some are completed in five or six years. And the Village goes through a series of warranty inspections with our consulting engineers who do inspecting as well as our inspectors. We do it at the time that we accept each phase of improvements as well as the then month line, ten months into acceptance, so that by the one year we've looked at it again, so they've been inspected three times in addition to throughout the construction process they have to have inspectors on site that entire time doing inspecting. So there is a lot of inspecting that goes on. And we don't accept them until we know that they aren't without defect or default.

There certainly could be a situation where a main fails five years later. That certainly could happen. That happens now throughout the Village, but most of the new mains that are going in are being built in such a way that they should be lasting for many, many, many years. So I guess what I can say is we don't accept the improvements until we know they've passed all the inspections and the warranties have been satisfied.

Tom Terwall:

Mike, there's one last thing that I'd like you to add a comment on. The issue of either the City or the County or the Village imposing a limit of two excavations per builder.

Mike Pollocoff:

There is a standard policy on street excavations when a contractor is working in a street. It might be on an individualized process. Typically if a connection is being made to a sewer line or water line, even if it's a private utility such as telephone or gas, we won't let that contractor open up or do two different jobs or have two different excavations on the same job. The rule is if you're going to dig the street up, you dig it up, you finish it, and you go to the next one. You don't dig a hole and start working and then dig another hole and start working and leave the two holes open. But that doesn't pertain to home construction or building construction or utility construction. Typically utility construction is one hole, albeit a long hole 20 feet long, but it's one excavation that's controlled.

John Braig:

You would permit a contractor to have two holes open if he had two crews working, though, wouldn't you?

Mike Pollocoff:

If it's two crews, but if somebody comes in and he's got one crew and he's going to go two water service installations, and he's going to bring the backhoe in first and dig the holes and then leave and come back with a crew to work on the pipes, that doesn't happen. That's more of an administrative code that all municipalities follow just to allow construction.

Tom Terwall:

I'll open it up to questions. John?

John Braig:

This question would be directed to Mike or Jean. Would you be in a position to comment on the resale value of a home or a lot that has paid for a water lateral to be stubbed in at least to the property line versus one that has not? In other words, my question is obviously it would be desirable that water laterals would be stubbed in for each one. Is it likely that they would recover that cost sometime in the future if the elected not to complete the service?

Mike Pollocoff:



Well, the value of the property will increase a certain increment just by having water in the street. If you have it accessible by a lateral, if you're on the far side of the street from the water main, the water main is going to be on one side of the street and the sewer main on the other one, if you incurred that cost to get that lateral to your side of the street, it probably would have more than one for one, it would probably be two for one, advantage and expense. Maybe not significant on the short side of the street because somebody is going to bring a water lateral out and they might have another ten feet to go and that's it. But having tapped the main and being able to represent that water is available, it's in the street, it's at the property line, and you just need to do the private connections, will generally significantly enhance the value of the property. Because most people we find in the Village hall when they're looking for lots or looking for houses one of the biggest fears is that there's going to be some later assessment or they're going to go through some construction or what have you, when that improvement comes in and it's already there, that bears some value in and of itself.

John Braig:

Then I had a question of Jean. What was the thought process in using 26<sup>th</sup> Avenue as the egress or entry to the north and not 28<sup>th</sup> Avenue?

Jean Werbie:

26<sup>th</sup> Avenue had municipal water extended down to 119<sup>th</sup> Street. So we felt that going that half mile from the north tip of the subdivision to 119<sup>th</sup> Street would provide an interconnection or loop of the water main which is always an advantage for the municipal water system in the Village. And so for that reason we felt that the interconnection at 26<sup>th</sup> Avenue would be more advantageous. There was a little bit of work that was done on the north end of 26<sup>th</sup> Avenue. There wasn't much done on the south end with respect to the roadway, and we felt that there could be some significant improvement to that roadway stretch by the paving and the slight widening if it needed to be done in order to make that a good interconnection. It's not a straight shot, straight north/south, and there is some maneuvering that needs to be done, so it's not going to be a throughway for anyone trying to get through that area in a quick speed from 116<sup>th</sup> down to the State Line. Anyone who is trying to do that will take Sheridan Road or 39<sup>th</sup> Avenue. And we just felt this would be the interconnection that we thought would be the most beneficial to the subdivision as well as the adjacent residents.

John Braig:

Then why not use both 26<sup>th</sup> and 28<sup>th</sup> Avenue. It would spread the traffic load on two streets rather than concentrating it on one.

Jean Werbie:

They both area. Both 26<sup>th</sup> and 28<sup>th</sup> are interconnected to this subdivision.

John Braig:

I have a little bias in mind, because in my area we have a City of Kenosha owned vehicle which we have a resident in our area who is an employee of the City. And his driving habits are objectionable to all my neighbors, especially those who have youngsters. The reason it's objectionable is he travels or must travel a rather convoluted route of turns and twists and drifts

through stop signs at rather high speeds. He upsets an awful lot of people. And I think part of the problem is that his route does twist and turn. And I think if he had a simple straight route, we wouldn't be aware of his driving habits. I look at what is a rather twisted winding path for a great majority of the residents of this subdivision in order to go north. I look at it and I think we've responded to the objections and complaints of one group of people, but we've imposed a burden on someone else. As I look at this it just doesn't strike me as a really well planned out subdivision in terms of making it easy for traffic to flow properly. I think what we've done is responded to some people's complaints and concerns, but we've put a burden on others.

Jean Werbie:

The previous plan did show that interconnection, but at the direction of the Village Board and the comments that were made at the Board meeting we took it out.

John Braig:

The Board instructed that 28<sup>th</sup> Avenue through be removed?

Jean Werbie:

Yes. And we had it in there initially to allow for both, but now 28<sup>th</sup> Avenue would be a straight shot north/south from 116<sup>th</sup> down to 128<sup>th</sup>.

Mike Pollocoff:

Really the layout, Mr. Braig, it is convoluted to a certain extent but I think to the extent that you straightened out and had it be more of a grid it would have the opposite impact that you're talking about. It would have more impact on the subdivisions to the north because it would be a straight shot running up rather than the curves that are in there now. So it may give the travelers some pause to think whether they're going to go that route or go south and head one way or another on State Line Road. But if 28<sup>th</sup> was extended through where it's now blocked off, 28<sup>th</sup> would be a straight shot, and we really can't make 26<sup>th</sup> a straight shot because of the wetlands in there. So either way you're going to have to travel east and west in order to go north. This does more to calm the traffic and moderate as you go north than anything else we can do. Anything other than this would make it easier to focus traffic north/south, and I think that was some of the input we heard in our other hearings is that making the roads connect in a through sense is going to make it easier to go through. This is circulating traffic a little bit east and west so that there isn't a straight shot.

John Braig:

Are there two possible connections to the east in the future?

Jean Werbie:

Yes.

Tom Terwall:

Mike, I want to go back to the issue of laterals. Can you estimate the different in cost to install a water lateral if you do it at the time of construction versus three years from now and now a person needs water? What's the impact going to be on the cost?

Mike Pollocoff:

On similar projects as this we've seen the water laterals coming in at \$1,100 on the high end as part of a project where a contractor has taken a bid. He knows he has so many units of inch and a half line to put in. And when someone puts in a single lateral on their own when they come in and do the bore, it's somewhere between \$3,000 and \$4,000.

Don Hackbarth:

When we talk about a rural profile on 26<sup>th</sup> Avenue, can you estimate how deep the ditch would be? The reason I ask that question is if you go down 104<sup>th</sup> and that ditch is really deep.

Mike Pollocoff:

One of the reasons the ditch on 104<sup>th</sup> is so--you're talking about 165? Yeah. That ditch is deep for a couple reasons. One is poor maintenance, but the other one is it's flat. And once you get down to about 32<sup>nd</sup> it just flattens out. And the grade isn't working with you, so you need to make that ditch and working that ditch deeper to try to convey the water to a point where it can outfall. I think this profile that we're talking about here is really what we're looking to the developer to do. One is to ascertain what that road can handle. When they bring a backhoe down there and trucks with stone, that's probably going to demolish that south end of the road, so we want to have that evaluated. But we're looking to increase the profile of the existing pavement width in depth but not in width. We want to get to about 20 feet, and I think that's about where we're at in most cases. That being the case, then we're not looking to change the ditch profiles at all.

Don Hackbarth:

The other question I have is on that northeast corner there, what kind of trees are in there?

Jean Werbie:

A lot of oaks.

Don Hackbarth:

You know where I stand on oak trees. There's no farmer that planted those oak trees. Those oaks trees are 200 or 300 years old. There's a solution to those oak trees. Don't put houses in there. There are 13 lots in there, and for the sake of 13 lots you're going to knock off five or six acres of oak trees? I could never approve that.

Michael Serpe:

We live in an area that's going to grow, and I don't care who is up here and on the Board, residents, this area is in a high growth area. The best that we can do from the Village's standpoint and from the citizens is to make sure whatever goes in here is going to be acceptable.

Rick mentioned about this looks like a trailer park. Rick, our minimum sized lots for a trailer park right now if one were to be developed in Pleasant Prairie is 7,500 square feet for a trailer. White Caps subdivision, the average lots out there are 6,000 square feet. This development, minimum lots are 12,000 up to 18,000 or 19,000 square feet and some bigger. So they're twice and three times the size of what White Caps has. And I'm not saying White Caps is a bad development, but it's very, very high density. I'm not going to comment anymore on that. It's easy to come here and say we just don't want the subdivision to take place. That's real easy to say because it's affecting you right now. The reality is that government did not sit back and do nothing in protecting the villages, the citizens and the developers. If we were tonight just to take the stand and say the citizens don't want this development, Mr. Pickus, take a hike, every one of us in here, every one of us taxpayers better open up the wallet because then Mr. Pickus would take us to court and he would win hands down on a takings. The takings is we buy his property. I don't know that 15,000 and some residents in the Village are going to want to pay that kind of rate because we don't want to see development. We can't do that to you. That's irresponsible on our part.

It would be nice if every road in the Village was a dead end. Can you imagine trying to get around this Village or anywhere if every street went nowhere? It would be impossible. It would be chaos. When we think of change, two things I'm going to bring to your attention. We went through a battle when 165 was going to be proposed out to the I. I challenge anybody to say let's put it back to the rural setting. And everybody used Highway 50 to get out to the I. We're not going to do that. Highway 31, Green Bay Road, the reconstruction of it, we can't have it and we don't need it. I challenge anybody to go back to a two lane Green Bay Road from Kenosha to Racine. Not going to happen. I wouldn't trade that for the world right now. Change is hard for a lot of people. Change is hard for all of us.

I impacted Pleasant Prairie 28 years ago. I moved from the City to the Village. I don't know how many people here in this room were born in Pleasant Prairie, but I think all of us here impacted us at some point or another. Now that we're here, do we say no more? That's not right. Population drives development. I don't have to tell you what drives population. We have to be careful on how we handle these things, and the best thing that we can do is make sure when they're done they're done right, and I think we have demonstrated that over the past 15 years. I don't know that we have too many objectionable subdivisions going in Pleasant Prairie. If it wasn't so popular of a place to want to live, we wouldn't have so many subdivisions going up. But when we do bring them forward, we have to make sure they're right.

Eric Olson:

There is obviously being between a rock and hard place and none of us really like change. A lot of questions were addressed about the schools, and being the President of the School Board I'll address those questions. Right now there's a long range plan to put a school in Tobin Creek. We have a lot there. There's another one in the Stahl property out 39<sup>th</sup>. That will probably be a middle school well, well down the road. Tobin Creek I could not imagine that there would be a school there probably for another five to eight years, just because there are other needs. And part of it is the other big need is if you go out 60<sup>th</sup> Street from Green Bay Road, I would love to see the lots that are being built out there this size, but they're not. They're all like White Caps, so the density is enormously, at least twice what this one is going to be. So the real need is we've got a school, Pleasant Prairie, out on C which takes all of White Caps and will be taking a big portion of the River Crossing, plus all the new homes on 60<sup>th</sup> Street. Again, if you go down there, just drive down there. It's amazing the homes going in there all on very small lots. They'll all be

going to Pleasant Prairie, and that right now is about 180 kids over capacity. A very, very difficult situation. Prairie Lane, part of that referendum was to increase the size of Prairie Lane by about 200. That was one of the things voted down, so we're going to try to do that a different way because we do know there's a need.

So at the end of the day I don't want 62 more kids coming into the school district, but what's happening today we get an average of about 500 new children in our district every year. They've averaged that over the last five years. There's a huge number of new kids coming into our district. But I will also tell you the majority of them are coming from Kenosha approved venues. A lot of kids coming out of those new venues, and Somers is growing without, by the way, the kind of plan that goes into this. So it's kind of a rock and a hard place.

I agree with Mike, if somebody owns this land they have a right to do with it what we have set out as a Village to say this is our master plan, and our master plan says that there's houses here, or some development of living space. So our job is to do the best thing possible. I think, again, the density, although it may not be to your liking of what your neighborhood is, it's probably as good as we can get it.

Now, saying that, I do have a problem with the oaks, too. I really have a problem in seeing if we can't do something to save those oaks. As far the road going down, I don't know of another way except when the property to the east is developed get them off into Sheridan Road as soon as possible. So, yes, there is a problem with schools. Don't see anything in this area for a long time. If anything, they'll be going to Tremper which is, by the way, 2,500 kids going to Tremper and it's built for 1,700. If anything, it will slow down development because we don't have schools, and we've got to kind of do that on our own, the City and the Village, and they don't help us and that's fine and that's the way it goes. But that's the only thing that's going to slow down these developments is there's not going to be room enough for these kids. So I sure would hope the developers are not going to tell anybody when they buy a home that there's just plenty of room for kids. But that generally doesn't happen. I'm not casting dispersions on you, Mr. Pickus . . . the least dense we can make it the better off we are. This is as good as I think we can get in this area. Thank you.

James Bandura:

Just a couple of comments. I agree with Mike Serpe wholeheartedly here about the development of the community. In defense of the staff, how many years have you been working on this?

Jean Werbie:

Fourteen.

James Bandura:

Fourteen years. To have this laid out the way it is I think you've worked around the trees as an issue and the traffic. I live on a street that's a straight shot. It's a long street. If it was longer, there would probably be people going 100 miles instead of 80 miles an hour. So to make them slow down around the curve and the way the staff has worked out the layout of this, I think this needs to move forward.

Just a question to Mr. Pickus. Are you aware of the staff comments and are you in agreement with them?

Ted Pickus:

Yes.

James Bandura:

As far as I'm concerned, I can make a motion to move for approval.

Michael Serpe:

I'll second.

Eric Olson:

Can I ask a question on the motion? Is there something we can do about preserving trees, a percentage, something?

Mike Pollocoff:

Maybe one of the things it would really reflect kind of a change of policy would be to as this neighborhood plan was adopted, one of the concepts was to cluster park space and open space along the bike path. One of the concepts when the neighborhood plan was put together, as Jean has up there, was to cluster park space and open space along the bike path, so there's park space in Prairie Trails original and the first addition, and then there would be park space as well over here. This plan has evolved somewhat and we've decided not to cross the bike path with the street. So if we were to depart from the planning principle of keeping the park by the bike path, one of the things that could be done is basically moving developments, taking the lots away from the wooded section and expanding the residential development farther to the east by where the existing park is. There would still need to be a road that connects into 26<sup>th</sup>, and it would probably come in at a somewhat different angle. Jean has been working away at some alternatives here. I don't know if it gets the developer the same or more or less lots. I guess from that standpoint we're not looking at that. But we have tried to keep that concept to have a major good sized park there. If we went away from that concept and said there isn't going to be a park there, or if there is a park there it's going to be a lot smaller, the alternative would be to take the wooded land and put that into open space and then have that access kind of veer from the southwest up to the northeast for that 26<sup>th</sup> Street so we could still kind of maintain that separation.

Tom Terwall:

Since we're only at the conceptual plan level at this point, could we approve the conceptual plan with the staff having the understanding that we favor saving as much of that wooded area as possible so that when they come back for final plat approval that that issue is addressed?

Mike Pollocoff:

Or preliminary plat?

Tom Terwall:

Preliminary plat, correct.

Don Hackbarth:

Just one quicky here. On the proposed parkland to the west, what kind of trees are on there?

Mike Pollocoff:

There's oaks, but it's not as significant. It's not the diameter of trees.

Don Hackbarth:

I'd definitely say look at that piece?

Larry Zarletti:

Do we have any idea exactly how many trees we're talking about? Does the developer know that?

Ronald Adams:

What I think some of you may not understand is on the 1990 plan we were showing six lots in this area and six home sites in this area. Through the course of all of the time that we've worked on this, this is now reduced to four in this area. The number of homes in there is two within this treed area. So to understand what we're doing here is just because we're showing these two lots in the treed area doesn't mean we're clear cutting these lots. So what we've done is made the lot areas bigger so that we could still have a smaller footprint within the wooded area, so we aren't really clear cutting the sites. And what the original proposal was and what Jean had asked us to do is we go out and when we go to final engineering and final platting of the homes on these lots, you go in and do a tree survey and you site your house in the best location for the trees that are within the property. But if you look at the progress of this plan, we have followed to the letter of the law the neighborhood plan that you developed.

Then we've had three iterations where we've gone away from that plan based on different conversations and discussions with the staff and with the various Boards. Now we're back to almost identical to the neighborhood plan with the very low density up here in the northeast corner and the large lot sizes, and the only exception to the plan that's being presented this evening to what the neighborhood plan indicated was the elimination of the crossing and the introduction of the cul-de-sac. The road connections, the densities, the lot areas, everything that was represented to be the desire of the community we have adhered to. And we've adhered to that from the very first time that we were asked to implement a plan responsive to your overall neighborhood plan, whether it be the road connections and the type of road connections, whether they be to the north or the east or across the bike path. So I really think that we have been very responsive to the Village's requirements on this plan. And I think when it comes to this area here, the lot 39 for instance, has 37,615 square feet. This lot over here has 15,000 square feet. We're not going to build any bigger house on the 37,000 square foot lot than we're going to build on the 15,000 square foot lot. So through the deed restriction process that Jean has recommended

on these lots, we are going to preserve the trees. It's in our best interest to preserve the trees. So I think that we respectfully request that this plan be allowed to go forward in this manner. Can we add three or four more lots over here next to the park? Sure we could. But that isn't the issue. That's not what we've been asked to do here. And I'd just like to emphasize--I'm not really appealing anything but I'm just telling you the facts that we have adhered to the plan as best that we possibly can through the entire process.

Eric Olson:

Again, I don't doubt that and you've worked at it a long time. And I'm not trying to make this another five year process here. But I'm just saying as we go along my recommendation to staff is they continue to work to make sure as much of that as possible is preserved. That's all. And if you're doing that I'll go along with it.

Ronald Adams:

When we made the lots that size and we did what we did in that corner, that was at the direction of the staff with the complete and full understanding that portions of those lots ultimately were going to be deed restricted. It wasn't, however, at this point that we were prepared to make the deed restriction. Everybody looks at a forest as a pristine every tree in that forest created equal. We know when you talk about 200 and 300 year old trees, a 300 year old tree may live to be 305. Sometimes there's younger, healthier species of trees that you would better plan around. There's also some trees in there that might not be the most desirable oaks. I would guarantee you that there's buckthorn in there starving some of those trees out right now. So all wooded sites are not created equal, and this is not a wooded savannah. This is an area that probably could use some work to improve its quality as opposed to being left in its natural state. Thank you.

Eric Olson:

Again, my recommendation on the vote is just for the staff to really continue to look at that. If there are deed restrictions, make sure we know what the deed restrictions are. If you'd put a deed restriction in limiting the number of children they can have I'd appreciate that.

--:

Can I say something before you make your proposal?

Tom Terwall:

It's up to the Commission. No, sorry. It takes a vote of the Plan Commission to reopen the public hearing and they don't want to do that. The motion and second is to approve the conceptual plan with notice to staff to retain as many of the good trees as possible subject to the terms and conditions in the staff memorandum.

Jean Werbie:

I did do some sketching now. I can look at this option with the developers as to whether or not to create a woodland preservation corridor area in the upper northeast corner, and we adjusted the



lots and took out some land from the park on the west. There would be less active area in the park, but the trees could be preserved on the east end. But if you'd like me to pursue something like this and come up with another option, we certainly can do that to bring forth to the Village Board.

James Bandura:

Would we see this back again?

Jean Werbie:

No, not unless you table it.

John Braig:

It will be back as a preliminary plat.

Ronald Adams:

Could I respond to that please? These trees just didn't show up here. They've been here for 200 or 300 years or whatever. At this point in time to come back before you with a conceptual plan seems to be somewhat inconsistent with where we've been going on this. We've been working around these trees for a long time, and I think with the deed restrictions issues we feel comfortable with the deed restrictions and the trees that Jean can work out, but we would respectfully request that we don't have to redo the plan again and come back before you. We have done everything that you've asked and your staff has asked each and every time. But at this rate, I guess we're just kind of at your mercy. But we'd request that you proceed with the recommendation that we have before you.

Eric Olson:

I move that we open it up to public discussion seeing as how we didn't ask him a question and he came up and made a comment. So I'd like to move that we open up the public session.

Tom Terwall:

Is there a second?

John Braig:

I'll second it.

Tom Terwall:

**MOTION BY ERIC OLSON AND A SECOND BY JOHN BRAIG TO OPEN UP THE DISCUSSION. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So carried.

Char Thompson:

My name is Char Thompson. I live at 11930 26<sup>th</sup> Avenue. My proposal or what I had mentioned wasn't to turn the bike trail into a road, but as you see there is plenty of properties he's building here. He can make some of these properties and make it 30<sup>th</sup> Avenue along side the bike trail. He doesn't have to turn the bike trail into the road. He can build his own road, and there's plenty of room to do it.

Michael Serpe:

Just a comment, Mr. Chairman, if I'm not mistaken that's a tree lined area. You're talking about preserving trees in one area and take them out of another.

Char Thompson:

Then move it over.

Michael Serpe:

I think it's quite clear what the Plan Commission just did in making a recommendation for approval, and at the same time working with the developer in preserving as much as we can here.

Jean Werbie:

It wouldn't go anywhere.

Christine Muchler:

My name is Christine Muchler, and I live at 11809 28<sup>th</sup> Avenue. Where was that with the tree where she just marked in? If you look at that, that kind of solves some of--26th Avenue they wanted less traffic. It looks like there would be less traffic involved because there would be less houses that would be using with that type of plan. So that was, besides saving the trees, you're also helping another community of 26<sup>th</sup> Avenue stay more rural.

Tom Terwall:

Thank you.

Jackie Beinsdorf:

I really appreciate it. Jackie Beinsdorf, 11700. I implore each of you to take the time to drive to the end of 26<sup>th</sup> Avenue and look.

Tom Terwall:

Most of us have already done that.

Jackie Beinsdorf:

Did you see the beautiful red oaks? Yes, there are things that need clearing. But the road if it continues further is going to knock down beautiful trees.

Tom Terwall:

Thank you. I'll call the question. Public hearing is now closed.

Mike Pollocoff:

For staff on the motion, I'm not sure what the motion is going to be, but the staff's proposal in order to move this project along with the Commissioner's desires as we understand it, Jean has prepared an alternate plan that would kind of switch where the open space occurs from one side of the development to the other without requiring the developer to come back to conceptual plan review process again, but work with them on giving them some guidance on working that option if we feel that's viable, and then allowing them to proceed with their preliminary plat under a design that would accomplish those goals. So if the motion is to approve the conceptual plan with amendments as described by staff, then we can move that along so you'd see it again in preliminary plat. Other than that, it would be, and if the developer is opposed to that alternative, then they would need to come back with another conceptual plan.

James Bandura:

It was my motion and I would make that recommendation or modification to my motion for Jean to look at it a little closer to preserve the trees and come back as a preliminary.

Tom Terwall:

Go ahead, ma'am.

Bonnie Tishdine:

My name is Bonnie Tishdine. I live at 12109 26<sup>th</sup> Avenue, which is at the very end in the top corner to the right. I've lived in this area most of my life and I know this area very well. I've ridden my horses through this property. And the only quality trees that are on this property are in the northeast corner. The very bottom towards 128<sup>th</sup> is all swamp and they're all box elders. They're all weed growing trees. There are no quality trees. Along the bike trail is the same. Pick and choose a couple of oak. At the very top end is the very swamp where you're intending to put your park, which I don't know what kind of park it would be with no trees and swamp. You'd have to put a nice retention pond. I think my dogs would enjoy that. But also when you build houses around red oak especially, they do not take change well in digging. Your hickory trees do, they survive, but your red oaks get changes in the water table and it destroys the tree eventually. Not today, not ten years from now, but eventually that 25 year old tree that they're saying is quality will no longer be, because red oaks cannot tolerate that. I'm just giving my intervention because I've lived here for 45 years.

Tom Terwall:

**THANK YOU. THE PUBLIC HEARING IS CLOSED. SO THE MOTION, JIM, IS TO APPROVE THE CONCEPTUAL PLAN AS MODIFIED OR TO AUTHORIZE STAFF TO MEET WITH THE DEVELOPER CONCERNING THE MODIFICATIONS TO SAVE AS MANY OF THOSE TREES IN THE UPPER RIGHT HAND QUADRANT AS POSSIBLE BY MOVING SOME OF THE PARKLAND. IS THAT CORRECT?**

James Bandura:

That's correct.

Tom Terwall:

Is that your second?

Michael Serpe:

Yes, I'll second that.

Tom Terwall:

You understand, Jean, what we're looking for? All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed?

Larry Zarletti:

**OPPOSED.**

John Braig:

**OPPOSED.**

Tom Terwall:

**SO FIVE TO TWO.**

Jean Werbie:

This plan will go to the Village Board then Monday night, and hopefully we can come up with something to be shown. If not, it will be two weeks after that.

7. NEW BUSINESS

- C. **CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATION PLANS for the request of Hugh Leman Jr., Vice President of Operations for Pepsi-Cola General Bottlers, Inc., the property owner, to construct and operate an approximate 90,000 square foot Pepsi-Cola distribution center on the north side of 100<sup>th</sup> Street, west of the Albany Chicago Company in the LakeView Corporate Park.**

Tom Shircel:

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

Findings of Fact:

1. Pepsi-Cola General Bottlers, Inc., the property owner, is requesting to construct and operate an approximate 90,000 square foot Pepsi-Cola distribution center on the north side of 100<sup>th</sup> Street to be addressed 8500 100<sup>th</sup> Street. just west of the Albany Chicago Company in the LakeView Corporate Park., which is further identified as Tax Parcel Number 92-4-122-213-0102.
2. The facility for Pepsi will act as a distribution facility for Pepsi and affiliated soft drink products in the Northern Illinois and Southern Wisconsin region. Product will be received from the production centers in Oshkosh and Watertown, unloaded, stored, selected and then shipped to customers on either route trucks, which are side loaded trucks, bulk trucks which are the rear loaded semi trucks. The facility will operate Monday through Friday and ½ day on Saturday.
3. The proposed Pepsi facility will be situated on an 11 acre site in the LakeView Corporate Park. The 90,000 square foot, 32 foot high building will house the following operations: warehousing for product storage, truck maintenance, vending machine maintenance, loading lanes and administrative offices. The site development will consist of two primary areas for traffic flow, one for truck traffic to receive and distribute product and one for employee and visitor parking. The building will be constructed of insulated pre-cast concrete, similar to other buildings throughout the LakeView Corporate Park and will incorporate a Roof Screen wall to screen rooftop mechanical units. That's shown as Exhibit No. 2 in your packets.
4. It is anticipated that the center will begin operations in March or April of 2005. The facility will employ approximately 136 full-time employees. No part-time employees are anticipated at this time. The number of on-site parking spaces for the facility meets and exceeds the Zoning Ordinance requirements.
5. For security reasons, there is limited fencing around the warehouse, which is provided as a security measure for staged trucks loaded with Pepsi product prior to delivery the next day. The proposed 8 foot high chain-link fencing will be coated in black vinyl.

6. The plans indicate a possible Phase 2 addition of 42,000 square feet. If and when Phase II of the building is constructed, Plan Commission amended Conditional Use Permit and Site & Operational Plan review and approval will be required.
7. There will be no manufacturing or bottling operations at this site.
8. The property is zoned M-2, Heavy Manufacturing District, and pursuant to the Zoning Ordinance, the proposed storage and warehousing of plastic bottles and other related items containing plastic requires a Conditional Use Permit.
9. For additional information, refer to the Conditional Use Permit and Site and Operation Plan Applications and the associated attachments are provided as Exhibit 3.
10. The petitioner has provided the information to illustrate compliance with the Conditional Use Standards as included in the Operational Plan.
11. Notices were sent to adjacent property owners via regular mail on June 28, 2004 and notices were published in the *Kenosha News* on June 28, 2004 and July 5, 2004.
12. The petitioner was faxed a copy of this memo on July 9, 2004, last Friday.
13. According to Section 12.29-8 of the Village's General Zoning and Shoreland/Floodplain Zoning Ordinance, which is also known as the Village Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials and information presented at the public hearing 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 and 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 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, the applicant and representatives are in the audience for any questions.

Tom Terwall:

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

Michael Serpe:

Who is the representative? The amount of trucks each day was what number?

Bruce Ness:

My name is Bruce Ness. I'm with Stallman Engineering, and our address is 74 Pleasant Street, New London, New Hampshire. There will be approximately 60 trucks a day in and out of the property.

Michael Serpe:

Thank you.

John Braig:

Where is the product going to be bottled?

Bruce Ness:

I'm not sure where the bottling operations are. This is strictly a distribution facility.

--:

A facility in Oshkosh.

Mike Pollocoff:

I just want to commend Pepsi. I've been looking at these plans for quite a few years, and this is the best laid out, designed, engineered. It was a joy to go through these things. I haven't seen anybody put a set of plans together and have their own complete as this is. It was excellent.

Don Hackbarth:

It's a good project. I move approval.

Eric Olson:

Second.

Tom Shircel:

Mr. Chairman, I do need to read the language. The Village staff has determined that based upon the foregoing information presented in the application and at tonight's public hearing that the project meets the following standards for granting a Conditional Use Permit in that the project:

- a. 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;
- b. does not impair an adequate supply of light and air to the adjacent properties;

- c. does not increase danger of fire--in so far as the danger of fire does not exceed the capabilities of the Village Fire & Rescue Department as shown in the Exhibit 4 - comments dated June 18, 2004 from the Village Fire Chief.
- d. does not create storm water flooding or drainage, create obnoxious odors or otherwise endanger the public health, safety or welfare;
- e. 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 related to the proposed use;
- f. 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 and neighborhoods; and
- g. 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.

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 as specified above as I just read, then the Conditional Use Permit shall be approved subject to the following conditions of which there are 23.

Don Hackbarth:

Again, I move approval.

Eric Olson:

I'll second.

Tom Terwall:

**MOTION BY DON HACKBARTH AND SECOND BY ERIC OLSON TO APPROVE THE CONDITIONAL USE PERMIT AND SITE AND OPERATIONAL PLANS SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So carried. Welcome to Pleasant Prairie. Glad to have you. When do you plan to begin construction.



--:

Middle of August.

Tom Terwall:

Good, we're ready for you.

**D. PUBLIC HEARING AND CONSIDER OF SEVERAL ZONING MAP AMENDMENTS to correct the Village Zoning Map as a result of wetland stakings completed on several properties in Carol Beach Estates and Chiwaukee Subdivisions**

Peggy Herrick:

The Zoning Map amendments propose to correct the Village Zoning Map as a result of wetland stakings completed on the several properties in the Village.

1. The property owned by Joseph Catalano located on the west side of 3<sup>rd</sup> Avenue south of 110<sup>th</sup> Street, Lot 5, Block 20, Carol Beach Estates Subdivision Unit 2 and further identified as Tax Parcel Number 93-4-123-293-0970, was staked by the Southeastern Wisconsin Regional Planning Commission on April 29, 2003. The field-delineated wetlands are proposed to be rezoned into the C-1, Lowland Resource Conservancy District and the non-wetland area will remain in the R-5, Urban Single Family Residential District. The LUSA, Limited Use Service Area Overlay District will remain on the entire property.
2. The property currently owned by James and Alida Nally, formerly owned by Howard Schwarzbach, located on the west side of 113<sup>th</sup> Street, west of Lakeshore Drive, Lot 1, Block 21 Carol Beach Estates Subdivision Unit 2 and further identified as Tax Parcel Number 93-4-123-293-0795, was staked by SEWRPC on December 20, 2002. The field-delineated wetlands are proposed to be rezoned into the C-1, Lowland Resource Conservancy District, and the non-wetland areas will remain in the R-5, Urban Single Family Residential District. The LUSA, Limited Use Service Area Overlay District will remain on the entire property.
3. The property currently owned by the Woytonik Trust, formerly owned by Ruth Weinberg, Trust, located on the west side of 3<sup>rd</sup> Avenue, south of 110<sup>th</sup> Street, Lot 10, Block 20, Carol Beach Estates Subdivision Unit 2 and further identified as Tax Parcel Number 93-4-123-293-0995, was staked by the SEWRPC on April 29, 2003. The field-delineated wetlands are proposed to be rezoned into the C-1, Lowland Resource Conservancy District and the non-wetland areas will remain in the R-5, Urban Single Family Residential District. The LUSA, Limited Use Service Area Overlay District will remain on the entire property. See Exhibit 3.
4. The property currently owned by the Woytonik Trust, formerly owned by Jeffrey Kaufman, located on the west side of 3<sup>rd</sup> Avenue, south of 110<sup>th</sup> Street, Lot 11 Block 20, Carol Beach Estates Subdivision Unit 2 and further identified as Tax Parcel Number 93-

4-123-293-1000, was staked by the SEWRPC on April 29, 2003. The field-delineated wetlands are proposed to be rezoned into the C-1, Lowland Resource Conservancy District and the non-wetland areas will remain in the R-5, Urban Single Family Residential District. The LUSA, Limited Use Service Area Overlay District will remain on the entire property.

5. The three properties currently owned by Joseph and Anna Ingram, generally located on the south side of 93<sup>rd</sup> Street between 8<sup>th</sup> and 11<sup>th</sup> Avenues, Lots 7, 8 and 9 of Block 6 in Carol Beach Estates Subdivision Unit 6 and further identified as Tax Parcel Numbers 93-4-123-191-0110, 93-4-123-191-0115, 93-4-123-191-1020, were staked by the SEWRPC on August 6, 2002. The field-delineated wetlands are proposed to be rezoned into the C-1, Lowland Resource Conservancy District and the non-wetland areas will remain in the R-6, Urban Single Family Residential District.
6. The property currently owned by Joseph and Anna Ingram, generally located on the east side of Sheridan Road north of 104<sup>th</sup> Street, Lot 9 of Block 6 in Carol Beach Estates Subdivision Unit 7 and further identified as Tax Parcel Number 93-4-123-194-1040, was staked by the SEWRPC on August 6, 2002. The field-delineated wetlands are proposed to be rezoned into the C-1, Lowland Resource Conservancy District, and the non-wetland areas will remain in the R-5, Urban Single Family Residential District and the UHO, Urban Landholding Overlay District will remain on the entire property.
7. The property currently owned by Carol Beach Partners LLP, generally located on the south side of 93<sup>rd</sup> Street between 8<sup>th</sup> and 11<sup>th</sup> Avenues, Lot 3 of CSM 1877 f/k/a Lot 12 of Block 6 in Carol Beach Estates Subdivision Unit #6 and further identified as Tax Parcel Number 93-4-123-191-0137, was staked by the SEWRPC on December 20, 2002. The field-delineated wetlands are proposed to be rezoned into the C-1, Lowland Resource Conservancy District and the non-wetland areas will remain in the R-6, Urban Single Family Residential District.
8. The three properties currently owned by Andy and Sue Johnson, generally located on the east side of Sheridan Road north of 101<sup>st</sup> Street, Lots 1, 2 and 3 of Block 1 in Carol Beach Estates Subdivision Unit 7 and further identified as Tax Parcel Numbers 93-4-123-194-0630; 93-4-123-194-0635 and 93-4-123-194-0640, were staked by the SEWRPC on October 23, 2003. The field-delineated wetlands are proposed to be rezoned into the C-1, Lowland Resource Conservancy District and the non-wetland areas will remain in the R-5, Urban Single Family Residential District and the UHO, Urban Landholding Overlay District will remain on the entire property.

Again, these are wetland stakings that were requested by the property owner to be verified on these properties, and we are completing the process to rezone those properties into the correct zoning district classification by rezoning the wetlands into the C-1, Lowland Resource Conservancy District. This is a public hearing.

Tom Terwall:

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.

Michael Serpe:

I'd move approval of the zoning map amendments.

Larry Zarletti:

Second.

Tom Terwall:

**MOVED BY MIKE SERPE AND SECOND BY LARRY ZARLETTI TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING MAP AMENDMENTS AS INDICATED SUBJECT TO THE TERMS AND CONDITIONS OF THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So carried.

**8. SUCH OTHER MATTERS AS AUTHORIZED BY LAW.**

Michael Serpe:

One thing that was galling me the entire meeting here. The DNR showed up and just read something into the record about the size of the tower and how it could interfere with migratory birds if it was 200 feet or whatever. And I'm sitting here knowing full well that the DNR has authorized the destruction of either the mute swans or the trumpet swans in the State of Wisconsin because they're not native to Wisconsin. I don't have to tell you what a swan looks like. Friends of mine live on Tichigan Lake, and these things are like family to them, and the DNR, Department of Natural Resources, is concerned about migratory birds running into a pole, but they have ordered the destruction of the beautiful water fowl like the swans throughout the entire State.

John Braig:

And I wanted to make a comment, too. If you look at what we just did here and recognize that this goes on in hundreds of locations across the State, and in the course of a year we're talking about millions and millions of dollars of expense just to go through what we're doing here, and my comment is if the right people had those millions of dollars in their hand and their obligation was to spend it on the most pressing needs in the State, it sure wouldn't be on this business.

Tom Terwall:

Do you think we can convince the DNR the they ought to declare that the geese are nonmigratory and do away with them as well?

John Braig:

Maybe the DNR should be migratory.

**9. ADJOURN**

Don Hackbarth:

So moved.

John Braig:

Second.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So carried.