

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
5:00 P.M.  
April 9, 2007**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on April 9, 2007. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessler; Andrea Rode; Jim Bandura; John Braig; and Judy Juliana. Larry Zarletti was excused. Also in attendance were Michael Pollocoff-Village Administrator; Jean Werbie, Community Development Director; Peggy Herrick-Asst. Planner/Zoning Administrator and Tom Shircel-Asst. Planner/Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CORRESPONDENCE.**

Jean Werbie:

I have none this evening that's not related to an item on the agenda.

- 4. CONSIDER THE MINUTES OF THE FEBRUARY 12, 2007 PLAN COMMISSION MEETING.**

Wayne Koessler:

Move approval in their written form, Mr. Chairman.

Judy Juliana:

Second.

Thomas Terwall:

**IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY JUDY JULIANA TO APPROVE THE MINUTES OF THE FEBRUARY 12, 2007 MEETING OF THE PLAN COMMISSION AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

**5. CITIZEN COMMENTS.**

Thomas Terwall:

If you're here for an item that appears on the agenda tonight as a matter for public hearing we would ask that you hold your comments until a public hearing is held so your comments can be incorporated as an official part of the record. However, if you're here for an item that is not a matter for public hearing or if you have a question or an issue you want to raise on an item not on the agenda now would be your opportunity to do so. We'd ask that you step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments? Anybody wishing to speak under citizens' comments?

**6. OLD BUSINESS**

**A. TABLED PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN for the request of JM Squared LLC, owner, for the approximate 15.3 acre property generally located on the west side of 28th Avenue, south of 116th Street, at the approximate 11900 Block, for the proposed 19 lot single family subdivision to be known as The Orchard Subdivision.**

Mike Serpe:

Move to remove from the table.

Wayne Koessl:

Second.

Thomas Terwall:

**IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY WAYNE KOESSL TO REMOVE THIS ITEM FROM THE TABLE SO IT CAN BE CONSIDERED. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

Jean Werbie:

Mr. Chairman and members of the Plan Commission and audience, we actually have two items on the agenda this evening, a tabled public hearing and consideration of conceptual plan which we are taking up at this time, and then a second item which is the public hearing and consideration of a zoning map amendment for the same property. Again, I'll be making one

presentation. What I'd like to begin by saying is the staff did receive an e-mail and some phone calls from some residents in the nearby area to this project and they requested that while they knew that the notices had gone out for this item, that they had requested that the Plan Commission possibly consider a tabling of this item for two more weeks until after they can return from spring break and other types of vacations this week. I feel it's appropriate since the notices did go out, though, that we hold the hearing this evening and anyone who is here to speak for or against this project that they get an opportunity to speak on these matters tonight.

Thomas Terwall:

Jean, have you had contact with the petitioner?

Jean Werbie:

I left a message for the petitioner and I did speak with the petitioner's agent to make them aware of what I was going to be recommending.

Thomas Terwall:

Thank you.

Jean Werbie:

The project you have before you is one that had been considered previously by the Village. It's a 19 lot subdivision known as the Orchard Subdivision. It's proposed to be generally located on the west side of 28<sup>th</sup> Avenue south of 116<sup>th</sup> Street at approximately 11900 block within the Sheridan Road Neighborhood.

On November 13, 2006 the Plan Commission tabled the proposed Sheridan Woods Neighborhood Plan amendment and Conceptual Plan due to several concerns that were raised by neighbors within that particular area. The concerns revolved around construction traffic on 28<sup>th</sup> Avenue, density of the subdivision and conformance with the Comprehensive Plan and the neighborhood plan, location of storm water drainage, payment of impact fees, extension of municipal water service and placement of street lighting and subdivision signage.

The Village Plan Commission took up at their February 12, 2007 meeting a resolution which related to an amendment of a portion of that Sheridan Woods Neighborhood Plan. During that same meeting the Plan Commission tabled the Conceptual Plan for the proposed development but they approved the neighborhood plan that night. Again, just by providing some reference again, a portion of the current Sheridan Woods Neighborhood Plan, as you can see, identifies that this particular subdivision is proposed to be located between 28<sup>th</sup> Avenue and the bike trail south of 116<sup>th</sup>. The areas that are shown in brown on the slide are primarily the existing residential developed areas within Pleasant Prairie, and yellow denotes those areas where new buildable lots could be created. The average net density within this neighborhood for single family lots is proposed to be between 12,000 and just under 19,000 square feet per dwelling unit.

Again, as you will recall at the February 12, 2007 neighborhood plan amendment meeting, there were some discussions with respect to how this new subdivision would be laid out. The changes that they had brought forth at that time was a minor shift to the north of the cul-de-sac known as

Orchard Drive extending east from 28<sup>th</sup> Avenue. A longer cul-de-sac that bends southward to provide access to the west portion of the subject property was identified. The currently proposed horseshoe shaped road that loops and connects at two points to the west side of 28<sup>th</sup> Avenue has been eliminated. A minor reconfiguration of the single family lots as a result of the alteration to the road layout was provided. And, finally, an actual slight decrease in the number of single family lots within the amended portion of the neighborhood plan. Again, the original neighborhood plan had identified 26 single family lots for this subdivision in this area, and their plan as proposed shows 18 new lots. There is one existing lot that the home is going to be razed.

On November 13, 2006 and February 12, 2007, the Plan Commission then tabled the Conceptual Plan. The Conceptual Plan at this point still complies with the Sheridan Woods Neighborhood Plan. Specifically, I'll run over some of the details again. The Orchard Subdivision is proposed on 15.341 acres. There are 19 single family lots, 18 new lots. Lot sizes range from just over 20,000 square feet to 36,438 square feet with the average lot size just over half an acre at 23,616 square feet. All of the lots meet or exceed the minimum requirements as set forth in the R-3 District which requires 20,000 square foot minimums and 100 feet of lot frontage. The only exception is Lot 3 wherein the depth does not meet the 125 feet of depth for a new lot and they are requesting a variance for that one particular lot. The entire development has a net density of 1.75 units per net acre. Population projections at full build out 49 persons, 11 school age children and 8 public school age children.

The two variances, one of which I just referred to, is a variance to the lot depth for proposed Lot 3. They are looking to have a lot that is less than 125 feet in depth. In fact, they're looking for an 18 foot variance. And the second variance from the Land Division and Development Control Ordinance would need to be obtained because the cul-de-sac exceeds 800 feet in length for a dead ended road to the nearest intersection.

This site has some open space on it, wetlands or 3 percent of the site has been field delineated by Thompson & Associates on August 7, 2006, wherein they have showed .51 acre of wetlands. There are some woodlands which are trees along the perimeter of the site which are proposed to be preserved through dedicated tree preservation easements, and a total of 1.46 acres of other open space located within Outlots 1 and 2. Outlots 1 and 2 will be used for storm water retention facilities. Again, as shown on the site plan or the Conceptual Plan, up at 28<sup>th</sup> Avenue there's a retention basin and then on the west end of the development site next to the bike trail there's also a retention basin.

The development will have one public street access point on 28<sup>th</sup> Avenue at Orchard Drive. 28<sup>th</sup> Avenue extends to the north at 116<sup>th</sup> Street and it's proposed to extend south meandering through another development down to 128<sup>th</sup> Street.

The following is a listing of comments and concerns brought forth by the Plan Commission members and the audience at the November 13<sup>th</sup> meeting. These are the responses that were put together at that point. All public improvement and home construction traffic will be routed from the south through the Prairie Trails East Development north on 28<sup>th</sup> Avenue to the Orchard Subdivision. Again, construction traffic for both homes and building of the public improvements would come from the south. This assumes that the Prairie Trails Subdivision is moving forward. When they move forward and they've completed their first phase of public improvements that's when the Orchard could move forward with respect to access to the site.

No construction of the Orchard improvement can commence until, again, that phase 1 of Prairie Trails East is completed. The Village and its inspectors will monitor the construction vehicle activities and roadway conditions for the segment of 28th Avenue north of the Prairie Trails East Subdivision. The developers of the Orchard Subdivision shall be responsible for any roadway damages to the gravel base of the road during the construction of the Orchard development as they come north on 28<sup>th</sup> Avenue.

Other concerns with respect to school age kids walking to the bus stop on 116<sup>th</sup> Street, prior to construction, the developers and contractors shall meet with the residents along 28th Avenue, from 116th Street to the Prairie Trails East north subdivision line. All school age children will be identified along with the times that they walk to and from the bus. No construction traffic will be permitted during those times. The developer and Village staff will meet with the Transportation Director for Kenosha Unified School District to discuss the project and any ways we can avoid any potential conflicts. Again, the construction traffic will be coming from the south so it will be from that entrance of Orchard Drive to the south at 128<sup>th</sup> Street that will be concerned with respect to the traffic.

Concerns with respect to the condition of 28<sup>th</sup> Avenue roadway, 28<sup>th</sup> Avenue will be evaluated by the developer and the Village before, during and after construction. Any damages to the road will need to be repaired or restored by the developer at the developer's cost.

There were some concerns related to density and conformance with the Village's Comprehensive Plan. The proposed Orchard Subdivision is located in a lower medium density subdivision. That original plan showed that 26 lots could be developed within that particular development. The petitioner and developer has modified their plans so that there's only 18 new single family lots in that area. I know that there are still continuing concerns by some of the residents with respect to that density, and I assume that that will be one of the concerns that we discuss this evening.

The neighbors suggested that the developers only construct four dwellings on the development property for their own homes, and the developers would consider this option if it were economically feasible. The Village ordinances require that public road, public sewer and water service to the development even if there's only four lots that service this particular area. The cost of these improvements makes it economically unfeasible with any less density that's being proposed. That's coming directly from the developer.

The Village staff has been working with them to get the number of lots down. Again, we've gone from 26 down to 18 but, again, that will be a point for discussion this evening.

There were some concerns with respect to storm water and flooding. As part of the project the storm water runoff will be collected and drained into one of two storm water retention ponds. The ponds will reduce the peak runoff rate exiting the site. Storm sewers, swales and berms will be installed to protect all property downstream of the development by safely directing the runoff to the retention ponds. Village engineers will review the site drainage and water plans for the development as we continue to move forward to make sure that the site conforms with the requirements of the Village ordinance and the Wisconsin DNR regulations as it pertains to storm water.

There were some concerns raised about Tobin Creek flooding. The developer has completed a detailed, field topographic survey of the site. The engineers have examined the regional

topographic maps in great detail and the area draining to the retention ponds and the discharge from the ponds does not drain directly to Tobin Creek. This area drains to the south to the Prairie Trails East Development.

There were some concerns raised regarding storm water retention basin safety and where they were located, and the engineer explained at the last meeting that there will be a ten foot wide safety shelf so the water level is 12 inches or less for the first ten feet of the pond. Also, initially there was going to be a berm with landscape plantings along 28<sup>th</sup> Avenue, and the Plan Commission has discouraged the developers from doing that, but rather interspersing some landscaping but not creating that visual barrier so you could not see into the pond or at the pond in the event that there's somebody over at that area.

There were some questions raised regarding impact fees and the cost of the development to the Village. The developers have agreed to make a donation to the Village to cover what the Village used to collect for impact fees to offset the costs in the development for this project. The impact fees for the Orchard are \$16,038 prorated at the lot sale, an additional \$891 per lot. They still have to pay the other portion of impact fees at the time of building permit to the Village. As with the case of other developments in the Village, they've agreed to a pre-development agreement so they are paying for all the fees for the review in the processing of this development as well as all of the infrastructure to build this particular development.

There was a question raised with respect to the municipal water main and whether or not the system would be looped in order to provide enough water pressure and the ability of this area to be serviced by the system. As you can see on the slide, there is a water main loop that is going to be constructed. There's going to be connections at 28<sup>th</sup> Avenue. There will be a connection through the Prairie Trails East Subdivision through an easement between Lots 40 and 41 going north through Lots 7 and 8. So, again, we're going to be looping this particular system.

Storm water pond concerns we discussed. Berm elimination, again, they agree to eliminate the berm at the request of the Plan Commission and the neighbors. Street lighting and entry signage, there was some concern about this being a very bright, well lit area, and the developer has indicated that there's only going to be two street lights and they'll be the residential style street lights and they'll be at the two intersections of this particular project, one at the intersection of 28<sup>th</sup> Avenue and then the other at the first cul-de-sac intersection with Orchard Drive.

The residents also had some concerns with respect to not having a separate monument for entry sign at this entrance of this development, and so they have removed the monument or entrance sign at this project.

That is a brief summary and synopsis of the project. I'm not sure if you were taking up the next item on the agenda or should we wait.

Thomas Terwall:

The plan I think is going to be to table them, but we'll conduct a public hearing and allow people to speak on both of these before we entertain that motion.

## **7. NEW BUSINESS**

**A. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT for the request of JM Squared LLC, property owner of the approximate 15.3 acre property generally located on the west side of 28th Avenue, south of 116th Street, at the approximate 11900 Block, to rezone the property for the proposed The Orchard Subdivision as follows: the field delineated wetlands into the C-1, Lowland Resource Conservancy District, the proposed single family lots into the R-3, Urban Single Family Residential District and the non-wetlands of the proposed Outlots into the PR-1, Park and Recreational District.**

Jean Werbie:

So the second item that relates to this project is a public hearing and consideration of a zoning map amendment for this particular project. The entire property, which is the Orchard, is currently zoned A-2, General Agricultural District. Given that the majority of the surrounding and adjacent single family lots exceed the R-4 lot size and width, they are recommending that the zoning of this property be R-3 which requires 20,000 square feet in area minimum and 100 feet in lot width per lot.

The rezoning then would be to place the property from the A-1, General Agricultural District, into the R-3, Urban Single Family Residential District; to rezone the field delineated wetlands on the property from the A-2 District into the C-1, Lowland Resource Conservancy District; and to rezone the non-wetland areas of Outlot 2 and the entire portion of Outlot 1 from the A-2 District into the PR-1, Park and Recreation District. This slide basically shows you the areas that they are proposing to request the various rezonings. The wetlands are located along the very west/southwest corner of this project site. And we have a very detailed legal description for the wetlands on the property, and this area will be protected and preserved during construction and subsequent to the construction of homes in this particular area. They submitted their rezoning in various segments.

As information to the Plan Commission, pursuant to Section 420-13 G. of the Village Zoning Ordinance and pursuant to Chapter 62.23(7)(d)2m of the Wisconsin State Statutes, if a protest petition is submitted to the Village regarding a proposed rezoning, it would enact a supermajority vote of the Village Board which means four out of five of the Village Trustees concerning the protested rezoning application, would need to vote in favor of it in order to be approved rather than a simple majority of three of five Trustees. According to the Statutes and Village Zoning Ordinance, the protest petition must be duly signed and acknowledged by the owners of at least 20 percent of the area of land immediately adjacent to the land to be rezoned and extending 100 feet therefrom, or by the owners of at least 20 percent of the area of land directly opposite the land to be rezoned and extending 100 feet from the street frontage of such opposite land.

Again, this is a rezoning protest petition that would affect the Village Board's decision. It does not affect directly the Village Plan Commission's decision because you are a recommending body. The Village Board takes the final action on this particular project.

With that, I would like to continue the public hearing for the first item which is the conceptual plan and the public hearing for the rezoning of the property.

Thomas Terwall:

This is a matter for public hearing. Is there anybody wishing to speak on this matter? If so, step to the microphone and begin by giving us your name and address. Anybody wishing to speak?

Ron Godbold:

Good evening everybody. My name is Ron Godbold. I live at 12011 28<sup>th</sup> Avenue directly across from this conceptual plan. I took a little time today to take on a little bit of homework. Conceptual meaning derivative of concept. I'd like to relate this to this Board. An aspect or generic idea generalized from particular instances; proportional, corresponding is size, degree or intensity, having the same or constant ratio; regulated or determined in size or degree with reference to proportion. So with that in context it's imperative that the majority here now—the neighbors are against this recommendation by the planning staff that this concept is within proportion, and it will not be generic to the surrounding homes with acreage. The developers have met all the requirements as they have stated. We the neighbors have met all the requirements, and keeping this area with 35 dwellings along this street, a rural setting within a Village. We understand that development has to proceed, but why not with the stipulation of the planning committee requiring one and a half to one acre lots to fit within the surroundings.

As you all have seen the resistance by our neighborhood on a couple of different matters, I ask that you give this matter a serious consideration as it will affect all who live here now. I remind you that this plan is not in proportion and it is an abstract that will have an impact on all the issues, safety of children due to retention ponds, extra traffic and taking a rural setting that's one of the few left, also with the effect of future taxes that the people do not want either. I do not welcome this plan to our neighborhood.

Thomas Terwall:

Is there anybody else? Anybody else? Anybody else? Hearing none, I'm going to open it up to comments and questions from Commissioners and staff. Before I do that, Jean, have you had an opportunity to make a determination as to the number of valid signatures on the petition? Do they meet the 20 percent requirement or hasn't it been determined yet?

Jean Werbie:

I have not made that determination yet.

John Braig:

In that same vein you indicate four protest petitions. Each petition has multiple names on it? In other words, it's not four individuals?

Jean Werbie:

I believe they set it up that it was an individual petition from each property owner and I could read those into the record. They're still in the file. We have six now. It's a statement of protest



for rezoning. This one was received on April 5, 2007 and it's from the property owners at 12111 28<sup>th</sup> Avenue, so this is the first one looks like maybe husband and wife. The second is from a protest petition at 11904 28<sup>th</sup> Avenue. The next one is from 12011 28<sup>th</sup> Avenue, both husband and wife. The next is from a single individual at 11920 28<sup>th</sup> Avenue. And then the next one is from husband and wife at 12030 28<sup>th</sup> Avenue. And the last is from 12055 32<sup>nd</sup> Avenue.

Mike Serpe:

The size of the lots how do they vary on 28<sup>th</sup> Avenue from 116<sup>th</sup> Avenue south?

Jean Werbie:

My staff is going to pull the cadastral map from the Village files and I can tell you what the widths and approximate areas are.

Mike Serpe:

While Tom is getting that another question. The construction road that's going to be constructed once Prairie Trails East comes on from 128<sup>th</sup> Street north, will that be able to go all the way through to 116<sup>th</sup> Street then without any obstruction?

Jean Werbie:

There will be a connection all the way north. I mean it's not a straight, linear shot north but you do have to do a little meandering and you will be able to take both 26<sup>th</sup> as well as 28<sup>th</sup> Avenue north to 116<sup>th</sup>.

Mike Serpe:

What I'm leading to is if and when that happens is there a possibility that Unified could have a school bus go down that construction traffic all the way through without having the kids walk from 120<sup>th</sup> to 116<sup>th</sup>? They can pick them up right at their houses?

Mike Pollocoff:

As Prairie Trails East is developed there's a connection between 26<sup>th</sup> and 28<sup>th</sup> that would allow a bus to circle around.

Mike Serpe:

With reference to neighborhood plans and to land uses, how often would you estimate that we have amended the land use plan for the purpose of development?

Jean Werbie:

About five times.

Mike Serpe:

Or more?

Jean Werbie:

Or more.

Mike Serpe:

Do we have that approximation?

Jean Werbie:

With respect to 28<sup>th</sup> Avenue, the lot widths vary from 100 feet to 66 feet, 132, 132, 175, 155, 69, we've got one that's over 200, 90, 100, 100, 140, 90, 153 so that's on the west side. And on the east side most of them it looks like are 165 or 90. A number of those that were 165 or 180 it looks like they had done splits through certified survey maps. So there's actually a number of certified survey maps up and down 28<sup>th</sup> Avenue. But, again, they vary in size from the 150 down to 90, 130 and 160. They vary.

Mike Serpe:

And what's the frontage on the proposed development?

Jean Werbie:

They are minimums of 100. Some are wider than that.

Mike Serpe:

There's none less than 75, is that right?

Jean Werbie:

No. The minimum is 100.

Mike Serpe:

Because that's the R-3 size zoning.

John Braig:

And what was the depth?

Jean Werbie:

The depth of the lots is more excessive on 28<sup>th</sup> Avenue existing. They vary from 330 down to 300 for the majority of them. They are bigger lots. I would say that they are probably two-thirds of an acre to an acre or a little bit more than an acre, acre and a half.

Jim Bandura:

And, Jean, what's the general zoning of that classification?

Jean Werbie:

R-4.

Jim Bandura:

Those are R-4?

Jean Werbie:

Yes, and R-4 is 90 feet of road frontage and 15,000 square feet in area. Maybe Mike can speak to this, but there was a very conscious decision made by the Town or the Village of Pleasant Prairie in the early years at the time of this classification being placed here that when sewer and water came down in this area by having it as an R-4 classification a number of lots could further subdivide and create additional parcels. There were 15 new lots created.

Mike Serpe:

And if some of the residents on 28<sup>th</sup> Avenue that have enough frontage to split those lots again, if they wish, they could do that legally to still conform to the R-4 zoning?

Jean Werbie:

Some can, but all of the ones from the south end are at 165 wide so they don't have quite enough. They would have needed 180.

Mike Serpe:

So anybody with over 180 can split them?

Jean Werbie:

Correct. Two left that could be split.

Mike Pollocoff:

That was a major consideration back when sanitary sewer was put in and the assessment I believe at that time for the sewer was \$35 a foot. The laterals were \$1,000, but it was a significant burden. And at that time the Town of Pleasant Prairie with our planner, Russ Knetzer, had laid out how 26<sup>th</sup> and 28<sup>th</sup> could both be developed even more intensively than it is now. But at least enough so that as we plan that sewer extension the soils there are a little troubling at certain

elevations. We wanted to make sure we could the laterals and the risers in the right spots so that it gave people the opportunity to divide their property and have a connection with sanitary sewer. Over time that's happened to varying degrees. It was a large assessment for a parcel that had a 300 foot frontage or something like that. That was done in I believe 1987 is when that planning process started.

Jean Werbie:

In response to one of your questions, Trustee Serpe, on what are the widths of their lots. I've got one at 176, 141, 153, 169, 197, 161, 120, 125, 116, there's one a curve that's down to about 72, one at 99 at the curve, at the building setback they'd need to have a 100, this one is over 200, 119, 90, 194, 120, then up on the cul-de-sac curve there at 80 and then building setback would be 100, and then 121.

—:

What about the depths?

Jean Werbie:

The depths of the lots 121, 178, 139, 153, 157, there's one at 117, that's the one that needs the variance that's Lot 3, 166, 171, 164, 194, 180, 142, 173, 174, 190 something.

Thomas Terwall:

Jean, let's get to the issue of whether or not this item should be tabled or not. Do you want to present that to the Plan Commission. What's the request?

Mike Pollocoff:

My recommendation is not to table it but to continue the hearing.

Jean Werbie:

We could continue the hearing to allow—again, I received an e-mail and a phone call or two from folks that could not be here this evening that wanted to be able to have their voice heard as well. We did receive a letter from a property owner that they wanted it read into the record if they weren't able to come this evening and I'd be happy to read that one into the record as well.

Thomas Terwall:

And that's because of spring vacation people are out of town?

Jean Werbie:

Correct.

Thomas Terwall:

And the developer is not opposed to the delay?

Mike Pollocoff:

I don't know.

Jean Werbie:

Maybe you could address that to them.

Fouad Saab:

Good evening. My name is Fouad Saab from Saab Design. We are trying to work with the staff. If it needs to move forward we'll move it forward. If the Plan Commission needs to table it. We'll work with you guys however you feel.

Thomas Terwall:

Thank you.

Wayne Koessl:

Mr. Chairman, as long as this is a conceptual plan I can't see the idea of tabling it, because with all conceptual plans it's always give and take with the developer and the Village staff. I think we should just move ahead with it.

Mike Serpe:

If I could. I think you make reasonable sense on that, Wayne. The only reason I'm going to disagree is sometimes we're labeled here as pushing things forward too quick and not giving people an opportunity. As long as it's in the conceptual stages let's give it every shot we can and the developer is agreeable to it.

Wayne Koessl:

Well, I'm going to have to disagree with you because we have worked with neighbors. They've been here before us. A lot of things have changed and they will continue to change. I don't think we ever push anything forward unless we have the facts. I think we have a lot of facts. The staff has put in a lot of time on this and I think they've kept us apprised of everything. That's my feeling. In fact, unless someone else wants to talk I'll move that we approve the conceptual plan.

Thomas Terwall:

Is there a second. For lack of a second the motion does not go forward.

Mike Serpe:

Move to continue.

John Braig:

Second.

Thomas Terwall:

**IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY JOHN BRAIG TO CONTINUE THE PUBLIC HEARING UNTIL THE NEXT MEETING OF THE PLAN COMMISSION.**

Jean Werbie:

April 23<sup>rd</sup>.

Thomas Terwall:

April 23<sup>rd</sup> at which time the decision will be made. All in favor signify by saying aye.

Voices:

Aye.

Thomas Terwall:

Opposed?

Wayne Koessl:

No.

Jean Werbie:

There's a second item related to this project.

Thomas Terwall:

The public hearing and consideration of a zoning map amendment. Is there a motion to continue that as well?

Mike Serpe:

Continue that as well.

Thomas Terwall:

That can be tabled, correct?

Jean Werbie:

Continued.

Thomas Terwall:

Continued.

John Braig:

Second.

Thomas Terwall:

**IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY JOHN BRAIG TO CONTINUE THE PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed?

Wayne Koessl:

No.

Jean Werbie:

Chairman Terwall, prior to that meeting I will review all the protest petitions and I will find out which ones are the valid ones within the 100 feet to see if it forces the supermajority at the Village Board. We'll make sure we have that in place and we know that answer.

Cindy Godbold:

I have a question.

Thomas Terwall:

Come to the microphone and give us your name and address.

Cindy Godbold:

Cindy Godbold, 12011 28<sup>th</sup> Avenue. I'm not sure I heard my address in the protest petition.

Jean Werbie:

I did read it.

Cindy Godbold:

Okay. We want to know if there's still room for people that would like to sign the petition.

Jean Werbie:

You actually have until 24 hours before the Village Board meeting. So if this matter goes to the Plan Commission on the 23<sup>rd</sup>, it can't go to the Village Board until May 7<sup>th</sup>, so the Friday before May 7<sup>th</sup>.

Cindy Godbold:

So we could have more people sign the petition?

Jean Werbie:

If you choose to.

Thomas Terwall:

Thank you.

**B. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATIONAL PLANS for the request of Vern Fuller, Manufacturing Manager for Rust-Oleum Corporation for the construction of a 3,320 square foot addition for testing new products with proper temperature and humidity controls at their facility located at 8105 95th Street in LakeView Corporate Park.**

Jean Werbie:

Mr. Chairman, this is a consideration of the conditional use permit including site and operational plans for the request of Vern Fuller, Manufacturing Manager for Rust-Oleum Corporation for the construction of a 3,320 square foot addition for testing new products with proper temperature and humidity controls at their facility located at 8105 95th Street in the Corporate Park.

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

Findings of Fact

1. The petitioner is requesting a Conditional Use Permit including Site and Operational Plans for an addition to the Rust-Oleum Corporation located at 8105 95th Street in



LakeView Corporate Park. The addition will be used for testing new products with proper temperature and humidity controls. In addition, the emergency access roadway will be routed to accommodate the addition. See Exhibit 1 in your packets is also shown as the slide on the wall. The subject property is identified as CSM #1203 located in a part of U.S. Public Land Survey Section 21, Township 1 North, Range 22 East in the Village of Pleasant Prairie and further identified as Tax Parcel Number 92-4-122-212-0355.

2. Pursuant to the application,
  - a. Over the last few years, Rust-Oleum business related to concrete type coatings has increased. Testing of these new product lines has predominately been carried out at locations off-site. Rust-Oleum struggles finding sites for testing that have a particular temperature and humidity present. To overcome this obstacle, the proposed addition will be a temperature and humidity controlled area for testing and an open area for casting concrete surfaces that can be used in testing coatings for concrete. This testing will consist of an application testing and testing of the dry film of coatings used.
  - b. The existing building is 253,000 square feet and was constructed in 1988, the proposed addition is 3,320 square feet to accommodate this expansion.
  - c. The addition will be used during the first shift from 7:30 am to 5:00 pm. Start up will begin as soon as the building is complete and no additional employees are proposed to be needed for this addition.
  - d. The type of material used in this testing area will be 100 percent solids and water-based materials that will also use and store various aggregates used in these materials. Equipment will be a cement mixer and various testing equipment for concrete and coatings that will be brought down from the main on-site laboratory. Waste materials will be non-hazardous and no different that what is presently used in other laboratory areas and will be disposed of in the same manner.
  - e. Pursuant to an e-mail received on April 3, 2007 from the petitioner, no changes are required to be made to their existing air quality permits with the Wisconsin DNR, and that's provided as Exhibit 2.
3. The current zoning of the property is M-2, Heavy Manufacturing District, and the manufacturing, research and development and the storage of paint and paint related products is allowed within the District with a Conditional Use Permit.
4. The petitioner has provided the information to illustrate compliance with the Conditional Use Standards and this is provided in your packets as Exhibit 1.
5. Previous Conditional Use Permits approved for this property include:
  - a. Kenosha County Resolution #94 was approved on July 27, 1988 and this was to operate the original facility for Rust-Oleum as provided as Exhibit 3.

- b. Conditional Use Grant Document #92-009 was approved by the Village on November 11, 1992 for the storage of product on site identified as Exhibit 4.
  - c. Conditional Use Grant Document #95-017 was approved by the Village on November 6, 1995 to construct a 480 sq ft building to be used in the recovery of paint and propellant from returned/rejected aerosol containers. This is provided as Exhibit 5.
  - d. Conditional Use Grant Document #96-01 was approved by the Village on April 1, 1996 to construct housing for equipment used to inject propellant into aerosol cans as identified as Exhibit 6.
  - e. Conditional Use Grant Document #03-03 was approved by the Village on February 10, 2003 for the installation of thermal oxidizer and relocation of maintenance office. Again, that's provided as an exhibit, Exhibit 7.
- 6. Notices were sent to adjacent property owners via regular mail on March 16, 2007 and notices were published in the *Kenosha News* on March 26 and April 2, 2007.
  - 7. The petitioner was e-mailed a copy of this memo and Exhibit 8 on April 5, 2007.
  - 8. According to Article XVIII of 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 Ordinances and meets the minimum standards for granting of a Conditional Use Permit. In addition, according to the Ordinance, 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 the applicable Village ordinance requirements and will comply with all other requirements of applicable federal, state or local statutes and requirements.

At this time I'd like to continue the public hearing.

Thomas Terwall:

Is there anybody wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak? Is the petitioner present? You're available to answer questions? Thank you. Open it to comments and questions from Commissioners and staff.

Mike Serpe:

The materials that are going to be tested are non volatile, non flammable, is that correct?

Vern Fuller:

I'm Vern Fuller, the Manufacturing Manager of Rust-Oleum. That is correct.

Mike Serpe:

So no chance of any major explosion, fire in this process?

Vern Fuller:

No.

Donald Hackbarth:

Are these coatings for a concrete wall or are these to be incorporated in the concrete itself because you're casting things?

Vern Fuller:

It's primarily flooring in terms of floor coverings. Currently that's what it would be.

Donald Hackbarth:

Describe that. What are you saying here?

Vern Fuller:

In effect what you're doing is painting the concrete.

John Braig:

Exhibit 1 shows the addition to cover two exit doors of the existing building, and it's one of the first concerns of the Fire Chief. The addition shall not adversely affect exit requirements of the existing building as stated on Exhibit 8. I guess I need a clarification. Are you going to cover two existing exits?

Steve Ryzicki:

I'm Steve Ryzicki the Staff Architect for Bain Nelson Contractors, and the exits have been approved by the State of Wisconsin. Also, there are two exits, and you can barely see them there, but there are two exits provided to extend the exit requirements out of the building at the bottom there and one on the left.

John Braig:

To the south and west?

Steve Ryzicki:

Yes. The exit . . . .

Jean Werbie:

I need to have you go back to the mic while you're talking. You can take the mic with you.

Steve Ryzicki:

This exit extends that pathway there. This exit here extends that pathway there.

John Braig:

And what assurance do we have that those aiseways will always remain clear?

Steve Ryzicki:

They will be made to remain clear by striping on the floor and the company already knows that they cannot put items in the way of the exit pathways.

John Braig:

Thank you.

Mike Serpe:

Normally this is an epoxy finish that goes on these floors, is that correct, and this is not an epoxy finish?

Steve Ryzicki:

Yes.

—:

It's all water based?

Vern Fuller:

Primarily. That's the current technology and that's what we're working on.

Mike Serpe:

Just a real quick question. Does it hold up as well as epoxy?

Vern Fuller:

At this point I can't comment on that. They were going to do my patio and the winter broke last October too quick and that's part of the problem we're having.

Thomas Terwall:

Thank you.

Donald Hackbarth:

Mr. Chairman, I move approval.

Mike Serpe:

Second.

Jean Werbie:

Mr. Chairman, I would just to say that the Village staff has determined that based on the foregoing information presented in the application and at the public hearing this evening and the memorandum from the fire and rescue department that the project meets or exceeds the following standards for the granting of a conditional use permit and site and operational plan as outlined in the staff memorandum and that we agree that any conditions of approval they should comply with the conditions as set forth as identified in the staff memorandum that they had been presented with.

Thomas Terwall:

**BASED ON THE INFORMATION PROVIDED AND THE STAFF RECOMMENDATION WE HAVE A MOTION BY DON HACKBARTH AND A SECOND BY MIKE SERPE TO APPROVE THE CONDITIONAL USE PERMIT AND SITE AND OPERATIONAL PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

Wayne Koessl:

Before we continue a question to the staff. On the item that was tabled, do you want us to maintain those packets until the next meeting so you don't have to reproduce them or no?

Jean Werbie:

That would be great. If we get any additional information or protest petitions or any other type of information then we would just need to copy that information for you.

Wayne Koessl:

Thank you.

Jean Werbie:

Thank you.

- C. PUBLIC HEARING AND CONSIDERATION OF A CERTIFIED SURVEY MAP, FINAL CONDOMINIUM PLAT DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS for the request of Mary Kay Buratto, agent for Vintage Parc, LLC for 3, 6-unit and 12-4-unit condominium buildings proposed to be located on the 14.5 acre property located at the southeast corner of STH 165 (104th Street) and Old Green Bay Road to be known as Vintage Parc.**

Jean Werbie:

Mr. Chairman, I would like the Plan Commission to also hold the public hearing for Item D which is the public hearing and consideration of the zoning map and text amendment. These are both for the same project and we would like to make one presentation with separate action by the Plan Commission.

Wayne Koessl:

So moved.

Mike Serpe:

Second.

Thomas Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Thomas Terwall:

Opposed? So we'll have a double public hearing followed by two separate votes.

- D. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AND ZONING TEXT AMENDMENT for the request of Mary Kay Buratto, agent for Vintage Parc, LLC to rezone the property located at the southeast corner of STH 165 (104th Street) and Old Green Bay Road from R-10 (UHO) Multifamily Residential District with an Urban Landholding Overlay to R-10 (PUD) Multifamily Residential District with an Planned Unit Development and a Zoning Text Amendment to create the specific PUD requirements for the Vintage Parc Condominium Development.**

Jean Werbie:

Members of the Plan Commission, the developer is requesting approval of a certified survey map, final condominium plat, development agreement and related documents. In addition, they're also requesting a zoning map and text amendment for a planned unit development overlay text amendment for the proposed three 6-unit and twelve 4-unit condominium buildings. These are proposed to be located on 14.5 acres of property located at the southeast corner of 165 or 104<sup>th</sup> Street and Old Green Bay Road. The project development is to be known as Vintage Parc.

Previous approvals related to this project, as you know, this has been before us a number of times. There was a comprehensive plan amendment that was approved on March 27, 2006; a neighborhood plan amendment approved on March 27, 2006; conceptual plan for the Vintage Parc Condominium Development was approved on April 3, 2006; a preliminary plat as approved on November 6, 2006 by the Village Board; and a zoning map amendment was approved on November 6, 2006 from the Village Board; and a variance was approved on November 6, 2006 and this was to allow the size of the required temporary cul-de-sacs to be reduced from 120 feet in diameter to 100 feet in diameter. Again, these were all the previous steps that the developer has gone through and final actions taken by the Village Board with respect to this project.

The certified survey map that you have before you dedicates 105<sup>th</sup> Street and 65<sup>th</sup> Avenue. Four lots are being created as part of this condominium development. Lot 1 is proposed to be 5.4 acres. Lot 2 is proposed to be 1.1 acre. Lot 3 is proposed to be .74 acre. And Lot 4 is proposed to be 3.7 acres. As part of this certified survey map a number of easements as well as dedications and restriction language is also included on the certified survey map.

The final condominium plat that was presented by the developer then identified 66 condominium units. There are 3.4 acres of land which will be used for public road right of ways. Again, this is for 65<sup>th</sup> Avenue, 105<sup>th</sup> Street and any future widenings of the adjacent arterials. The net density of the project is 6.1 units per net acre. The population projections which is the estimate at full build out is 180 persons or 41 school age children or 28 public school age children.

With respect to open space, there are no wetlands, floodplains or proposed parks within this particular development property. There is, however, a 35 foot wide landscape easement that's being dedicated adjacent to Highway 165 and Old Green Bay Road, and this is for berming and plantings and other type of landscaping materials. In addition, the trees that are located along the eastern portion of the property line shall be preserved and protected as part of a woodland preservation easement. Actually they're not very clearly shown on here, but there is an easement that runs along this eastern property line at the north end that preserves some existing trees and the drip lines of those particular trees. Other than that there are basically no other trees on this particular site.

Site access for this development project there will be one access point onto 165 at 65<sup>th</sup> Avenue which will line up with the Meadowlands Development to the north, and one access point onto Old Green Bay Road at 105<sup>th</sup> Street which will line up with a future connection to the west when and if that property develops for commercial purposes.

The temporary cul-de-sacs that I referenced will be placed at the ends of both 105<sup>th</sup> Street and 65<sup>th</sup> Avenue. Again, in order for snowplows and fire trucks and delivery vehicles to make the turning movements to be able to go back out from the site, the Village has required that temporary cul-de-sacs without the islands be placed at the end of these two road right of ways. There will be

signage that will be installed at the ends of these streets that indicate at some point in the future when and if the lands develop to the east and to the south that these roadways will be extended and then the cul-de-sacs will be cut off on either side so that the road can be extended. The Village Board at their November 6, 2006 meeting approved a variance to allow for the reduction in size of these cul-de-sacs from the 120 foot to the 100 foot diameter.

With respect to public improvements, the entire development site will be serviced by municipal sanitary sewer, water, storm sewer, as well as having an urban profile roadway system with curb and gutter. In addition, there will be municipal water that is extended as a boundary main along the west side of this development site. At the next Village Board meeting the developer has requested and the Village Board has scheduled a special assessment public hearing to consider right of recovery for municipal water for those that benefit on the west side of Old Green Bay Road when they subdivide their property or connect to the municipal system or they would like to make some development change to that particular property area.

For the zoning text and map amendment, the property is currently zoned R-10 (UHO). Again, remember we leave the multifamily properties in the Urban Landholding Overlay District until we've completed the detailed planned unit development ordinance that pertains specifically to this particular property that identifies specifics with respect to the materials and the heights and the setbacks and the distances between buildings. All of that is included within the PUD for this particular project.

At this time the developer is requesting to rezone the property from the R-10 (UHO) and place it into the R-10 PUD to create the specific requirements for the development. Developing as a PUD will allow for flexibility with some of the dimensional requirements of the Village's zoning ordinance provided we've identified that there's enough community benefits such as the boundary mains and some other protections of conservancy areas and such to the property. They are also going to be contributing funds for the future, widening for intersections and widenings of 165 and intersections along 165. As you can see on the Boards as well as the slide, here are some of the building elevations that they have identified for this particular project site.

And, finally, with respect to the fiscal review that we've talked about in the past, at the Plan Commission meeting on October 23, 2006 the developer stated that the \$891 per unit cost sharing contribution will be made by the developer for each of the units within the development. They've agreed to a cost sharing agreement to donate these funds to the Village in addition to the other impact fees that are being collected at the time of the building permit. The developer will also be responsible for paying their fair share of the widening of Old Green Bay Road to an urban profile which has been determined to be just over \$121,000. This shall be paid to the Village prior to or at closing. Then, finally, the developer is responsible for paying their fair share of the widening of 165 to an urban profile including the cost for improvements to various intersections impacted along 165. This estimate was put together a number of years ago and it was estimated at \$1,000 per unit which is to be paid at or approximately during the time of closing.

Again, this is a slide that identifies the project where the buildings are located, some of the landscaping that's being proposed on this particular site. They intend to develop this project as one phase. The staff recommends approval, however this is a matter for public hearing, both items for the condominium plat and related documents as well as the zoning map and text amendment.



Thomas Terwall:

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

Donald Hackbarth:

I don't know if you're at liberty to give this information but how much was the cost per acre or how much was the purchase price per acre? You have no idea?

Rich Wagner:

I'm Rich Wagner, Jenkins Survey and Design, principal engineer for the project. Along with me is Mary Kay Buratto who is the owner's representative and I don't have that answer. I'm available to try some other one.

Donald Hackbarth:

The second question I have is there are properties to the east. The cul-de-sac there is a temporary one in the event that you go east and south?

Rich Wagner:

Right. When we redid the neighborhood plan that was identified as a possible extension and that there could be development to the east, in fact, I don't know if you recall but the developer to the east asked for a little higher density for his project in relationship for the negotiation that was going on for the density here, so that when the road was extended the property to the east could viably develop and have a project that could be—

Donald Hackbarth:

There are homes to the east. How many property owners possibly could develop to the east?

Rich Wagner:

I couldn't tell you off the top of my head.

Donald Hackbarth:

But you've approached them to see if they wanted to jump into this?

Rich Wagner:

I think very early on there was some talk. I know the owner had discussions with the adjacent property owners and time just wasn't right or whatever. And I think that property to the east actually changed hands not too long ago.

Mike Serpe:

Rich, storm water, where is it headed?

Rich Wagner:

Actually you can't see it on there, but they're just north of the first two buildings. Just in this area here that's the big storm water facility that not only contains the storm water for this development but also the runoff from the adjacent property here under the undeveloped condition or the existing conditions.

Donald Hackbarth:

Move approval.

Wayne Koessl:

Second.

Thomas Terwall:

**THE MOTION BY DON HACKBARTH AND A SECOND BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CERTIFIED SURVEY MAP, FINAL CONDOMINIUM PLAT AND THE DEVELOPMENT AGREEMENT SUBJECT TO ALL OF THE COMMENTS AND CONDITIONS AS OUTLINED IN THE VILLAGE STAFF MEMORANDUM.**

Jean Werbie:

Just to respond to a question that I'm not sure if it was Trustee Serpe or Trustee Hackbarth had, but there are four properties to the east that could develop with the extension of 105<sup>th</sup> Street to the east through this development.

Donald Hackbarth:

The only reason I ask is maybe this would be a time to invite them in, too.

Rich Wagner:

We've spend over a year on this. I don't think we want to go there now.

Jean Werbie:

They received notification for all public hearings for this project.

Rich Wagner:

Yes, there was a lot of involvement there.

Thomas Terwall:

Motion then to send a favorable recommendation to the Village Board to approve the CSM, final condominium plat agreement and related documents subject to the terms and conditions outlined in the staff memorandum.

Jean Werbie:

I just wanted to identify for the Plan Commission that the petitioner has also requested an expedited paving schedule which the Village Administrator has approved, so I need to modify a little bit of the wording to allow for him to do that expedited paving. They have to use granulated material in the trenches and they have to extend the warranty for some things that I do need to work into the development agreement, and I will be forwarding those modifications onto the Village Board.

Thomas Terwall:

That won't affect us, though, just the Board.

Mike Serpe:

One other question. Rich, when is the dirt going to be moved on this?

Rich Wagner:

Probably as soon as possible. Have they selected the contractor yet? Okay, they've selected the contractor and we've also been talking to a construction manager, too, that I think is going to be brought in on this project.

Mike Serpe:

Do we know the price of these units?

Mary Kay Buratto:

My name is Mary Kay Buratto, and I don't live here, I live downtown. Anyway, I don't know that they have a price point particularly in mind. But I think it was if I'm not mistaken, and correct me if I'm wrong, Jean, I think there was some talk early on around the \$200,000 mark. But that remains to be seen. The prices always seem to go up but we'll see what happens.

Thomas Terwall:

Thank you. I'm not going to read that first motion again but I'll entertain a vote at this time. All in favor signify by saying aye.

Voices:

Aye.

Thomas Terwall:

**OPPOSED? SO ORDERED. THEN A MOTION BY DON HACKBARTH AND A SECOND BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION FOR CONSIDERATION OF THE ZONING MAP AND TEXT AMENDMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed?

Rich Wagner:

May I add something very briefly? I don't know if you know the historical significance of your previous vote with Rust-Oleum, but actually the legal description is parcel 1. It was the first development in LakeView and my first site plan almost 20 years ago. So I thank you all.

Thomas Terwall:

Thank you.

**E. Consider the request of Donna Breckenfeld and James Bilotti, property owners, for a Lot Line Adjustment between the properties located at 11107 47th Avenue and 11152 44th Avenue.**

Tom Shircel:

Thank you, Mr. Chairman. I'll take this one. The petitioners are requesting to adjust the lot lines between an unplatted metes and bounds described parcel located at 11107 47th Avenue, owned by Donna Breckenfeld and a platted parcel located at 11152 44th Avenue which Lot 88, Mission Hills Addition No. 3 Subdivision, owned by James Bilotti.

This proposed Lot Line Adjustment is to adjust a portion of the rear lot line between the two parcels. The end result of the Lot Line Adjustment will be the transfer of 18,445 square feet from the Breckenfeld property.

Tax Parcel Number 92-4-122-264-0030 which is the Breckenfeld property is zoned R-4, Urban Single Family Residential District. The R-4 District requires lots to have a minimum frontage of 90 feet in width and a minimum lot area of 15,000 square feet. The Lot Line Adjustment will result in the Breckenfeld property losing 18,445 square feet in area, resulting in an approximate 78,859 square foot property.

The second Tax Parcel Number involved is 92-4-122-264-0488 which is the Bilotti property is zoned R-3, Urban Single Family Residential District. The R-3 District requires lots to have a minimum frontage of 100 feet and at least a lot area of 20,000 square feet. The Lot Line Adjustment will result in the Bilotti property gaining 18,445 square feet in area, resulting in an approximate 45,054 square foot property.

Note that the platted Mission Hills Addition No. 3 Subdivision boundaries are not being amended with this Lot Line Adjustment. Also, depending on the language of the Declaration of Restrictions, Covenants for the Mission Hills development, this adjusted land area being added to Lot 88 may or may not be governed by the Declarations. In order for the Declaration to be applicable to this unplatted land area, it may be necessary to appropriately amend the Declaration and subsequently record the amendment at the Kenosha County Register of Deeds Office.

Finally, the Lot Line Adjustment will not affect the frontages of either of these two properties. No new structural nonconformities will be created with the Lot Line Adjustment. The lots will remain conforming with the proposed Adjustment and will comply with the requirements set forth in the Village Zoning Ordinance and Land Division and Development Control Ordinance. Thank you.

Donald Hackbarth:

Mr. Chairman, I move approval.

Judy Juliana:

Second.

Thomas Terwall:

**IT'S BEEN MOVED BY DON HACKBARTH AND SECONDED BY JUDY JULIANA TO APPROVE SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed?

Tom Shircel:

Mr. Chairman, can I add one thing. I did have a discussion with Ms. Breckenfeld, the petitioner, earlier this evening and she's closing on the property May 31<sup>st</sup> so she's asking—if you noticed in the recommendation it says to record the lot line adjustment within 30 days of the Village Board approval. She's asking for 60 days so she's wondering you could make that recommendation.

Donald Hackbarth:

I'll make that amendment.

Thomas Terwall:

Does staff concur?

Tom Shircel:

Yes, that's fine.

Donald Hackbarth:

I'll make that addition.

Thomas Terwall:

**WE'LL TAKE ANOTHER VOTE THEN. THE MOTION BY DON HACKBARTH AND A SECOND BY JUDY JULIANA IS TO APPROVE WITH THE AMENDMENT OF 60 DAYS VERSUS 30 DAYS FOR RECORDING. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

Wayne Koessl:

A question yet. On the restrictions and covenants on Mission Hills is that a concern? This land is being added to what was the original Mission Hills development, isn't that correct?

Mike Pollocoff:

No, it's not subject to--this parcel didn't exist with the covenants that were placed on that subdivision on the plat.

Wayne Koessl:

For sake of argument then the Mission Hills covenants do not apply to this addition?

Mike Pollocoff:

They could put them on there but the Village can force them.

Wayne Koessler:

We can't, but is it a buildable area?

Tom Shircel:

No, it's not.

Wayne Koessler:

As far as an accessory building?

Tom Shircel:

Sure, accessory building, yes.

Wayne Koessler:

Okay, thank you.

**F. Consider the request of Michael Zacker of Talman Ventures, LLC, property owner, for approval of a Certified Survey Map to subdivide the property located at 9228 26th Avenue into two (2) single-family lots.**

Tom Shircel:

Thank you. The petitioner is requesting to subdivide Tax Parcel Number 91-4-122-134-0675 which is Lot 87 in Brookside Gardens in half, to create one additional single-family lot.

The property is zoned R-6, Urban Single-Family Residential District. Pursuant to that R-6 District lots are required to have 60 feet of frontage on a public roadway and 6,000 square feet minimum in area. The minimum setbacks for the R-6 District are 30 feet from the street property line, 25 feet from the rear and 8 feet from the side property lines.

The proposed Lot 1 is unimproved and is to be 13,224 square feet in area. Lot 1 is proposed to have 65 feet of frontage on 26<sup>th</sup> Avenue and approximately 203 feet in lot depth.

The proposed Lot 2 is to be 13,209 square feet in area with 65 feet of frontage on 26<sup>th</sup> Avenue and, again, approximately 203 feet in depth. According to Village records, Lot 2 is improved with a 1,638 square foot, 2-story, single-family home that was constructed in 1925 which is prior to any zoning regulations within Kenosha County. It's also improved with a detached garage and a shed. With the proposed division of the property, the existing single-family dwelling and the existing detached garage will remain legal, but nonconforming structures, in that the single-family dwelling which also has a rear and front deck does not meet the required 30 foot minimum street setback and the detached garage does not meet the minimum 10 foot side setback for a structure of its size.

The subject property is not located within the limits of any floodplain nor shoreland jurisdiction or wetland jurisdiction.

The existing house on Lot 2 is serviced by municipal water and sanitary sewer. Eight inch municipal water and sanitary sewer mains are available for connection in 26th Avenue. According to Village as-built plans, there appears to be an existing sanitary sewer lateral stubbed to the property line of the proposed Lot 1. However, there is no water lateral stubbed to the property line to service Lot 1. When a new single-family dwelling is constructed on the now vacant Lot 1, the dwelling will be required to connect to both municipal water and municipal sanitary sewer. A licensed utility contractor or a licensed Master Plumber will need to install the laterals at the owner's expense.

Under taxes and assessments, according to Village records, there are no outstanding taxes or assessments on this property. There would be a \$1,600 per residential unit sewer connection fee for any new connections to the sanitary sewer system. The new house construction would require a \$1,490 per housing unit impact fee.

Pursuant to March 23, 2007 facsimile from Mr. Roger Koessl at WE Energies, no additional public utility easements are required.

Under storm water, the Village Engineering and Street Departments have reviewed the proposed CSM and concluded that there are some concerns with storm water drainage in this area. The property owner to the immediate south has previously entered into an Agreement to rectify existing drainage problems. If it is determined that the drainage from these lots would contribute to the storm water drainage problem in this area, then the owners of these lots would be required to participate in the cost of any storm water improvements to enhance storm water drainage in the area.

Within six months of the Village Board conditional approval of this CSM, the existing gravel driveway that straddles the new parcel division line and the covered trellis structure on Lot 1 shall be completely and permanently removed and these areas shall be restored with grass.

Both lots meet and exceed the minimum lot size and area requirements of the R-6 District. The land division conforms to the Land Division and Development Control Ordinance, Village Zoning Ordinance and all other relevant Ordinances or requirements of the Village. With that, I'll turn it back to the Plan Commission.

Thomas Terwall:

Comments or questions? John?

John Braig:

In the staff comments, Item 7, prior to the issuance of zoning and building permits for the new dwelling on Lot 1 the storm water drainage plan shall be submitted and reviewed and approved by the Village. This is an area that you've got miserable water conditions now. We're going to add a driveway and a roof and obviously add to the drainage problems. What will the Village Engineer be looking for to approve the storm water drainage plan for the two lots?

Mike Pollocoff:



What we're going to be really looking at is the grading plan that they're proposing for the new home. We have an existing condition with water coming to the south somewhat. If you were to dry by there during a rainy period there's water standing along side the road there and on the lots to the south. What we need to capture is, and we're going to require them to set up their grading plan for how they're going to fill those lots, is how much of that water is going to sheet to the street, how much is going to go to the back yard. Then we're going to require them to participate in a storm line that we're planning on constructing along side the road down to Springbrook, and then it will traverse in a northeasterly way along Springbrook where it will fall out where we get some grade.

So this is one of those areas where it's very flat, it's sandy soils and it needs to be piped in order to get the proper flow out of there. There's not a lot of cover either. But with the existing lot as it is today, it's really more important as to how that lot gets changed with the elevation and the slope away from the foundation in the future. There's part of that lot that probably won't be draining that way, it will be draining back towards the west which has water problems, too, but that whole subdivision there has some water issues.

Tom Shircel:

Commission Braig, if you look at the slide that's on the wall I think that explains exactly what Mr. Pollocoff was referring to, the proposed storm water plan, drainage plan proposed to take the water south along the west side of 26<sup>th</sup> Avenue and then underneath 26<sup>th</sup> Avenue to the north and east if you can see that on the slide. So I think it's important at this point in time that we at least let any potential purchaser of this lot and also the agent know that there are some storm water concerns along 26<sup>th</sup> Avenue.

John Braig:

And they're aware that eventually they are going to pay for piping?

Tom Shircel:

Yes.

Mike Pollocoff:

It's a mix of ditches and pipes.

John Braig:

Thank you.

Mike Serpe:

Move approval.

Judy Juliana:

Second.

Thomas Terwall:

**IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY JUDY JULIANA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CSM SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

**G. Consider the request of Tavia Gavinski, owner, for approval of a Certified Survey Map to subdivision the property located on the east side of 63rd Avenue at 84th Street into two (2) single family lots.**

Peggy Herrick:

Plan Commissioners, petitioner is requesting to subdivide her property located on the east side of 63rd Avenue at 84th Street into two parcels.

The property is currently zoned R-5, Urban Single Family Residential District which requires lots be a minimum of 10,000 square feet with a minimum of 75 feet of frontage on a public road.

- Lot 1 is proposed to be 23,592 square feet with 141 feet of frontage on 63rd Avenue.

- Lot 2 is proposed to be the same size with the same amount of frontage on 63<sup>rd</sup> Avenue.

There is municipal sanitary sewer located within 63rd Avenue and municipal water is proposed to be installed in 63rd Avenue this summer. The owner has already signed a waiver of notice for a special assessment hearing related to the proposed water main improvements. New homes constructed on both Lots 1 and 2 will be required to be connect to municipal sewer and water.

Additional right-of-way is proposed to be dedicated on 63rd Avenue and no easements are needed from We Energies. Both lots meet and exceed the minimum requirements and lot size for the R-5 Zoning District. The land division conforms to the Land Division and Development Control Ordinance, the Village Zoning Ordinance and all the relevant ordinances and requirements of the Village. Village staff recommends approval subject to the two conditions noted on the staff memorandum.

Wayne Koessl:

Move approval.

Mike Serpe:

Second.

Thomas Terwall:

**MOVED BY WAYNE KOESSL AND SECONDED BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO APPROVE THE CSM SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

**H. Consider the request of Ken Donahue with Jenkins Survey and Design for approval of an Affidavit of Correction to Certified Survey Map #2208 related to a special exception granted by the Department of Transportation.**

Peggy Herrick:

The petitioner is requesting approval of an Affidavit of Correction to Certified Survey Map #2208 related to a special exception granted by the Department of Transportation on January 30, 2007 for a 30 foot reduction to the 50 foot State Trunk Highway 31 setback line between 95th and 99th Street in the LakeView Corporate Park. A 20 foot highway setback line will allow the setback to comply with the Village of Pleasant Prairie's zoning ordinance which requires a 20 foot parking setback from the right-of-way.

This exception does not allow buildings to be closer than 65 feet to the property line adjacent to State Trunk Highway 31 as required by the Village Zoning Ordinance. In addition, the Village Ordinance requires that this 20 foot parking setback area be used for low level berms and plantings to screen headlights and the parking area on these parcels adjacent to State Trunk Highway 31 when the land is developed for manufacturing purposes.

Village staff recommends approval of the affidavit of correction of Certified Survey Map 2208 subject to recording the affidavit of correction and providing a recorded copy back to the Village within 30 days of final approval.

Donald Hackbarth:

Move approval.

Judy Juliana:

Second.

Thomas Terwall:

**IT'S BEEN MOVED BY DON HACKBARTH AND SECONDED BY JUDY JULIANA TO SEND A RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE AFFIDAVIT OF CORRECTION TO THE CSM SUBJECT TO THE TERMS AND CORRECTIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

- I. **Consider the request of Jeffrey Bond of Gordon Food Service, Inc., for an extension of the September 25, 2006, Plan Commission conditional Site and Operational Plan approval of the Gordon Food Service Marketplace to be located at 6905 75th Place.**

Tom Shircel:

Thank you. The petitioner is requesting an extension of the Gordon Food Service Marketplace, also known as GFS, which was conditionally approved on March 6, 2006.

As some brief background information, on September 25, 2006, the Village Plan Commission conditionally approved the Site and Operational Plans for GFS to be located at 6905 75th Place which is immediately south of the Chili's Restaurant. Pursuant to that approval, on October 5, 2006, the Village staff sent the corresponding approval letter notifying the petitioner, Mr. Bond of the conditional approval.

On March 21, 2007 the Village received a letter dated March 6, 2007 via email, from Mr. Bond requesting an extension for the GFS Plan Commission conditionally-approved Site and Operational Plans. The reason for the extension request is because GFS is attempting to coordinate the construction start of several stores in southeast Wisconsin and a Site and Operational Plan extension in Pleasant Prairie would help accomplish this goal for GFS.

According to Section 420-56 I, the 180 day effective period for the aforementioned approvals expired on April 3, 2007, which was 180 days from the date of the Village conditional approval. The Village staff realizes that the GFS conditional Site and Operational Plan approval has expired. However, given the timing of the GFS email extension request, this is the earliest this request could be placed on a Plan Commission agenda. Based on previous past Plan Commission Site and Operational Plan approval extensions, the Village staff recommends a six month or 180 day extension of the conditional GFS Site and Operational Plan approval. And that would be until October 6, 2007. With that I'll turn it back to the Plan Commission.

Donald Hackbarth:

Is there any additional fee on this?

Tom Shircel:

Yes, they did pay the required \$100 additional fee.

John Braig:

I've got a little problem with an email received on March 21<sup>st</sup> dated March 3<sup>rd</sup>. I have to believe that the email wasn't floating around for 18 days but rather somehow they started this and it took them another 18 days before they pushed the send button.

Tom Shircel:

I know Mr. Bond is in the audience. He's approaching the podium as I speak.

John Braig:

I'd like a clarification.

Jeff Bond:

Sure. For the record I'm Jeff Bond, Real Estate Manager with Gordon Food Service. My letter was dated March 3<sup>rd</sup> because I had it in my file as a tickler date. Usually if I've got an extension or some sort of approval that's perishable typically a month before I put a tickler date in my calendar and then it gets me to take some sort of action which I did. The letter was sent out on the 7<sup>th</sup> by regular mail and I followed up with an email on the 21<sup>st</sup> with the letter as an attachment. I don't know what happened to the original letter that came out by regular mail, but I think I'll rely on email or overnight in the future. Lesson learned.

John Braig:

Thank you.

Tom Shircel:

For the record, there may have been a typo. It appears as though the original extension request letter was dated March 6<sup>th</sup> instead of March 3<sup>rd</sup> just for clarification.

Judy Juliana:

Move to approve.

Mike Serpe:

I'll second.

Thomas Terwall:

**MOTION BY JUDY JULIANA AND A SECOND BY MIKE SERPE TO APPROVE THE EXTENSION OF THE SITE AND OPERATIONAL PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

**J. Consider Plan Commission Resolution #07-11 to approve the 2035 Regional Transportation System Plan for Southeastern Wisconsin (SEWRPC Planning Report No. 49) as a guide for regional and community transportation.**

Jean Werbie:

Mr. Chairman and members of the Plan Commission, you have before you a Resolution #07-11. It is the endorsement and adoption of the year 2035 Regional Transportation System Plan for Southeastern Wisconsin. The Regional Planning Commission, which was duly created by the Governor of the State of Wisconsin in accordance with 66.030(2) of the statutes on August 8, 1960, and upon the petition of the Counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington and Waukesha, the Commission has the function and duty of making and adopting master plans for the physical development of the Southeastern Wisconsin Region.

What you have before you this evening is the transportation system plan for the design year 2035. This is a multimodal transportation system plan with high quality public transit, bicycle and pedestrian and arterial street and highway elements which add to the quality of life of the Southeast Wisconsin region for the resident. It supports and promotes the expansion of the region's economy by providing for convenience, efficient and safe travel by each mode while protecting the quality of the regional's natural environment minimizing any disruption to the natural and manmade environment and serving to support the implementation of the regional land use plan, while minimizing any capital and annual operating costs for the transportation system.

This is the fourth in a series of newsletters that have been provided to the general public and by which public informational meetings have been held in southeast Wisconsin. As you can see, this particular newsletter outlines the preliminary transportation system plan and some of the various elements from the rapid transit system, the public transit system. It goes into the bicycle and pedestrian facilities element of the plan, freeway traffic management elements of the plan, the system management as well as any type of incident management. It talks about major parking centers and management and guidelines. It talks about travel demands as well as personal vehicle parking, park and ride lots, transit pricing and parking. It really covers all of the various elements as part of a transportation system plan.

What it also does is it sets forth recommendations for improvements and widenings to the arterial highway system for southeast Wisconsin, and specifically for our concern it focuses in on Kenosha County and what updates and proposals are recommended as part of that updated plan. I have a copy of the plan if anyone has any interest in looking through it or reading through it. It is about two and a half inches thick. It is a second generation, third generation plan that was put together by the Regional Planning Commission. And it has involved many people from southeast Wisconsin.

The Regional Planning Commission intends to adopt this regional transportation system plan and any future expansions or extensions to local, County or State arterials within our community, as well as the freeway, are included within this particular document. So this helps to set forth that framework as to how transportation systems will be expanded in the future not only in Pleasant Prairie but in southeast Wisconsin.

So, again, the consideration for you this evening is the adoption of 07-11. The Village Plan Commission believes that the transportation system plan prepared by SEWRPC will be a valuable guide not only to the development of the region but for the Village of Pleasant Prairie as well, and that the endorsement of such a plan by the Plan Commission will ensure a common understanding by the government planning agency concerned and enables the Village staff to program the necessary area wide and local plan implementation work. With that, the staff recommends approval of Resolution 07-11.

Donald Hackbarth:

It's nice to get this kind of information, but have you seen the maps in this newsletter? I don't know how you read anything on those maps.

Jean Werbie:

All this information is also available in the book and the whole report is on line where you can blow it up.

Donald Hackbarth:

You know, Jean, I couldn't sleep last night because I wanted to read that.

Thomas Terwall:

That's why I'm wondering should we entertain a motion to approve since nobody has had an opportunity to read it.

John Braig:

Or, better yet, read it here into the record.

Mike Serpe:

Two comments. The first is I can't get over every time I hear the words mass transit or public transportation, and those of us that have been here for a number of years the North Shore, an

electric run railroad going from Milwaukee through every main city all the way to Chicago and was purchased for the purpose of running it out of business by a group of investors out of New York. Just think of the value that would have added to this area had that still been in effect.

The second comment is that by 2035 I think it's safe to say that most of won't be here.

Wayne Koessl:

But what legacy are we going to leave? A question through the Chair to the staff. You said this was a guide, Jean. If we approve this are we locked into it or can we do revisions later on?

Jean Werbie:

We're pretty much locked into it. It's on a regional level. So it's not that amendments cannot be made to the regional transportation plan, but we have brought forth a number of concerns that we have as a Village to SEWRPC in hopes that those could be incorporated into this document. Again, it's not an ordinance at the regional level but it's used in order to identify areas for future funding for improvements for future highway systems.

Wayne Koessl:

I just have concerns about the KRM yet because of the funding. I don't ever think it's every going to come to fruition because of the cost and the number of stops they have along the way. If you can drive to Milwaukee quicker than taking the Tunaville Trolley you're going to drive, because once you get to Milwaukee you've got to get ground transportation and the people aren't going to do it. I guess I'm going to have to abstain because of the KRM.

Thomas Terwall:

I'm going to entertain a motion. If you think that by tabling this for two weeks to give every Plan Commission member an opportunity to read the whole plan then I would recommend that you move to table. If you want to approve it without having read it then I would recommend a motion to approve. But if you don't agree with either one of those you can make a motion to deny it.

Jim Bandura:

Quick question. Jean, you've sat on SEWRPC and done a number of things, and this is essentially put together through your recommendation, correct?

Jean Werbie:

We're one community out of 154 communities in southeast Wisconsin so we're one of many at various levels of jurisdictions. Cities, villages, townships, counties, plus all the other involvement by the State and DOT and all the other transportation specialists. So there is a great deal of input that goes into the preparation of one of these documents. It's not taken lightly and it's not done quickly. There are lots of meetings and a lot of effort that goes into these types of plans.

Mike Pollocoff:



I will say that there's some important policy issues that are set forth in this plan. Wayne touched on one of them, the mass transit, to the extent that that goes by Pleasant Prairie and the Village really doesn't have access to it although the Village some conceive a way of whenever they land on how they're going to pay for it could end up paying for it. But we're going through some periods of rapid change. There's part of me that when this update planning started taking place Abbott wasn't foreseen. I think they thought the level of development would be similar along the Interstate to what WisPark or LakeView East would be. It turns out that's going to be a lot more dense.

These things don't unwind. You end up chiseling at them once they're adopted. And this being the vehicle by way the State and the Regional Planning Commission makes recommendations on federal assistance for transportation fundings and things like that. I don't know that the Commission can change that or the Village Board. But, I think that it's a significant document. There isn't a time constraint on adopting this resolution if you want to look at it and see what it's good for.

Thomas Terwall:

There's no question there's a lot of feeling in the communities, not just Pleasant Prairie, that this is an opportunity for all those and the rest of us to fund what the State of Milwaukee needs. That's a fact. That's how a lot of this is perceived. We're going to get to pay their fair share for them and if there's anything left for us in the outlying area we'll see if we get them.

Jim Bandura:

Jean, just out of curiosity, you mentioned that you put in some additional stipulations into this?

Jean Werbie:

Sure. One example was at the time that we were working with the staff of the LakeView Corporate Park and the creation of our initial TID and how the south end of the Corporate Park was going to develop, one of the concepts that we had was that 116<sup>th</sup> Street would extend straight from H all the way to Highway 31, that the bump up from ML and then the swing down that that makes it for very difficult traffic movements when ML becomes a full interchange and when traffic goes back and forth. And the need to make some corrections at the railroad crossing and to straighten out that road and so on and so forth that was something that we had told SEWRPC that is in our long-range plans with the County to do that. So on the plan it shows 116<sup>th</sup> Street at some point going straight through to Highway 31. That's an example.

Jim Bandura:

Just like Commissioner Hackbarth said these were kind of hard to read. To me it doesn't appear that there's going to be enough service for Kenosha County by the maps, park and rides, things of that nature.

Jean Werbie:

The basis of the regional transportation plan is the regional land use plan, and the basis for the regional land use plan in the Kenosha Urban Planning Area is the Comprehensive Plan that we put together in 1996 and has been amended from time to time since then. So as better information was available we were requested to forward that information up to SEWRPC for them to include that information. Obviously, there are some things that are going on west of the Interstate between C and the State Line for the expansion of the freeway lanes, the new interchange at C, future new interchange at some point at Highway ML, so that they recognized that there is an opportunity for areas to continue to develop and expand for economic development purposes west of the Interstate and they took that into account. We didn't know what or who or why as part of this plan, but they recognized that there would be a need for additional services and upgrades of highway improvements. And if after future transportation studies, TIAs are completed, certainly the regional transportation plan can be updated in those areas where we just couldn't foresee a large development that was going to impact a number of significant roadways surrounding that development.

Mike Pollocoff:

But the thrust of this is there's several components. One is as Jean said multimodal, trails and highways, streets, arterials and mass transit. The thrust of the mass transit is at the rapid transit which is almost counterintuitive to how, at least on the south end, we're developing. Rapid transit won't exist along the Interstate. It will be the more traditional mass transit which will be bus. There are some significant policy implications of this. I don't think anybody is trying to do anything to anybody along the way, it's just as Jean said this thing starts rolling and it doesn't stop and then development in this area has been really dynamic in the last few years and it changes the nature of what we're looking at.

Donald Hackbarth:

We're only a Plan Commission. You guys have a greater vision or a perspective of the development here in our community. Are you comfortable with us signing off on this thing right now if it's kind of not set in concrete but it becomes the plan. Are you both comfortable with that?

Mike Pollocoff:

Well, I'd rather you take a look at it. I think as a community we need to discuss it before the Board adopts it.

Donald Hackbarth:

Then would you feel comfortable with us tabling this tonight?

Mike Pollocoff:

Sure.

Donald Hackbarth:

I move we table it then.

Jim Bandura:

I would second that.

Wayne Koessl:

Is there a time frame on how long you want us to table it, or should we just flat out table it? How about 60 days?

Mike Pollocoff:

That's fine.

Donald Hackbarth:

Can I add an addition to that. Can you each staff add another snippet or a segment. Rather than reading two inches of book, can you as a staff put things together for us to look at and kind of make an intelligent decision?

Mike Pollocoff:

If you want we can get SEWRPC down here to do a walk through.

Jean Werbie:

A presentation.

Wayne Koessl:

I thought Commissioner Hackbarth was going to volunteer to read that and report to us.

Thomas Terwall:

**WE HAVE A MOTION BY DON HACKBARTH AND A SECOND BY JIM BANDURA TO TABLE THIS FOR 60 DAYS. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered. Before we adjourn just two comments. First I want to welcome the two new Village Board members to the meeting tonight. I see them in attendance. I know that you have both been here many times in the past. Monica, we all know who you are but if you'd stand up for a minute to make sure that everybody knows. Thank you. And I would encourage you to continue to come to these meetings. It's not mandatory but there's no doubt that a lot of the public hearing occurs here and goes to the Village Board for action. At that point the people

don't have another opportunity to express themselves as they do when they're at the Plan Commission. You've been at these meetings many times in the past. You've gotten to know that this isn't a rubber stamp Commission. I think there's probably more split votes that occur here than at any other Commission or Village function. So, welcome and I would encourage you to keep coming.

John Braig:

I've got two items. I know that Super Valu is not in the Village but I refer to it only as an example. Some years ago I spoke to the management of Super Valu regarding appearance of the lands around the store. Tirabassi's lands were just loaded with trash. Not too bad right now because the wind took care of it in the last couple weeks. My suggestion to the manager was there's service clubs at Tremper High School that are also looking for a little fundraiser. And the suggestion was to contact the school and maybe make arrangements for one of these service clubs to pick up all the trash and Super Valu would compensate them with a little cash and maybe a Coke and a hotdog or something like that. And the manager was rather abrupt with me and he says if I've got some problems with the way that area looks I should go talk to Tirabassi. Obviously, it's Tirabassi's land, but the filth and the dirt and the condition of Tirabassi's land is directly related to the fact that Super Valu was there. If Super Valu was not there I don't think you'd see the trash. So my first question is if we had that similar problem in the Village how could we address it?

Jean Werbie:

I would be contacting both the owner of both properties to make them aware of the problem. For example, we just did our yearly liquor license inspections and we noticed that there are a number of sites in the Village after the winter have a lot of trash all over the place. And from a zoning perspective junk and debris is a zoning violation. So always every spring that's one thing that we do is we go to each of the places that have liquor licenses and require them to clean up their entire site or we won't sign off. But we would go through the same process and issue a zoning violation.

You are correct, there are a number of service organizations that do adopt a highway and clean up. Maybe they would be more uncomfortable because it's on private property, but both of my children have participated in the adopt a highway program. So I would probably also give a call to Kenosha Planning and Development to find out what plans that they have for cleaning up the site.

John Braig:

The second item also relates to Super Valu. Without a doubt when that building was built they went before a Plan Commission, got site and operational plans and all those good things which included parking lots, roadways, sidewalks. Now Super Valu parks a great big hot dog stand on the sidewalk and pedestrians are forced to step into the roadway or into traffic to get around it. I know you can't answer for the City, but I've got to believe that's something that wouldn't happen in the Village.

Jean Werbie:

We don't allow outdoor storage in front of the grocery store such as that that would block or hinder the access of the walkway or the fire lane. I'm not sure if they went to the City and the City gave them permission on a case-by-case basis. I know that they do run special promotions at certain times of the year, kids that are doing car washes and other type of activities that they do sell food products from that wagon. Again, it would have to go to the City site and operational plan approval process and if they allowed that to be there at that location without hindering walkway access.

John Braig:

And the third item. Today's newspaper has got some legal notices in it, and it looks like the Village of Pleasant Prairie is paying for the whole bloomin' publication this time. I noticed a week ago the City of Kenosha is requesting bids, in effect what they have here is a notice to publishers, asking for bids for publication for legal notices. I don't want an answer now as much as I'd like kind of a better explanation or coverage of what legal notices are required of the Village. What's required to be published? Can we just post it in various places? And, if so, what's our process for getting bids? For example, in what we had in the paper today if they had to meticulously copy and type it I'm sure that was costly. Whereas if we gave it to them in digital form I would like to believe there's a discount available. So if I could get some feedback from the staff maybe at the next meeting.

Jean Werbie:

I can actually answer part of that now. The legal notice provisions for amending the zoning ordinance or the land division ordinance are very clear. You do have to public detailed legal descriptions and describe the project in area and that is by statute that we do need to do that. The one legal notice that you're referring is the legal description for the wetland areas on the Abbott property or the PDD-1 and -2 properties. It was an extensive legal notice and we know that. We know what it cost and all the others as well. In most cases all of these costs are passed on directly to the property owners, developers or the tax increment finance district in which it's located. Those costs don't come directly out of my budget.

John Braig:

But we still have an obligation to attempt to keep those costs as low as possible.

Jean Werbie:

I guess maybe Mike can address that.

Thomas Terwall:

Does the Waukegan paper, for example, qualify? More people get that than get the Kenosha birdcage paper.

Mike Pollocoff:

The newspaper publishers in the State have been pretty ingenious in crafting legislation that would prohibit any weekly papers from being the paper of record. As you said, the *Pleasant*

*Prairie Sun* gets to almost every house. The *Kenosha News* is about 26 percent the last I heard. Plus the newspaper industry has been able to—they lobby hard and effectively to require a lot of written notices. They lobby hard to make sure that weeklies can't have a provision for notices in there. There has to be a certain circulation threshold, and they also set the price. It's one of the few things in the statutes where the price is established in the statutes so that you can't change that.

So when they go out to bid basically you're bidding around the edges. So the one in the news is that you are delivering digital you get a certain level of price. So the newspapers are guaranteed a floor. Unless they willingly go under they have that. John Steinbrink and some other legislators have introduced some legislation since everybody is interested in saving the taxpayers money to say that any newspaper that consistently delivers to a community should be able to bid and considered a newspaper of record for the community to use. Not unlike when we buy salt or buy a truck or we buy any kind of services we go out to competitive bid and the low bid wins. This is meeting with significant resistance from that lobby again. They've had this in once before and hopefully they'll make it. It's just counterintuitive to a legislative body that's promoting that they're trying to save taxpayers' money when this action here is doing the exact opposite.

John Braig:

I've got to believe that 100 percent coverage by one newspaper should beat 26 percent coverage by another.

Thomas Terwall:

The *Kenosha News* in other words is not interested in the public's right to know. They're interested in their bottom line. Doesn't that shock you?

Mike Serpe:

Question, Mike. Does anything stop us from declaring channel 25 as the official—

Mike Pollocoff:

Again, the statutes require it must be printed medium, and printed medium is defined as a newspaper that has a circulation.

Mike Serpe:

See, we've got the best government that money can buy.

Jean Werbie:

I also wanted to mention that we also still do post the notices and all the public hearing information at all the public posting places in the Village. There are three of those as well as we post all this information to the Village's website as well. So the full notices are out on the Village's website along with the agenda. So those are some other sources that people can go to get the information as well.

John Braig:

Is one of those posting sites the RecPlex?

Jean Werbie:

Yes, and the Fire Station 2 and the Village Hall.

John Braig:

I'm thinking I go to the RecPlex five or six times a week and I never see them.

Mike Pollocoff:

Down the hall to the right.

John Braig:

The hall off to the right?

Mike Pollocoff:

Yes.

John Braig:

Nobody goes down that hallway.

Mike Pollocoff:

That's why they stay up so long. Nobody's messing with them.

Thomas Terwall:

Jean, I have not seen this personally but I have heard from three different people over the weekend that if you go to Target's website on the computer there's an announcement that they're going to build a new store next to Ashley Furniture. Have they come to us and told us that their plans in the park are dead?

Jean Werbie:

No. And, in fact, we've had meetings as recently as today where they told us based on some of their concepts and their drawings and things that they intend to move full force ahead in Pleasant Prairie. In fact, we're scheduling them to be back on the agenda in May, and we actually need to hold a special meeting because our second Plan Commission meeting in May is on Memorial Day, so we're holding a meeting that next Tuesday, the following day, so we can have them on the second meeting of May.

Thomas Terwall:

I was going to look this afternoon. I heard it at breakfast this morning.

Mike Pollocoff:

It's on their corporate website?

Thomas Terwall:

Yes.

Mike Pollocoff:

I'll take a look.

Jean Werbie:

It is near it in the scheme of things. And actually it's a new development in the area, but that's not the indication that we got today.

Donald Hackbarth:

I don't want to make this such other matters, but I know a year ago the railroad tracks on 31 they were supposed to fix those. What is happening? I drove over that today and the front wheels on my car just about fell off.

Mike Serpe:

I can talk with that. I've had contact at least six times with Gary Sipsma from the County. Gary is as frustrated about this as you are and I am and everybody else that goes over those tracks. Railroads are the most difficult people to deal with in this country. They do as they please. And then the County went and put up rough crossing signs. That was a signal to the railroad that they don't have to anything even longer because they warned everybody to be careful.

Donald Hackbarth:

Isn't there some kind of a stipulation that at a certain point you can fine them \$100 a day or something if they don't get it done.

Mike Pollocoff:

John Steinbrink brought the Rail Commissioner for the State down here and he viewed them. We picked up about 15 hub caps right by where the crossing is. So he issued an order to, I can't remember which railroad that is, UP to repair that. They haven't responded. So now he's going to conduct a hearing where the Rail Commissioner can place an order out and have it fixed and charge it back to the railroad. But it doesn't happen fast. Those guys have got so much time built in the system and they couldn't do anything in the winter, but it needs a concrete pad underneath it. It's got rubber now.



Wayne Koessl:

But Commissioner Serpe is correct. I talked to Gary also and he's frustrated because they make commitments to them and don't live up to them.

**8. ADJOURN**

Thomas Terwall:

A motion to adjourn is in order.

Wayne Koessl:

So moved.

Mike Serpe:

Second.

Thomas Terwall:

Opposed?

Thomas Terwall:

We're adjourned.