

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
April 23, 2007**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on April 23, 2007. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessler; Jim Bandura; John Braig; Larry Zarletti and Judy Juliana. Andrea Rode was excused. Also in attendance were Michael Pollocoff, Village Administrator; Tom Shircel, Assistant Planner and Peggy Herrick, Assistant Planner.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CORRESPONDENCE.**
- 4. CONSIDER THE MINUTES OF THE MARCH 12, 2007 AND MARCH 26, 2007 PLAN COMMISSION MEETINGS.**

Jim Bandura:

Move approval.

Wayne Koessler:

Second.

Thomas Terwall:

MOVED BY JIM BANDURA AND SECONDED BY WAYNE KOESSL TO APPROVE THE MINUTES OF THE MARCH 12TH AND MARCH 26TH MEETINGS 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 to speak on an item tonight that's listed on the agenda as a matter of public hearing, we would ask that you hold your comments until the public hearing is held so your comments can be incorporated as a part of the record of that hearing. However, if you're here for an item that's not on the agenda not as a public hearing or if you're here to raise an issue not on the agenda, now would be your opportunity to do so. We would ask that you step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments? Anybody wishing to speak? Anybody wishing to speak? Seeing none we'll close citizens' comments.

6. OLD BUSINESS

Wayne Koessl:

Mr. Chairman, I move that we take Items A, B and C off the table.

Mike Serpe:

Second.

Thomas Terwall:

MOVED BY WAYNE KOESSL AND SECONDED BY MIKE SERPE AND TO REMOVE ITEMS A, B AND C WHICH ARE TABLED PUBLIC HEARINGS FROM THE TABLE SO THEY CAN BE CONSIDERED. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered. Tom you want to take A and B together?

Tom Shircel:

Please.

- 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.**
- B. 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.

Tom Shircel:

As you are aware, these two items which are considering the Conceptual Plan for The Orchard Subdivision and the associated zoning map amendment or rezoning tonight for The Orchard Subdivision, as you are aware these items have been before the Plan Commission before. The Conceptual Plan this is the fourth time it's been before the Plan Commission and it's been tabled a few times and the public hearing continued a few times. I'll give a brief synopsis but I won't be going through all the details as we have in the last three meetings.

The Orchard subdivision is a proposed 19 lot, which is 18 proposed new lots and one existing lot, single family subdivision generally located on the west side of 28th Avenue, east of the Kenosha County Bike Trail and south of 116th Street, at the approximate 11900 Block.

November 13, 2006 - The Plan Commission tabled the proposed Sheridan Woods Neighborhood Plan amendment and Conceptual Plan due to several concerns brought forth by neighbors and from the Plan Commission members. These concerns included construction traffic on 28th Avenue; density of the subdivision and conformance with the Village Comprehensive Plan and Sheridan Woods Neighborhood Plan; location of storm water drainage; payment of impact fees; extension of municipal water service; and placement of street lighting and signage for the new subdivision.

The Plan Commission on February 12, 2007 approved Resolution 06-20 related to the amendment to a portion of the Sheridan Woods Neighborhood Plan. Subsequently on February 12, 2007 the Plan Commission tabled The Orchard Subdivision Conceptual Plan due to continuing neighbor and Plan Commission concerns.

On April 9, 2007 the Plan Commission held the public hearings for the proposed Conceptual Plan once again and commenced the zoning map amendment public hearing and subsequently voted to continue public hearing concerning The Orchard until tonight's meeting. The Plan Commission voted to continue to tonight due to an email and a telephone call received by the Community Development Department during the week of April 1, 2007, indicating that many of the residents who live in The Orchard neighborhood were unable to attend that April 9, 2007 meeting due to previously scheduled spring break vacations. With this in mind, the Plan Commission voted to continue the Conceptual Plan and Zoning Map Amendment public hearings until tonight so those residents who could not speak on April 9th could speak tonight if they wish to do so.

Now I'll focus more on the rezoning amendment application. As information, 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, several adjacent residents to the proposed rezoning have filed protest petitions with the Village Clerk regarding the proposed Orchard-related rezoning. These protest petitions have been reviewed and checked by the Village staff and have found these petitions to be valid and sufficient.

Therefore, depending on the Plan Commission's vote tonight on the rezoning, the protested rezoning now enacts a super majority vote of the Village Board meaning 4 of 5 Trustees need to be in favor of the rezoning for The Orchard rezoning request as opposed to 3 of 5 Trustees as

would normally be. According to the Statutes and Village Zoning Ordinance, the protest petitions 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.

To this date the Village has received six protest petitions, and I'll add that two more have been received today so now there's a total of eight. Those petitions have come from:

1. Erika Willkomm, 11904 28th Avenue
2. Carol L. Alter, 11920 28th Avenue
3. Ronald L. & Cynthia G. Godbold, 12011 28th Avenue
4. James & Priscilla M. Ollanketo, 12111 28th Avenue
5. Richard P. & Dara G. Fenney, 12055 32nd Avenue
6. Michael A. & Jacqueline A. Kim, 12030 28th Avenue

And, like I said there were two more received today, and those came from:

7. Fred and Julie Santelli, 12135 32nd Avenue
8. Josephine Galassini, 12145 32nd Avenue

Like I said, with the six received to this date that are noted in the Plan Commission report, the protest petitions entail at 20 percent of the area of land immediately adjacent to the land to be rezoned and extending 100 feet therefrom. So with those six petitions thus far they already constitute 47 percent of the land area so these petitions are valid thus enacting that super majority vote for the Village Board.

On November 7, 2006 the Village received a letter from Ms. Carol Alter, listing three requests pertaining to The Orchard Subdivision. This letter was read into the public record during the November 13, 2006 public hearing. The developers have agreed to address those three concerns of Ms. Alter.

On April 9, 2007, the Village received a letter dated April 8, 2007 from Michael Willkomm stating his opposition to both The Orchard Conceptual Plan and the rezoning.

The entirety property is currently zoned A-2, General Agricultural District. A Zoning Map Amendment will be required to rezone the property in order to accommodate the proposed Orchard single-family residential subdivision. Given the existing R-4 zoning of the surrounding and adjacent single-family neighborhood, it was originally believed that The Orchard Subdivision be developed under R-4 zoning regulations. However, given that a majority of the surrounding and adjacent single-family lots well exceed the R-4 lot width, that being 90 feet, and lot area, that being 15,000 square feet minimum, the developers have agreed to increase the lot sizes and lot

widths to meet the requirements of the R-3 Zoning District regulations. The R-3 District requires minimum lot widths of 100 feet and minimum lot areas of 20,000 square feet.

Therefore the Zoning Map Amendment proposed to:

- Rezone the single family lot portions of The Orchard from the current A-2, General Agricultural District into the R-3, Urban Single Family Residential District.
- Rezone the field delineated wetlands located in Outlot 2 from the current A-2 District into the C-1, Lowland Resource Conservancy District.
- Rezone the non-wetland areas of Outlot 2 and the entire Outlot 1 from the current A-2 District into the PR-1, Park and Recreational District.

The Zoning Map Amendment is typically considered at the time the Preliminary Plat is considered. However, during the February 12, 2007 Plan Commission meeting an adjacent property owner mentioned the possibility of filing a protest petition, therefore as we discussed requiring a super majority vote of the Village Board. Therefore, in order to be fair to the applicant and property owner and the neighbors, it is appropriate that the rezoning be considered in conjunction with the Conceptual Plan review. With that I'll turn it back to the Plan Commission to continue the public hearing.

Thomas Terwall:

This is a matter for public hearing. As you recall or as Tom just stated, the reason the public hearing was continued was to give people that were not able to be here two weeks ago an opportunity to speak tonight. I would ask that you not make the same comments that were made two weeks ago. Those comments are already incorporated as a part of the public record and there's no need for duplication. However, anybody who has not had an opportunity to speak, or anybody even though they spoke two weeks ago wants to add something tonight now would be your opportunity to do so. We would ask that you step to the microphone and begin by giving us your name and address if you wish to speak. Is there anybody wishing to speak? Anybody wishing to speak?

Mike Renner:

Mike Renner, 3211 122nd Street. Just wanted to make a couple of comments about flooding. Some area residents in our subdivision are worried about the flooding. I know at the end of Chapter 420 of the Village they say that the Village is not liable for anything that they approve, and I'm just wondering who is liable if those homeowners get flooded out because of this development.

The other comment I have, because I don't want to repeat what you said before, is the Sheridan Woods Neighborhood Plan was approved in 2001. The Sheridan Woods Plan also had a public road crossing across the bike trail. Now there is no such plan. The area affected by The Orchard has also changed significantly from the original plan and its property sizes and road configurations. Lighthouse Pointe was also supposed to help mitigate road and water problems for Tobin Wood residents as I remember some Tobin Wood residents recently complaining about their road and water issues. Prairie Trails East was supposed to have a connection to 116th Street

east of 26th Avenue, and 116th Street was also supposed to be improved. All these changes either haven't occurred or they're adding up and my comment is maybe it's time to redo the Sheridan Woods Neighborhood Plan and start the process over and get residents' input before we allow any further development or plans for this area.

One last thing I'd like to add is that to my knowledge, according to Lake County, there has been no permit or application yet filed for access to Russell Road for Prairie Trails East which is required for this subdivision. So I'm just wondering when that's going to happen. The preliminary plat was approved a year ago and I'm wondering what's going to happen if that doesn't go forward. Thank you.

Thomas Terwall:

Anybody else wishing to speak?

Mike Kim:

Good evening. My name is Mike Kim. I'm at 12030 28th Avenue. Mike just mentioned some of the things I already had down here also. But some of my concerns are the area flooding. I don't think the developers have actually talked about some of my concerns. As you see in front of you, I brought some pictures of my property and what happens during the spring. Mind you this year was relatively dry in terms of snowfall. Basically our north side is inundated with water. It comes over the driveway. My driveway is starting to develop cracks in the middle, and you can see the water seeping out of the cracks and flowing across my driveway. This driveway is relatively new. We just put it in several years ago, because over the years our gravel driveway was getting washed away every year. I know the Village Zoning Ordinance has a disclaimer for liability in regards to flood damage, but I'm wondering who's going to be responsible for damages to property owners, and is the developer willing to be bonded on this issue?

At one of the earlier Village meetings I voiced my concern about the ability of the two retention ponds to hold the runoff. The developers and their engineers assured that the size of the ponds were adequate to handle any runoff. However, in one of the subsequent meetings the developer came in and revised the size and made it larger. I can't remember whether or not it was two or one of the ponds, but it brings to mind the question of was the original plan inadequate or why was it revised? I didn't get an answer to that. So I'd like an answer to that. I don't want to go home today thinking that the size of the ponds were kept to a minimum to increase the buildable lot sizes at the expense of the surrounding homeowners.

I have another comment in regards to the property and the concerns I have for the resident owl population. I feel that the DNR or environmental organizations should be allowed to determine the number of nests that are there, and the impact that that destruction would be to the owl population on that property and the surrounding area. The developer in a news article stated that all the apple trees on the property are dead. That's 15 to 16 acres of dead trees. I hardly could believe that. If you go out there today, yeah, there's no leaves on it, but probably in two or three weeks you're going to have an orchard with fragrant apple blossoms all over the place. You can actually smell it from your backyard or from your house. So I'd like to hear from the developers on this and what they meant by all the trees are dead on the 15 or 16 acres. My guess is that the rationale to use for the cutting down of all the trees to pave the way for the development to start. I can't see any other reasons why they would say 15 to 16 acres are all dead.

Also, in the article they stated that they can sue or may sue the Village. I would like to know what the grounds for that suit would be. Also, I would like to know the minimum requirement that the Village must meet to avoid the suit and what is the Village's legal representative's position on this matter. If the developer has a right to develop their property without affecting the surrounding area, I would like the Village to please clarify what the definition of affecting is.

As Mike said, there's no permit on record and I'm wondering what would happen there. And if the Prairie Trail East access is denied and that developer doesn't go forward, I'd like to know what the Village's commitment to The Orchard Subdivision would be. As far as the rezoning and the size and number of homes, I believe originally ten years ago or so 27 homes were supposed to be up there, but the homes are much smaller in size. I believe somewhere around 1,600 to 2,300 square feet. That's probably why you need to rezone, but that does not fit in the character of the subdivision. Of course, we also have the safety of the children in mind, the character of the neighborhood. And my last comment is I'm wondering how long the developers plan to stay in their homes. Would it be just long enough to flip their homes after two years to avoid the capital gain tax? Those are questions I have and I wish to have this answered today if possible. Thank you.

John Braig:

Excuse me, could you give us your address again, please.

Mike Kim:

12030 28th Avenue.

John Braig:

Thank you.

Thomas Terwall:

Anybody else wishing to speak?

Ron Godbold:

I feel like I'm getting to know you guys pretty well. My name is Ron Godbold. I live at 12011 28th Avenue, right across the street from this proposed plan. I believe all the neighbors here and those who oppose this plan realize that the property owners have rights. The surrounding neighbors have rights also for appealing and opposing this plan. Then tell us what's the reason for the Planning Committee to hear the complaints. We also believe in development within limits. It was stated by Mr. Roscioli that the current neighborhood has no consistency in setbacks, lot sizes and other features as it is. If I'm not mistaken, that is the feature of the rural setting which should have been taken into consideration when they purchased the property.

All the surrounding homes have at least one acre or more lot sizes. When you consider the lot sizes it's not just the frontage size but depth also. Their plan is not proportionate in sizes of the surrounding area. It's my understanding that this Planning Committee has the right to limitation

of sizes to match the neighbors directly effective. Take into consideration that the said property is 15 acres, now you have to apply the subtraction of about three acres for the roads, two retention ponds, cul-de-sac and also the easement in the front of said property by a drainage ditch. So after all that you have 12 acres of property left.

The original plans that were never approved but suggested was 27 as was stated before. That was before properties that was bought since then which is all one acre or more, the latter being bigger. We all believe that the community is evolving but to what extent? The property owners said they're going to build homes there. I believe this is so, just long enough to use the homes to not pay capital gains and then move on. So with that in consideration the so-called neighbors are the benefactors of extra traffic, danger to the children and that aspect, plus the retention ponds which also pose a danger, plus in the long run being assessed by more taxes from the properties involved. Remember this, that the surrounding neighbors can also seek legal action if any flooding does occur and any accidents caused to the children, possibly to the developers and also the Village.

As Ms. Werbie stated the Village can't deny the rights of the developers, but also said that the Planning Commission can guide and direct and lay it out the way we want through an extensive planning process. So just take that into your consideration on your directions and guidance to the developers, and keep in mind the existing properties with one acre or more. A subdivision of this size is not the answer. Thank you for keeping the existing property in your consideration.

Thomas Terwall:

Thank you. Anybody else? Anybody else? Anybody else? Hearing none I'm going to close the public hearing and open it up to comments and questions from Commissioners and staff.

Donald Hackbarth:

I can speak on the apple tree issue. We walk that property, and I'm not the great arborist but I know a few things about trees, and those trees have been unattended for years, and you cannot allow an apple tree, you're going to produce apples, you cannot allow an apple tree to go into suckers and go into the condition that they are. Those trees are in rotten condition, and all they're doing now with the little life that's left in them, if there is life left in them, is to just blossom and shoot up suckers all over the place. Those apple trees are not worth anything and I'm a lover of trees and everybody knows that.

Mike Pollocoff:

A couple comments. Mr. Renner addressed a number of things. With respect to permits by the Prairie Trails East Development, we have correspondence from Lake County, November 28, 2006 that recognizes the application by Pickus Company, and Lake County Granted a variance on the highway access regulation ordinance with conditions. Also on February 28, 2007, they recognized that the application was in house and set forth some of the details that they're going to need such as additional sets of engineering, a permit fee, acceptable proof of insurance to Lake County, performance guarantee in the amount of \$458,000 for a two year minimum which is basically the construction in that area, name and address of the Illinois PE who is going to be working on the project, a set of Village approved onsite plans and the municipal acceptance form

for the water main within the right of way of Russell Road. Those are pretty standard permit qualifications that exist on any project one or another.

With respect to who is liable for flooding an attorney could probably answer that with a specific legal parody, but I do know that water along Wisconsin places a certain level of civil liability when someone diverts water from one property to the next that unless public property is being flooded the public agency doesn't have any control over that.

What the Village requires as part of a development agreement with any developer is that the engineer who designs it is putting their seal on the set of plans guaranteeing that the engineering is sound and that we require the developer to indemnify the Village and anybody who's impacted by a faulty design or a design that hasn't lived up to what it needs to be. It kind of ties into a comment that Mr. Kim made concerning an area of flooding. We know that there is some flooding in that area, but in this area there are no storm water improvements. The ditching is minimal.

The Village doesn't have easements running east and west across the properties especially in that south area to accommodate water coming out. That's why the direction was given to the developer's engineer that they need to assume that that level of lack of improvements is going to continue to exist and that discharge from the basins needs to address that fact that the release rate has to be controlled because there is no downstream improvements.

The water table is high there, but on the other hand I don't think it's any higher than it is in most places in Pleasant Prairie. You've got a lot of organic soils that are fairly thick in that area conducive to the trees in the areas that are around there, so seeing some heaving in a freeze/thaw environment at the driveways is not unusual. You can go up and down that street and see that exists on most cases.

With respect to an owl population we don't have any knowledge of what the owl population is. I mean it's something that could be referred to the DNR, have their Fish and Wildlife Department look at that.

Questions for grounds for a suit, a suit would really come about as part of a takings where the Village has denied the developer the opportunity to develop their land within the prescribed limits that exist within the Village's Master Comprehensive Plan. The Village can direct and the Village has been directing with the developer over time to modify their plans, plan for storm water detention, plan for the acquisition of water, plan for access as they put their development together which they've complied with, and there's a series of steps that need to occur in order for them to keep going. If the Village decides in lieu of that to not allow a developer to develop within the proscribed limits of the Comprehensive Plan and the plans we have, then at that point we'd be subject to a takings where we've denied that person the full use of their property, similar to what anybody in that same Master Plan area has.

Not unlike any community, any development, we don't have the ability and I don't think we have the legal basis to make a requirement that someone live in a home any specified amount of time. Real estate is a market driven activity. People can buy and sell their homes, move when they want, nobody has to stay anyplace a specified amount of time other than what economically works for them. The Village can't require or regulate based on how long we think someone will live in a home. That's not legal.

As far as the access on 128th, bringing that access up from the State Line, the water, I think the Plan Commission and the staff comments were pretty clear that those were requirements that had to be met in order to get access to be able to construct this development because we weren't going to allow the construction to occur from 116th Street, and that water would come up from the Prairie Trails development and that's what's required. If that doesn't happen then this development doesn't fly. That doesn't mean they can't come back and ask again, but we've pretty much identified where the resources are going to come from and that's going to come from the south. If there's any more questions I'd be glad to answer them.

Mike Serpe:

Mike or Tom, do we know of any or how many parcels in the past on 28th Avenue that have been split?

Tom Shircel:

Yes, there is a slide that Peggy is going to try and find. Right there. If you look at this slide that's on the wall obviously the green is the proposed Orchard Subdivision. The four yellow parcels indicate existing parcels that currently have adequate frontage under the R-4 zoning to further subdivide those properties if those property owners wish to do so. Of course, the subdivision of those properties is dependent upon lot area if they can get the 15,000 square foot minimum lot size and, of course, it also depends on where the current structures sit on those lots to accommodate another lot split.

Thirdly, the blue on the map shows those lots that were previous divided through certified survey maps. So you can see there were about six or seven previous certified survey maps over the years where people elected to subdivide their properties. So in a sense you have four lots that could be further divided again depending on some particular, and then the blue, again, shows the pre-existing subdivisions of property.

Mike Serpe:

With the exception of the depth of some of the lots on 28th Avenue, with the width, the frontage, I'm talking about the frontage, is The Orchard's consistent with the rest of the neighborhood with the exception of a couple of lots?

Tom Shircel:

Yes, it is. It's consistent with the Comprehensive Land Use Plan map and the Sheridan Woods Neighborhood Plan. If you recall, the Sheridan Woods Neighborhood Plan and the Comp Plan originally showed about 27 lots on this 15 acre property and now they're electing to, they want to put 18 new lots and one existing so 19 lots total so it does conform with both of those plans.

Mike Serpe:

But what I was referring to was the frontage on most of the lots on 28th Avenue, the frontage on The Orchard is pretty consistent with most of those lots with the exception of a couple of the exceptionally large ones?

Tom Shircel:

Let me see if I can find a copy of the plat. Would you like me to go through each lot and give its frontage and the lot size for The Orchard.

Thomas Terwall:

The lots in The Orchard are all at least 100 feet wide, right?

Tom Shircel:

They're all at least 100 feet wide pursuant to the proposed R-3 zoning.

Thomas Terwall:

So that's good enough. But what we need to know is the other lots in the area what's the widths of those lots?

John Braig:

How many are below 100?

Tom Shircel:

If we work our way from the southern most Orchard proposed subdivision line, so if we work our way from south to north on 28th Avenue, along the east side of 28th Avenue lot widths are 150, 184, 165, 165, 165, 165, 90, 90, 150, 132, 198. Along the west side, again working from south to north, 153, 114, 140, 100, 90, then you have the Orchard property, then north of the Orchard is 100, 90, 65 and then 264 so they vary greatly.

Mike Serpe:

And read The Orchard's.

Tom Shircel:

The Orchard's lot widths, Lot 1 would be 141, Lot 2 153, Lot 3 169, Lot 4 161, Lot 5 120, Lot 6 about 127, Lot 7 116, Lot 8 which is a pie shaped lot 71, Lot 9 a pie shaped lot 99, Lot 10 119, Lot 11 90, Lot 12 is 195, Lot 13 a corner lot so it has 170 along proposed Orchard Drive and another about 75 along what would be 29th Court, Lot 14 is 139, Lot 15 pie shaped lot 67, Lot 16 pie shaped lot 69, Lot 17 is 107 and Lot 18 a corner lot 147 plus along Orchard Drive another 75 to 80 feet along what would be 29th Court.

Mike Serpe:

Thank you, Tom. Mike, I don't know if I heard you or if you didn't say it, Mr. Kim's photographs I don't know when these were taken, but with the development of The Orchard

would something like this help improve the property on Mr. Kim's property or would it not change at all?

Mike Pollocoff:

Our review of The Orchard indicates it's going to help with some of the north to south flow and west to east as far as picking that water up at least as it gets to the street in The Orchard, pick that up and putting it in the storm sewer and getting it into the detention basin. Mr. Kim's problem is that his property as well as the other ones on 28th except for some ditches there isn't any storm water improvement. There's not a storm sewer, there's not a detention basin for their water to get into. So it should help with some of the offsite blow that comes to their property. Whatever they have, and parts of those areas on the west side of 28th are relatively flat. That starts falling away more as you get to the parcels on the east side of the road as they go to 26th.

In most areas a development is going to be able to, especially when improvements are made in an area where there are no storm water improvements, it ends up improving the area because it manages that much more water. Even before all the housing takes place that water will end up in a storm sewer or in the basin.

Mike Serpe:

And when the detention basins are going to be designed, would they be designed with the anticipation that some type of storm water improvements would be made on the Kim property up and down 28th Avenue for those detention basins to take that water or would it go elsewhere?

Mike Pollocoff:

The engineer has to design that basin. This kind of ties back to a comment or question that Mr. Kim had, is we don't allow the basins to be designed based on the number of lots that are created. The engineer for the developer is responsible for designing those basins to handle the events that are coming to those basins. And they have to also handle water that's coming from other areas to their site that's got to go to that basin. They can't divert water around the site. They can't shuffle it someplace else. Everything that comes to the proposed development site has to be accounted for and go to that basin. That basin has to be designed for that. It has nothing to do with how many lots you get. It really has to do with how much land you have, how much of that land is impervious and what you have to hold that release for.

So to the extent that any of Mr. Kim's water would go from his personal site would go to that storm water basin he'd have to grade his land to accomplish that. But what the developer is responsible to make sure of is that no more water goes onto Mr. Kim's property than did before. And in the fact that Mr. Kim's property is lower than the developer's property some of that water is going to be picked up before it goes to Mr. Kim's property. But that won't say that any water that lands on Mr. Kim's property is still going to have a difficult time getting away.

Mike Serpe:

One last comment. I understand change is hard to come by for everybody, not just for the 28th Avenue group but for everybody. Change is difficult sometimes. But when this thing first came to us it was a lot more dense than what it is today and it met the zoning requirements at the time

of R-4. The developer has come through and reduced that by eight or nine homes and increased the zoning to R-3 size and bigger. What I have to really take serious concern with is for this Plan Commission to send a recommendation to the Board to deny this development, knowing full well that if the Board follows the Plan Commission's recommendation that we're setting the Village up for a takings. I cannot see the entire Village of Pleasant Prairie taxpayers paying Mr. Roscioli because we denied his right to develop. We're not giving him any special consideration. He's following everything that this Village has put forward and then some. And it would not be fair for this Plan Commission to make a recommendation to the Board to deny this development knowing full well that it could end up in litigation. And a hearing, as far as I know, would be very, very brief because the Village would have to pay. Nobody wins in that.

Jim Bandura:

Just to take it one step further, I'm looking at the preliminary utility plan and, Mike, correct me if I'm wrong, they've got some additional lines running through here. There's a sump line to the collector additionally. That's something that's really not always required through the Village is it?

Mike Pollocoff:

Yes, in the new developments we require sump lines so there is no sump water that flows above ground or whatever. It has to go into a storm sewer to the basin.

Wayne Koessl:

Mr. Chairman, do any other Commissioners have any comments?

John Braig:

Yes. Many times this Commission receives requests for a subdivision that's cut and dried and rather simple. It's a neat, clean subdivision, there's no problems with it and fortunately we can improve it. I think there are other situations where the staff does an awful lot of work to head off what are the negative aspects of a proposal and by and large we approve a good number of the requests before us. Once in a while we get a problem like this. This one has some pluses and minuses or we wouldn't be spending as much time on it as we have if everything about it was favorable.

I've got a problem with a number of things on this and I don't know where we're going to go or what the situation is going to be. But I think we are agonizing somewhat on this. We see the pluses and minuses and we're going to have to weigh each one in our own way.

Donald Hackbarth:

I have a comment to Mr. Kim here. With the pictures that you gave you show a large open area. Is that your front yard?

Mike Kim:

(Inaudible)

Donald Hackbarth:

The question I'm asking is this all summer? Is this happening all summer or is it a spring event?

Mike Kim:

(Inaudible)

Donald Hackbarth:

Okay.

Wayne Koessl:

Mr. Chairman, I'm going to move that the Plan Commission send a favorable recommendation to the Village Board to approve the Conceptual Plan subject to the comments and conditions of the April 23, 2007 Village staff report.

Mike Serpe:

Second.

—:

Just a question here—

Wayne Koessl:

The public hearing was closed.

Thomas Terwall:

Give us your name and address again.

Ron Godbold:

Ron Godbold, 12011 28th Avenue directly across the street from this subdivision that's being planned. I've come here ever since this has been started. I hear all these comments from you guys with not the respect of the surrounding neighbors and that's how I feel. One thing, you all look at this frontage. What about the depth of our lots? It's supposed to be proportional within our surrounding community. You give this to these people and you're going to take away effect of a rural setting. Why is it a downfall on the surrounding neighbors that's been there for years and detrimental to us because of their investment that might be just a bad investment? I'm sorry, but you know what, you guys are looking at this totally wrong. Like I stated before down to 12 acres after the cul-de-sacs and the retention ponds and stuff like that and you're going to throw 19 homes in comparatively to 35 dwellings on that whole street. You're totally wrong. You're totally wrong.

Wayne Koessler:

Mr. Chairman, I think the public hearing is closed and I don't think we should hear any more comments. I have a motion on the floor.

Thomas Terwall:

THERE'S A MOTION BY WAYNE KOESSL AND A SECOND BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CONCEPTUAL PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed?

John Braig:

Aye.

Thomas Terwall:

One denial. We need a motion then to approve the zoning map amendment.

Mike Serpe:

So moved.

Wayne Koessler:

Second.

Thomas Terwall:

MOTION BY MIKE SERPE AND A SECOND BY WAYNE KOESSL TO APPROVE THE ZONING MAP AMENDMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed?

John Braig:

Aye.

Tom Shircel:

Mr. Chairman, can I add something? This will then go to the Village Board on May 7th. There is no meeting next Monday which will be April 30th. May 7th to the Village Board. Of course, that protest petition is valid and requires a super majority.

C. TABLED PUBLIC HEARING AND CONSIDERATION OF ZONING MAP AMENDMENTS to consider the requests of Marilyn J. Kasko of PDD LLC and PDD II LLC, Todd Battle of the Kenosha Area Business Alliance (KABA), Michael Pollocoff of the Community Development Authority of the Village of Pleasant Prairie, and Michael Pollocoff of the Village of Pleasant Prairie to amend the Village Zoning Map as a result of several wetland delineations completed by Hey & Associates, Inc. within the boundaries of Planned Development District No. 1 (Section 420-154 of the Village Zoning Ordinance) and considerations supporting the C-1 zoning designations identified in the ordinance creating Planned Development District No.1 (Section 420-154 of the Village Zoning Ordinance), which district is generally located west of I-94 and between County Trunk Highway "C" on the north and County Trunk Highway "Q" on the south in the Village of Pleasant Prairie and which district is known as "PDD-1".

Tom Shircel:

This public hearing is to consider the requests of Marilyn J. Kasko of PDD LLC and PDD II LLC, Todd Battle of the Kenosha Area Business Alliance, Michael Pollocoff of the Village Community Development Authority and Michael Pollocoff of the Village of Pleasant Prairie to amend the Zoning Map as a result of several wetland delineations completed by Hey & Associates, Inc. within the boundaries of Planned Development District No. 1.

During the March 26, 2005, meeting, the Plan Commission, as you will recall, voted to table this item until tonight's meeting.

The Zoning Map Amendments propose to rezone:

1. Several field delineated wetlands within the exterior boundaries of PDD-1 and some areas adjacent to those delineated wetlands.
2. An area of land within the exterior boundaries of PDD-1 immediately to the south of and adjacent to County Trunk Highway C.

3. Proposed locations for certain storm water detention, retention and/or water quality ponds or basins and related improvements located within the exterior boundaries of PDD-1, again, that being that Abbott owned land.

Wetland Delineations

On January 8, 2007, the Village received a Wetland Delineation Report entitled Abbott Campus Wetland Delineation Report, and I'll hereafter refer to that as the report, completed by Hey & Associates, Inc. dated December 28, 2006 and that's a revised date. The wetland delineation project site includes the entire 482 acre PDD-1 property, which is located west of I-94, between County Trunk Highway C and Q on the south. Additionally, note that according to the Site Location Map, Exhibit 4, the wetland study site includes the approximate 70 acre property located within the Town of Bristol which is owned by Abbott and the small 0.33 acre DOT-owned property located on the south side of CTH C.

According to the Report, the wetlands were delineated by Rachael Lang of Hey & Associates on November 3, 21, 22 and 29 and December 27, 2005 and February 10 and April 5, 2006. The wetland delineations resulted in the 11 on-site wetlands areas totaling 43.69 acres. Additionally, two small wetlands that being wetlands 3 and 4 were found adjacent to the site, in the Town of Bristol and are identified for wetland buffer purposes only. The wetland boundaries are based on a survey provided by Manhard Consulting, Ltd, as revised on May 11, 2006.

On January 30, 2007, Ms. Heidi Hopkins of the DNR conducted a site visit and verbally concurred with the Hey & Associates 11 wetland delineation boundaries. A second site visit by Ms. Hopkins on December 26, 2006 was conducted to confirm that data point 22, which is somewhere in the center of that large 482 acre site, was not a wetland. In a letter dated March 9, 2007, Mr. Dale Pfeiffle of the Army Corps also concurs with the 11 wetland boundaries as shown in the revised December 28, 2006 Hey & Associates Report.

Additionally, SEWRPC has identified two State-designated threatened species that being the Wild Quinine and Prairie Indian Plantain and four uncommon plant species within Wetland 1, in the area located east of the proposed West Frontage Road at I-94 and County Trunk Highway C. Due to the presence of these critical species and its overall quality, the high quality portion of Wetland 1 has been proposed for Natural Area status when SEWRPC Report No. 42 is updated and completed.

In a letter dated February 28, 2007, Mr. Philip Evenson, Executive Director of SEWRPC to Ms. Jean Werbie, that letter stated concurrence with the 11 wetland boundaries as shown in the Hey & Associates report. SEWRPC bases its concurrence for those 11 wetlands on the fact that SEWRPC conducted several previous wetland delineations and field investigations in both the northeast and southeast portions of the Property associated with the I-94 frontage road relocation project.

However, the remainder of the Property was never field inspected for the presence of wetlands by SEWRPC. Therefore, as noted in the February 28, 2007 letter, Mr. Evenson proceeds to state that in addition to the 11 wetlands delineated by Hey & Associates, there are another 11 other wetland areas located throughout the Property which were not identified by Hey & Associates in the report. That letter should be included in your packet. Based on SEWRPC's review of historical aerial photography, historical wetland maps, soil maps, topo maps and other references, several

small wetlands and surface water areas are located on the property that were not included in that report. In conclusion, although SEWRPC concurs with the wetland delineations for the 11 wetlands as referenced by Hey & Associates, SEWRPC has concluded that the report is incomplete. Further field investigation is recommended as well as the incorporation of additional data provided by SEWRPC as provided in the aforementioned February 28, 2007 SEWRPC letter.

Summary and Conclusions

All 11 delineated wetlands are subject to the regulatory jurisdiction of the Army Corps of Engineers and the Wisconsin DNR. These areas cannot be filled or otherwise impacted without permit authorization issued by the appropriate regulatory agencies. No work which would result in impacts upon the wetlands shall commence unless all regulatory agency authorization and permits are issued.

A brief summary, wetland 1 appears to be connected to the Des Plaines River wetland complex by a culvert crossing underneath I-94. Wetland 2 appears to have no obvious overland flow path and appears to be isolated. Wetlands 3 and 4 are located off-site and are identified by the report for wetland buffer purposes only. Wetland 5 is a part of an unnamed navigable waterway and is connected to the Des Plaines River wetland complex by a culvert crossing underneath I-94. Wetland 6 appears to have no obvious overland flow path and appears to be isolated. Wetland 7 is part of a man-made ditch that overflows to the frontage Road which is 120th Avenue roadside ditch that appears to drain south to the culvert crossing at I-94 and Wetland 5. Wetland 8 appears to be isolated, however the wetland is adjacent to a roadside ditch and does have overflow to the frontage road roadside ditch that appears to drain south to the culvert crossing at I-94 and Wetland 5. Wetlands 10, 11, 12 and 13 to have no obvious overland flow path and appear to be isolated.

As far as the Planned Development District-1, potential Wetlands to be Removed in the Future, pursuant to Exhibit H, page 3 of 3 of PDD-1, the property owner has indicated through the PDD-1 document that 4 wetlands are low quality wetlands that may be removed in the future. Specifically Exhibit H coincides with Wetlands 2, 6, 7 and 13 as delineated by Hey & Associates. So what that's saying is the owner of that 482 acres does at some point may want to fill those low quality wetlands in.

As provided in Subsection F which is the Zoning Map of PDD-1, the existing C-1 Lowland Resource Conservancy District areas are shown on the Zoning Map without change. Although the C-1 District is a basic use zoning district, and use of the C-1 District area is controlled by the C-1 District regulations in Chapter 420, the C-1 District areas within the exterior boundaries of PDD-1 are included within the 482 acre Property covered by PDD-1 for purposes of certain administrative calculations and determinations. Example is the amount of total pervious open space. If and to the extent that the Village Zoning Map of Chapter 420 is ever amended to eliminate the C-1 District classification from any of such areas, as an example if isolated wetland areas are eliminated with all required permits and approvals, as is proposed as a possibility in the Conceptual Development Plan such amendment shall also amend PDD-1 to specify which Sub-District classification shall be applicable to each of such areas. In the event that there are additional isolated wetland areas on the property as is suggested in the February 28, 2007 SEWRPC letter which I referred to which are zoned to a C-1 District classification in the future,

such areas shall remain part of the property covered by PDD-1 for certain administrative purposes.

Pursuant to the Village wetland regulations, upon completion of a wetland delineation the Village Zoning Map shall be corrected to rezone the field delineated wetlands into the C-1 District. Therefore, this Zoning Map Amendment proposes to correct the Zoning Map and rezone the field delineated wetlands into the C-1, Lowland Resource Conservancy District. The portions of the property that are not wetlands will remain in the appropriate zoning district.

So what's happening here is we have the 11 field delineated wetlands as Hey & Associates reports and as the DNR and Army Corps agree with, those are proposed to be rezoned to the C-1 District. Secondly, there's an area of land within the exterior boundaries of PDD-1 immediately south of and adjacent to County Trunk Highway C, which if you look on the overhead map these area south of C here, the C-1 District those are also proposed to go to C-1. Those areas are not necessarily wetlands portions of them, but they are land that cannot be developed so they elected to put that into the C-1 also to keep it in conservancy.

And thirdly certain areas for storm water detention those areas are the areas here between I-94 and the future frontage road. Some of that area, again, is wetland. Some is not considered wetland, but there are proposed detention/retention facilities to go in there so they want to rezone that to C-1 as well. So those three things are being considered tonight. And as far as the SEWRPC letter goes, further investigation of those other potential wetland areas will need to be done. If they're found to be wetlands, they'll have to come back and rezone those to the C-1 District as well. So tonight we're considering those three areas, the 11 field delineated wetlands by Hey & Associates which both the DNR and the Army Corps concur with, and then these other C-1 areas which may or may not be wetlands.

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 from Commissioners and staff.

Donald Hackbarth:

What is the definition of a low quality wetland? Has the DNR and Corps relaxed their rules on wetlands.

Tom Shircel:

No, their rules remain the same.

Donald Hackbarth:

Because if they delineated wetlands you were done.

Tom Shircel:

Their rules have remained the same to my knowledge.

Donald Hackbarth:

Then why would they have such a big harangue on the Highway 50 with the VK property when they wanted to make going to the north where there was a minuscule, a small little five feet by ten feet wetland and they had this big harangue over you can't touch that thing. Remember that? Now all of a sudden—I'm saying this is great. If they've modified their rules here to say the thing fills up 15 minutes when it rains.

Tom Shircel:

They went through the proper channels, VK Development did, to fill a portion of that wetland.

Donald Hackbarth:

But didn't they have to re-dig it someplace else?

Tom Shircel:

I don't think they mitigated.

Mike Pollocoff:

There was no mitigation back when VK had their property.

John Braig:

But we had a similar situation at Westwood Mobile Homes when the new addition was put on there. There was a wet spot that they had to build their roadway around. And if you look at that wet spot now it's awful darn dusty.

Mike Pollocoff:

There was no mitigation then either. As difficult as it is to sign onto it, the DNR with the wetlands and how they're enforced really depends on the agent that's working out of the office at that time.

Donald Hackbarth:

There was one time when I was talking to Jean about it. I said the ditch by the house there, gee, once in a while it grows cattails. Are they going to make that a wetland? Their rules sometimes are so screwy and you just sometimes can't figure it out. There are certain flora and fauna and all the stuff that designates a wetland, and she said that if it sits there long enough, 10 or 15 years, if you've got a low piece of property and it fills up and it generates this kind of junk in that low area they can designate it a wetland which is absurd.

John Braig:

This talk reminds me of a picture that was floating around this building some years ago. There was a cattail that grew up in the blacktop of a degrading road and somebody had written underneath it DNR wetland.

Thomas Terwall:

Remember the Lord giveth and the DNR taketh away.

Donald Hackbarth:

I move approval.

Mike Serpe:

I'll second that.

Thomas Terwall:

IT'S BEEN MOVED BY DON HACKBARTH AND SECONDED BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING MAP AMENDMENT 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.

7. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #07-13 to amend the Village Comprehensive Land Use Plan in conjunction with Planned Development District No.1 (Section 420-154 of the Village Zoning Ordinance), which district is generally located west of I-94 and between County Trunk Highway "C" on the north and County Trunk Highway "Q" on the south in the Village of Pleasant Prairie and which district is known as "PDD-1".

Tom Shircel:

This is a public hearing in consideration of a Plan Commission Resolution 07-13 to amend the Village Comp Plan in conjunction with Planned Development District No.1, which is PDD-1 as referred to earlier, which district is generally located west of I-94 and between County Trunk Highway C on the north and County Trunk Highway Q on the south, again, known as PDD-1.

The Comprehensive Land Use Plan Map is proposed to be amended to reflect the changes in land uses pursuant to the April 2, 2007 Village Board recent adoption of Ord. #07-09 and Ord. #07-10

that created PDD-1 which is a 482 acre planned development for a potential gated campus-like complex for uses centered on healthcare and pharmaceutical research and development, including related business offices and other related uses.

Specifically, the amendments propose to change or reconfigure the Village Comprehensive Land Use Plan to more accurately reflect the four different zoning sub-districts of PDD-1, namely the: 1) CA Sub-District, 2) BA-1 Sub-District, 3) BA-2 Sub-District, and 4) BA-3 Sub-District, as well as the environmental areas in PDD-1. These sub-districts will be indicated on the Village Comprehensive Land Use Plan as follows, and you can also follow along on the overhead slide.

- The CA District of PDD-1 is proposed to be represented in the Industrial or the gray land use designation.
- The BA Sub-Districts, that being 1, 2 and 3 of PDD-1 are proposed to be represented in the Commercial or red land use designation.
- The east-west ribbon of 100-year floodplain, wetlands and shoreland environmental areas, that traverses the CA Sub-District, are proposed to be represented in the Secondary Environmental Corridor or the lighter green land use designation.
- The environmental areas located south of County Trunk Highway and west of I-94 up in that northeast corner of the property are proposed to be represented in the Isolated Natural Resource Area or the darker gray land use designation.

Additionally, new land use sub-categories will be created in the Legend of the Comprehensive Land Use Plan as follows:

- An Industrial sub-category called CA PDD-1, Core Area Sub-District
- Three Commercial sub-categories that being BA-1 PDD-1, Business Area 1 Sub-District; BA-2 PDD-1, Business Area 2 Sub-District; and the BA-3 PDD-1, Business Area 3 Sub-District.

With that I'll turn it back to the Plan Commission.

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?

Tom Shircel:

Can I add one more thing. If you notice on the existing Land Use Plan map it shows 128th Avenue extending southward into the CA District, into that gray area. That has also been removed. There was some question I think on the people in Bristol who live on 128th Avenue. One question came up a couple public hearings ago as to whether 128th Avenue would be used as access for this pharmaceutical development and the answer was no so that little segment has been taken off as well.

Thomas Terwall:

Comments or questions?

Wayne Koessl:

Mr. Chairman, I'd move approval of Plan Commission Resolution 07-13 as presented.

Larry Zarletti:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY WAYNE KOESLL AND SECONDED BY LARRY ZARLETTI TO ADOPT RESOLUTION 07-13. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

B. PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #07-14 to consider an amendment to a portion of the Isetts Neighborhood Plan for an area generally located south of 85th Place, east of Cooper Road, north of 89th Street and west of 47th Avenue.

Peggy Herrick:

I'll be taking this one tonight. This is to consider an amendment to a portion of the Isetts Neighborhood Plan for an area generally located south of 85th Place, east of Cooper Road, north of 89th Street and west of 47th Avenue.

The Village of Pleasant Prairie, pursuant to the provisions of Section 62.23 of the Wisconsin Statutes, has created this Plan Commission and this Commission has the authority to adopt master plans, comprehensive plans or portions thereof. Neighborhood Plans are a component of the Village's master plan or the Village's Comprehensive Land Use Plan.

Neighborhood Plans are based on geographical areas or neighborhoods as delineated in the Village's Comprehensive Land Use Plan, and are intended to provide the Village Plan Commission, Village Board and Village residents with an early opportunity to review future probable patterns of existing and proposed land uses within a particular neighborhood.

Neighborhood Plans take into account the compatibility of land uses, identifies how future land divisions could occur, plans how access roadways to the land divisions could be provided and examines the practicability of providing certain lot layouts, road layouts, parkways, open space

areas, park areas, preservation areas, public community facilities, infrastructure improvements and municipal services to service the area. Neighborhood Planning is essential to the orderly growth of the community and establishes a framework as to how development should occur and, if and when it should occur.

Tonight we're looking at amending a portion of the Isetts Neighborhood Plan. The Isetts Neighborhood is generally located south of 85th Street, north of 93rd Street, west of Cooper Road and east of 30th Avenue in U.S. Public Land Survey Sections 13 and 14, Township 1 North, Range 22 East in the Village of Pleasant Prairie, Kenosha County, Wisconsin. Approximately 50 percent of this neighborhood is located in the City of Kenosha. As you see on the overhead, the orange lot lines that's Village incorporated areas, and where there are no lot lines that's City, so you can see the area that is not in the Village within this neighborhood.

An amendment to a portion of the Isetts Neighborhood Plan is proposed for an area generally located south of 85th Place, east of Cooper Road, north of 89th Street and west of 47th Avenue.

In 1997 three alternative Neighborhood Plans were approved by the Plan Commission by Resolution #97-06 approved on September 29, 1997. The Village Board approved Resolution 97-61 on October 6, 1997 for this portion of the Neighborhood Plan. Here you can see Alternative 1 and Alternative 3, and this is Alternative 5 that was approved in '97.

In general the 1997 Neighborhood Plans proposed to extend the existing right-of-ways into this area including 48th and 50th Avenues from 85th Place and extend 89th Street between 47th Avenue in the City to Cooper Road in the Village and to extend 87th Street and 88th Place from 47th Avenue in the City into this area.

In 2001, the Cooper Heights Subdivision was developed. This included extending existing right of ways at 87th Place from 47th Avenue and extending 48th Avenue as well. This development included 15 single family lot and the construction of 87th Place west from 47th Avenue, 48th Avenue connecting 85th Place and 87th Place.

Recently the Village has received an inquiry to develop the land south of 87th Place and have requested to amend the current Neighborhood Plans for this portion of Isetts Neighborhood Plan. On the slide shows the proposed amendment. The amendment continues to show 47th Avenue connection north from 87th Place to 85th Street; it continues to show 89th Street connection west to Cooper Road and 50th Avenue north connection between 87th and 85th Places.

The proposed Neighborhood Plan, the change, is to extend 48th and 50th Avenues south to 88th Street, and 88th Street would then connect 48th and 50th Avenues. 50th Avenue would not connect to 89th Street as previously shown on other adopted plans, and 87th Street would not connect into the development from 47th Avenue. 89th Street is still shown connecting Cooper Road to the east to 47th Avenue within the Village. This is a public hearing, and if there's other questions we can certainly answer them for you.

Thomas Terwall:

Anybody wishing to speak on this matter?

Chuck Lombardi:

I hope you have half an hour. My name is Chuck Lombardi and I live on 85th Place. I developed that piece of property running from Cooper Road all the way to 47th with Bill Seeler. I'll tell you the problems you're going to have. Let's start with the sewer. I don't think the sewer is large enough to carry an additional ten lots that's possible that they could build in. Because in the last two years they came in and they put special die in our sump pumps to find out where the water is coming from because the sewer I don't think is big enough to carry. I believe it's about an 8 inch sewer. That's one thing.

The next thing is the water. If you look down on 85th Street that's running into Cooper Road and you come south about four or maybe five lots, right about there come up a little bit, if you walk that . . . down four lots from 85th, you take that there and you walk that they're carrying the water from the other side of Cooper Road underneath the ground, carrying the water and coming along those four lots and going into the proposed 50th Avenue. Well, I came before this Board here and I kind of got so damn mad at the thing because whatever I proposed they wanted me to do it different.

Then I sold the property because I knew the problems they're going to have. They're going to pick up all that water from the four lots and they're going to bring in ten more lots, and all that water is going to come down and it's supposed to be picked up on the sewer that the individual that bought my property behind 85th Place, the three lots, that's where that storm sewer is going to carry that water. Now, in order to carry that water you've got to complete that cul-de-sac which is not on that map. At the end of 50th Street there's this cul-de-sac that was devised by the City Planning which is good. I'm not against progress and building, but that's what's going to carry that water and I don't think it's going to work. So now they build the first house on 48th Avenue and 85th Place and they raised it about two feet above any other house in the neighborhood. That goes to show you why I don't know.

The next problem you're going to have is that now that you opened this 50th Avenue which is good, fine, you've got to have progress, you're going to bring in 44 lots of cars coming through that, and the average house today has two cars, so that's 88 cars running down 50th Street, you hit 85th Place. That's going to happen two times a day plus all the buses that come through from Whittier School that come through 85th Place. The traffic pattern is going to be bad. Right now since you opened up 48th Avenue and never did nothing to the surface of 48th Avenue running from 85th to Cooper Road nobody takes that road. Think about it. It's a washboard boulevard. The only reason I take it is because there's no traffic.

Now, since I've been living on 85th, and my neighbor here can agree and the two that just left, you had one rollover that landed in my front yard because they can't make that curve. We had maybe seven or eight mailboxes that were knocked down by cars. How many times I fixed the ruts in my front yard because the cars can't make it. Now, if you come by my house at six o'clock in the morning and you want to get the paper you have to go out there and . . . and you run across the street because those cars come so fast. The problem is what are you going to do about the traffic? So this is what I'm trying to say.

50th Avenue you can put a stop sign there. They put a stop sign on 48th and 85th and that just gives them another step on the gas problem. When they come down that street I know they're going 30 or 35 miles an hour and you don't have a chance. We have one person that owns a house here and, God forbid, he's got Alzheimer's and he's walking that street with his

grandchildren. I see those cars coming down and I say to myself, God, one of these days who are you going to blame? We don't want to blame you. You can come up with a better idea to maybe take 87th Street or somewhere down there, that would be an empty lot or someplace that you can bring it to Cooper Road to relieve that traffic. Because if you take 50th Avenue and you come down to 85th what's the best turn? Left. You come down to Cooper Road the best turn is right to get out onto 75th Street or to go down to Green Bay Road. That's where the traffic is, especially because we have school in the morning. You've got a lot of traffic there.

Before you propose this road can you give us some idea what your idea is about the water, if the sewer is going to handle it for these new lots and the traffic pattern, mainly the traffic pattern. Thank you.

Thomas Terwall:

Anybody else?

Jerry Stein:

Hi, my name is Jerry Stein. I live at 8535 48th Avenue which is right at the corner of 85th Place and 48th Avenue. I've lived there for 28 years. Since the subdivision was put in and 48th has been open, I don't know if the Plan Commission in their infinite wisdom did not figure out that everyone from West Isetts will go through our neighborhood. Our car count is huge right now. The stop signs which took three years to be put up at 85th Place, mind you, ignore them. I have a six year old that I can't let go out in my front yard and play because people fly down that road constantly. As my neighbor, Mr. Lombardi, said 48th Avenue is terrible. In fact, it's even been videoed on our little television station that we have on how poor the road is. I pay the same taxes everybody else does but yet my road every winter and in springtime I have to take chunks of asphalt like this out of my front yard that get taken up by the plow. The road cannot handle the cars that we already have.

The 15 homes that were put in I was not real happy about. I had a dead end my whole life growing up there. I thought 15 homes I can deal with that. But when they opened it into West Isetts so that they could have the other additional three lots on 47th Avenue now you just increase your car count by literally hundreds of cars that come down this small road in a small neighborhood. Now, until they start to get some sort of relief going out to Cooper Road or out to 31, we can't handle any more cars on that road. It's just that simple. We've had the police department out there. We have cars speeding up and down. There's one every day between 12 and 3. I watch it. It goes right through the stop sign. It does not even stop, does not car about stopping. They've just been there so many times odds are because it's a T intersection and not a cross they've got to stop because they can't go through because they'll be in my front yard which has happened.

But nevertheless the road can't handle any more people. It's already way over packed. Our road is deteriorated beyond belief. You guys don't want to do anything about that stuff. The developer had to finish the road and gave everyone from 85th Place south a nice, new, beautiful road. But all the rest of us that have been living there our whole lives we've got crap. We were told that until the five homes on 48th take water they're not going to repave it. Well, I'm sorry, it's been that way for eight years now since they put these cistern systems in when they widened 85th Street. What kind of response is that they're not going to pave the road until you guys decide

to spend thousands of dollars to take water when we've already got perfectly good wells? That's not a good response either. But we've got to stop the car count or find a different place for the cars to go because we can't support anymore. I'm to the point where I'm going to take my video camera and I'm going to set it up and start videotaping the cars because apparently no one wants to believe me. The Chief of Police said, well, our squad sat there and they only counted this many cars. Well, I'm sorry, you don't live there on weekends when it's nice out. This weekend it was terrible. I'm thoroughly fed up with it.

You guys basically ruined a beautiful neighborhood, all to be said the reason that 87th Place had to go in was because the fire trucks could turn around otherwise. That's the response I was given. Well, it's pretty funny that fire trucks do have reverse the last time I checked, and when you go over to 50th Avenue that's a dead end so we don't get fires down there and we can't have a fire truck go down there? Them people are in real bad shape. That's the reason I was given that 87th Place had to be opened up at that intersection and 47th. We're all just stupid I guess because that's not really a very valid thing especially since some of these cul-de-sacs are pretty darn small. I'd hate to try to get a fire truck to turn around in there.

But, is there going to be a plan before these houses are put in to get 89th to Cooper Road or any other relief besides 48th Avenue? Because 50th is not going through because I know the people that own the property back there and they're not selling. So what is the plan?

Thomas Terwall:

We'll take your comments first.

Jerry Stein:

Alright. If we had some other relief for the people in West Isetts to go out, obviously you can't stop everything from happening but I'm very disappointed. I don't think nobody really saw the foresight until they actually lived there as to all these people that normally would go all the way down to 39th Avenue, go over to 85th Street, shoot up what I call I-85 there at about 70 to get out to 31. People are going to the Interstate and to Highway 31 to go south and wherever they work. Now ours is the most convenient place for them to get over to Cooper Road and/or 85th Street. Like Mr. Lombardi states, we've got buses running up and down our little tiny road that is not made for that heavy of traffic every day. I don't know how we can stop a school bus going up and down there. We can't. But there's a lot of issues there that weren't considered in the past that this is just going to make it that much more difficult. Mainly traffic and the safety concerns we have there. I have to inch out of my driveway just to make sure I don't get hit by somebody coming past. That's my main concern is the car count I guess. Thanks.

Thomas Terwall:

Thank you.

Paul Jaeger:

I'm Paul Jaeger. I live at 8609 48th Avenue. I have two questions. One is when will 48th Avenue be repaired, and the other one is when will 47th Avenue be built?

Thomas Terwall:

Thank you for your patience, sir.

Greg Boreman:

That's fine. Greg Boreman, 4860 87th Place. I'm going to say the same things the others have said, too. I'm one of those 15 lots. I apologize to Mr. Lombardi. I'm one that has to drive by his house because I refuse to drive down 48th Avenue. I think it is one of the worst streets in Pleasant Prairie or Kenosha. It's very narrow. It's in terrible shape. I think something has to be done about that.

Then secondly I don't know what the rules are for the open lot across from my house the way it is right now. Are there rules on asking for people to mow those and keep those weeds down on those kind of situations? If we call Pleasant Prairie do they ask them to do those kind of things.

Thomas Terwall:

Right.

Greg Boreman:

It's more than just weeds. The whole thing is full of Canadian thistles which are about the worse thing to get rid of. They're just everywhere over there.

Thomas Terwall:

You can call the Village and they will issue a complaint and he'll have an opportunity to do it. If he doesn't our highway department will do it and put it in his tax roll. Anybody else? Anybody else? I'm going to open it up to comments and questions from Commissioners and staff. I'm going to ask staff first to respond to any of those questions.

Mike Pollocoff:

One of the items Mr. Lombardi brought up was sanitary sewer. There is capacity in the sanitary sewer in that area. There isn't capacity for sanitary sewer and ground water and perimeter tiles. None of the sewers are designed to have perimeter tiles. We check that all over all the time. But I guess we haven't required, and that's the reason we go through this process to amend a neighborhood plan and go through a conceptual to bring these things out. That's going to be the next step is taking a look at sanitary sewer design.

With respect to storm water, and Mr. Lombardi is correct that there is storm water that comes from the subcontinental divide which is basically about 300 to 400 feet west of Cooper Road in that area.

John Braig:

The subcontinental divide I think is straddled by Whittier School.

Mike Pollocoff:

The front door.

John Braig:

The west drain pipes go one way and the east drain pipes go the other way.

Mike Pollocoff:

That area does find its way over to Cooper Road in a couple places, one that Mr. Lombardi indicated and then one farther south goes across in the drains to the east. The Village's storm water basin on 85th Street roughly at 43rd is designed to accommodate that water before it gets to 39th Avenue. It's getting it in some cases to that area. The Village did extend a storm sewer down 48th Avenue to pick up some of that water, but we'd be relying on the developer's engineer to facilitate that study and make sure that works.

—:

(Inaudible)

Mike Pollocoff:

That's what I said we put a storm sewer down 48th Avenue and that's there. There is still in this neighborhood plan, the point that Mr. Lombardi brought up, was that there's water coming from Cooper Road over to 50th that has to be accounted before it goes down 50th to 85th Place to get to the storm sewer. Clearly that design work has to happen. It hasn't happened. We couldn't allow development to proceed until that design took place.

48th Avenue between 85th Place and 85th is as rough a road as we have in the Village. That road is real narrow. There are some homes on that street that don't have water. We try to not pave the roads and then come back later on and put water in after we have a new road, but there's no question that road needs some help. One of the things we've looked at in some other areas is if the residents feel strongly that they don't want water or are never going to need water is to secure easements to that you can put the road in and then at some point when you do have to put the water main in the water main goes away from the road in an easement so that they don't pay for the asphaltting of the road again and the road doesn't get ripped up for the water.

I think there are some valid comments and concerns concerning access in and out of this area being only 48th and 85th Place. For the last 20—I remember negotiation with Lanoy's on the access of 89th Street to Cooper Road, and their thought was they wanted to be able to annex all that land into the City so they could have smaller lots between Cooper Road and where it ends right now and that's the Village. The Village won't allow the smaller lots so the road isn't completed. The street infrastructure in this area is compromised. There's no getting around it. I

guess as far as some of the preliminary storm water work or access issues, we could visit with the developer's engineer and have him tell us what he's found in his preliminary studies.

Peggy Herrick:

I just want to add a few more things. 47th Avenue, this location, the connecting from the existing where it stops here in the City to 85th Street that is proposed to occur when those property owners which to develop their land. That's been in the neighborhood plan for years for that to happen. The things that are changing in this amendment proposed from past plans, past plans one alternative showed 50th Avenue connecting to 89th Street, and another alternative showed 88th Street connecting here. This plan shows everything that the other plans did except it took away both those access points to those locations. If one of those access points was put back in that might help disburse the traffic. But, again, this plan won't develop until property owners want to develop their property.

My understanding is this lot and this lot, these two right here, are proposed to be developed in the near future. The remaining lots would be developed when and if the property owners decided to develop their property. So there could be a way to alleviate some of the traffic concerns by putting one of these road connections back in. Again, you'll have 47th that will be a connection out at some point in the future. This is an in-fill area that we're working with existing lots. There's no way to connect to Cooper Road other than 89th Street because of the existing development in the area.

—:

(Inaudible)

Peggy Herrick:

This is what's being proposed with this amendment. If you look back at these other plans right here you can see this one connecting to 89th Street. Actually this one had 89th and 88th in. This one just had 88th connection and no connection to 89th. This is 87th Place where Cooper Heights was developed. You can see a connection to 50th and 48th Avenue here. Same with this, 87th coming in so this is the Cooper Heights area right in this area.

—:

. . . Fire Chief

Peggy Herrick:

He did not object to this.

John Braig:

I'm quite familiar with this area. I walk it many times, and I will say I've always looked at the whole Isetts neighborhood and recognize that anyone living there that wants to go west initially had to go east to 39th Avenue and then north or south to either 93rd or 85th Street. And once the subdivision was developed and the roadway provided access, let's call it out the back or the west

end of Isetts, could go further west. It obviously means a lot of traffic would start funneling through there. 47th Avenue would obviously be a solution. I don't know when we'll see that, but I do think it would be desirable to get an additional access from the Isetts area to Cooper Road.

The problem is Cooper road is pretty well developed. I don't know if there's vacant land that somebody would be willing to put a roadway through. I see these as mostly single parcels of land and the people that own them are certainly not going to appreciate anyone putting a roadway next to their home especially if it's their land. They control it and they won't sell it. I don't see any alternatives other than what we have here and hope that in the long term we'll get 47th Avenue as a good alternative. Obviously it should be attractive once it goes through because it would be a straight shot north to 85th Street.

Thomas Terwall:

Speaking only for myself I cannot support closing off both of those access points out of that subdivision. I drive that but not very often because of the condition of 48th Avenue, but to exacerbate that problem any and then close off two more accesses to me doesn't make any sense at all. There's no way in the world that I could support that and I have no intention of supporting it.

Larry Zarletti:

I share that sentiment exactly. I would like to see a study done on the sewer question and I'd also like to see a traffic study done in that area. I would concur with the gentleman that spoke if you put a squad out there and they monitor traffic occasionally you don't get a real sampling of what's happening. I know we don't make the rules about fixing roads but I'd really like to see that happen, too. I have also witnessed some of those roads that need attention and I understand it's a financial consideration for the Village. But, to get to my point, one of two things I would feel tonight I'm either going to vote no or I would like to defer it back to staff to tune it up a little bit before you bring it back here because I just can't go along with it.

Donald Hackbarth:

This is just a neighborhood plan, correct? Okay. I don't know if there's any way to direct or order or whatever, but I think if we could say if this is going to be developed the first parcel or first area that should be developed I would say to alleviate some of that problem is to develop the parcels along 89th to get that road through as quickly as possible without inflicting more residents in the northern portion of that. At least that would be one area of relief to get people to Cooper Road. I don't know if that's possible to say that that has to be developed first, but to get that thing in there and then, like I say, put in a couple more access points.

Mike Pollocoff:

In some respects this is the penalty everyone pays for bad planning. When Isetts was developed the City put all the traffic going east onto 39th Avenue at 89th, 87th and 86th. They stubbed it to Pleasant Prairie and then they said, well, when we annex that land we'll take the land and connect this to Cooper Road so we have good east/west flow. Well, the Village incorporates, the development standards are more restrictive in the Village than they are in the City, we won't allow the same lot density that the City allows so that's where we are.

We had discussions with the City about sharing in the cost of that because what ends up now is you're going to require any one of these homeowners that has property fronting on Cooper Road or having that access to Cooper Road to pay for a heavy duty road that by and large is going to carry City traffic to Cooper Road to get it out of there. This is why you see the staff and I know the Commission grapples with these maintaining open access between developments because this is what happens when you don't do it. You get one area that's blocked and pretty soon any time they can find a way through that's what we have.

So 89th is critical. That does need to come through but we don't own that. The only way we can do that is if we acquire it from Mr. Lanoy, condemn it and build a road and the Village will have to pay for it and Mr. Lanoy as he develops properties because the City isn't going to develop it. We have the same thing on 82nd. The City developed that land on the other side of 82nd, our 82nd which isn't designed to carry that many cars between Cooper Road and 57th carries a lot more cars because you've got all that development that can't get out on Green Bay Road because the City closed that access off. So this is a difficult situation.

The elephant in the room is the City. That's where I can't remember who said it but that's where the traffic is coming from, it's coming from the City of Kenosha. So any one of these access points, 89th, 47th, 48th is going to take that big bulk of traffic and it's going to be a ration of maybe 20 percent of the lots are going to be in the Village and 80 percent of the lots are already there, they're in the City and they're all filled up. So it would be nice if we could depend on the City to help us finance the improvements for the growth they've had but that's where we're at. It's difficult for this developer. It's difficult for any of those developers to take this load on because, again, it's a small number of lots carrying a lot of traffic.

Thomas Terwall:

My first experience when I built my house on 86th Street just west of 43rd Avenue, 86th dead ended at 43rd Avenue and Guy Santelli and I put through that two blocks of 86th Street from 43rd Avenue to 45th. And our original plan was to put a cul-de-sac on the end of that, and we got talked into opening it up to 45th Avenue in the City. In our wildest dreams we never considered the amount of cars coming out of Isetts every single day because otherwise they had to go all the way down to 39th Avenue and out and we opened up a thoroughfare for them. I'll tell you talk about kids playing in the street that was one way to get rid of them. That's exactly what we've got here. Can we refer this back to you guys for more study because I'll tell you right now the votes are not here tonight to close out any more access points in and out of that subdivision.

Larry Zarletti:

Mr. Chairman, I would make that motion that we refer Resolution 07-14 back to the staff for further investigation if you will.

Jim Bandura:

I second.

Jerry Stein:

Can I speak?

Thomas Terwall:

Make it quick, though, because the public hearing is closed.

Jerry Stein:

Jerry Stein, 8535 48th Avenue. Question, we had talked about car counts. Mr. Pollocoff, do you happen to know could we have DOT come out and do the pressure strip where they check car count versus the size of the road? Because I believe there are ordinances or certain circumstances if you put 5,000 cars down the road it has to be so wide or whatever. Would the DOT do that?

Mike Pollocoff:

No, the Village can do a car count on 48th Avenue. There are design standards that show what kind of traffic. But basically any of those roads with the number of homes are going to be residential road standard.

Jerry Stein:

Basically the comment is then we all know it's not just my opinion that I think there's a lot of cars coming down, that we actually have hard numbers.

Mike Pollocoff:

I didn't hear any disagreement on that.

Jerry Stein:

I know, but I'm just trying to look at all sides of the story for the people that are trying to develop it, too, so it's not my imagination.

Thomas Terwall:

Thank you. Your comment, Mike, about the possibility of getting easements for that water extension I would like to pursue that if there's one way to get that road paved. I can understand the guy saying I've got a perfectly good well, but I also can understand the Village not paving it and then digging it up five years from now when the guy's well goes to pot. So if we can get easements from those people give them their choice I guess. They can either pay your assessment now or give us an easement but we've got to do something about that road.

John Braig:

Or could you stub in laterals to the property lines?

Mike Pollocoff:

It's not that. It's just that you've got to put the hoe in there and you bring the trucks on and the road will collapse under the weight of that equipment. We've done that and it just really depends on how much everybody cooperates. Usually one side of the street says put the water on the other side and the other side says put it on their side and that's where it ends.

—:

(Inaudible)

Thomas Terwall:

WE HAVE A MOTION BY LARRY ZARLETTI AND A SECOND BY JIM BANDURA TO REFER THIS BACK TO STAFF. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

C. PUBLIC HEARING AND CONSIDERATION OF ZONING TEXT AMENDMENTS to consider an amendment to Section 420-128 of the Village Zoning Ordinance generally pertaining to storm water detention, retention, and/or water quality ponds or basins and related improvements located within the C-1, Lowland Resource Conservancy District.

Tom Shircel:

As brief introductory information, the next four items which are all proposed zoning text amendments, that would be Items C, D, E and F are all related to the recent adoption of PDD-1 which is the 482 acre proposed development west of I-94. So for Item C, consideration of a zoning text amendment to amend Section 420-128 of the Village Zoning Ordinance generally pertaining to storm water detention, retention, and/or water quality ponds or basins and related improvements located within the C-1, Lowland Resource Conservancy District.

In association with the recent April 2, 2007 Village Board adoption of Ordinances #07-09 and #07-10 that created Planned Development District No.1, which is the a 482 acre planned development pharmaceutical research development west of I-94, and other related business offices, the Village staff recognized the need to amend certain sections of the Village Zoning Ordinance. Pursuant to PDD-1 these amendments to the Village Zoning Ordinance are required in order to effectuate and implement PDD-1.

On March 5, 2007 the Village Board of Trustees adopted Resolution #07-06, whereby a portion of that Resolution, specifically portion 1.(a), initiated the process to allow storm water detention,

retention, and/or water quality ponds or basins and related improvements and signage to be located outside of staked wetlands within the C-1 District.

Therefore, in order allow storm water detention, retention, and/or water quality ponds or basins and related improvements located outside of staked wetlands within the C-1 District, an ordinance to amend Section 420-128 of the Village Zoning Ordinance needs to be considered. Accordingly, the following amendments are proposed to the Village Zoning Ordinance: To delete Section 420-128 F. (6) in the conditional use section. Therefore it's taking out the construction or maintenance of any retention, detention or storm water management facility. In other words, that would no longer be a conditions use in the C-1 District.

Secondly, this ordinance amendment is to create as a principal use in the C-1 District, that would be Section 420-128 D. (4) to create that section then to allow storm water retention and/or water quality ponds or basins and related improvements within the C-1 District as a principal use. Thirdly, just to follow up and clean up that language, Section 420-128 H. (1) would be amended, again, to refer back to the previous section I talked about, the creation of 420-128 D. would be included in 420-128 H. (1), again, to allow for a permitted use for storm water detention or retention in the C-1. With that, the staff recommends that the Plan Commission send a favorable recommendation to the Board to approve this zoning text amendment as presented.

Thomas Terwall:

This is a matter for public hearing. Is there anybody wishing to speak on this matter. Anybody wishing to speak? Open it up to comments and questions from Commissioners and staff.

Donald Hackbarth:

Move approval.

Mike Serpe:

Second.

Thomas Terwall:

MOVED BY DON HACKBARTH AND SECONDED BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO AMEND SECTION 420-128 OF THE VILLAGE ZONING ORDINANCE. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

D. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT to consider an amendment to Section 420-38 of the Village Zoning Ordinance, pertaining to performance standards, by creating Section 420-38 D. (12), which is a performance standard related to infectious agents.

Tom Shircel:

Again, this is to amend Section 420-38 of the Village Zoning Ordinance, pertaining to performance standards, by creating Section 420-38 D. (12), which is a performance standard related to infectious agents.

In association with the recent April 2, 2007 Village Board adoption of Ordinances #07-09 and #07-10 that created Planned Development District No.1 which, again, is the 482 acre pharmaceutical research and development planned development.

On March 5, 2007 the Village Board of Trustees adopted Resolution #07-06, whereby a portion of that Resolution 1.(b), initiated the process to amend this section of the ordinance. Pursuant to Section 420-38 of the Village Zoning Ordinance, the Village performance standards are designed to limit, restrict and prohibit the effects of those uses outside of their premises or district and that these standards be imposed upon all parcels falling within the Village so as to protect the quality of the environment and the safety and health of the citizens of Village and to alleviate and, where possible, eliminate nuisances. It is the further intent of the Village that all structures, land, air and water shall hereafter, in addition to their use, site, shoreland and sanitary regulations, comply with the performance standards and all applicable standards set forth by the Wisconsin Department of Commerce, Wisconsin Department of Natural Resources, and the Wisconsin Administrative Code. Accordingly, the following amendment is proposed to the Village Zoning Ordinance:

Section 420-38 D. (12) is hereby created as a new Performance Standard. It reads as such:

No use or activity shall discharge, emit or release any infectious substances or materials so as to create a danger or hazard of infection, and no use or activity shall use, store, produce, handle, study, transport, or dispose of any infectious substances or materials so as to create a danger or hazard of infection. All uses and activities involving the use, storage, production, handling, study, or disposal of any infectious substances or materials shall comply with all applicable state and federal statutes, regulations or other laws relating to such use, storage, production, handling, study, transportation or disposal, and shall be provided with and shall use state-of-the-art safety equipment and devices and state-of-the-art safety procedures which are used in the industry, so as to ensure that there is no resulting danger or hazard of infection.

Of course, this is being proposed due to PDD-1 and what may or may not go there, but of course what PDD-1 states is it's going to be a healthcare and pharmaceutical research and development so that's the reason for this new performance standard and related language. Village staff recommends that the Plan Commission send a favorable recommendation to the Village Board to approve the Zoning Text Amendments as presented.

Thomas Terwall:

This is a matter for public hearing. Anybody wishing to speak? Anybody wishing to speak?

Donald Hackbarth:

Isn't something like this governed by the federal government? So then why would we write a regulation or is it just double protection, or is it something specific to us?

Tom Shircel:

Exactly. We want something in our ordinance, like you said, to pony back on the federal and/or State regulations that exists.

John Braig:

In effect that permits us to take the action rather than relying on the State or federal agencies.

Tom Shircel:

I think it might be a multiple response to any kind of something that might happen there or could happen.

Mike Serpe:

I move approval of the zoning text amendment.

John Braig:

Second.

Thomas Terwall:

THERE'S BEEN A MOTION BY MIKE SERPE AND A SECOND BY JOHN BRAIG TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO ADOPT SECTION 420-38 D. (12) OF THE VILLAGE ZONING ORDINANCE. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

E. PUBLIC HEARING AND CONSIDERATION OF ZONING TEXT AMENDMENTS to consider several amendments to Chapter 395, entitled Land Division and Development Control Ordinance, of the Village Municipal Code of Ordinances.

Tom Shircel:

Once again, these amendments are to Chapter 395 which is the Land Division and Development Control Ordinance, of the Village Municipal Code of Ordinances.

Again, with the recent April 2, 2007 Village Board adoption of two ordinances that created PDD-1, there is, again, a need to amend Chapter 395, the Land Division and Development Control Ordinance.

On March 5, 2007 the Village Board of Trustees adopted Resolution #07-06, specifically Sections 2.(a), (b), (c) and (d), initiated the process to:

- (a) To allow the creation of lots with no public street frontage as part of a unified and coordinated development within a planned development zoning district served by an approved system of private roads.
- (b) To clarify the applicability of certain portions thereof to development and development plans in the absence of any land division.
- (c) To clarify the inclusion of site and operational plans approved by the Village Plan Commission or the Village Zoning Administrator in references therein to development plans.
- (d) To facilitate the incorporation by reference of the requirements of portions thereof in the development agreement and in the site and operational plan approval process.

Pursuant to Chapter 395 of the Village Code of Ordinances, the purpose of the Land Division and Development Control Ordinance is to regulate and control all land divisions and development, to regulate and control residential, manufactured housing community, institutional, recreational, commercial, and industrial development, and to regulate and control the development of existing platted lots within the corporate limits of the Village and to promote and protect the health, safety and welfare of the Village residents.

As previously noted, as a result of the Village Board's adoption of PDD-1, as you can see in your packet there are 59 proposed amendments to Chapter 395. Again, these like the previous zoning text amendments are required to effectuate actually that PDD-1 ordinance. I'm not going to go through all 59 sections of this. All of them consist of inserting and/or striking words and phrases from the current ordinance language. With that, I'll turn it back to the Plan Commission. The Village staff does recommend approval.

Thomas Terwall:

This is what pays the rent for the attorneys, right?

Tom Shircel:

That came right from Jim Baxter's office.

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 from Commissioners.

John Braig:

Move approval.

Larry Zarletti:

Second.

Thomas Terwall:

MOVED BY JOHN BRAIG AND SECONDED BY LARRY ZARLETTI TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THIS AMENDMENT TO CHAPTER 395 OF THE MUNICIPAL CODE OF ORDINANCES 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.

F. PUBLIC HEARING AND CONSIDERATION OF ZONING TEXT AMENDMENTS to consider amendments to Section 420-56F. of the Village Zoning Ordinance, pertaining to site and operational plan decisions, and Section 420-57B.(1) of the Village Zoning Ordinance pertaining to general standards related to site and operational plan reviews and approvals. The proposed amendments intend to clarify the role of development agreements in the site and operational plan review and approval process.

Tom Shircel:

Last but not least this is the last of the four zoning text amendments, again, pertaining to the regulations necessary to effectuate PDD-1.

On March 5, 2007 the Village Board of Trustees adopted Resolution #07-06, whereby Section 1.(c) of that resolution initiated the process to clarify the role of development agreements in the site and operational plan review and approval process.

Therefore, in order to clarify the role of development agreements in that process, an ordinance to amend Section 420-56F. and Section 420-57B.(1) of the Village Zoning Ordinance needs to be considered. Accordingly, the following amendments are proposed to the Village Zoning Ordinance whereby specific language is proposed to be inserted into the existing ordinance language. Again, I'm not going to read both of these. Again, just like the previous amendment to 395 this is a matter of inserting or striking words and/or small phrases from the existing language and inserting them into the new language.

Village staff recommends that the Plan Commission send a favorable recommendation to the Village Board to approve the Zoning Text Amendments as presented.

Thomas Terwall:

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

Wayne Koessl:

Move approval, Mr. Chairman.

Mike Serpe:

Second.

Thomas Terwall:

MOVED BY WAYNE KOESSL AND SECONDED BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO AMEND SECTION 420-57F OF THE VILLAGE ZONING ORDINANCE 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. We need a motion to take Items G, H and I together.

Larry Zarletti:

So moved.

Mike Serpe:

Second.

Thomas Terwall:

MOVED BY LARRY ZARLETTI AND SECONDED BY MIKE SERPE TO TAKE ITEMS G & H TOGETHER. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

- G. Consider the request of Chad Navis, Director of Industrial Development for Towne Investments, property owner, for a Certified Survey Map to re-divide Tax Parcel Number 92-4-122-272-0513, generally located on 108th Street, between 72nd Avenue and Green Bay Road, into two (2) parcels, which are each proposed to accommodate Towne Industrial speculative buildings.**
- H. Consider the request of Chad Navis, Director of Industrial Development for Towne Investments, property owner, for Site and Operational Plan approval for a proposed approximate 82,000 square foot Towne Industrial I speculative building proposed to be located at the northwest corner of 108th Street and Green Bay Road in the LakeView Corporate Park.**
- I. Consider the request of Chad Navis, Director of Industrial Development for Towne Investments, property owner, for Site and Operational Plan approval for a proposed approximate 51,000 square foot Towne Industrial II speculative building proposed to be generally located on 108th Street and between 72nd Avenue, west of Green Bay Road in the LakeView Corporate Park.**

Tom Shircel:

Just as a reminder these three items are related but they will require different motions for each one. This is a consideration of the request of Chad Navis, Director of Industrial Development for Towne Investments, property owner, for a Certified Survey Map to divide Tax Parcel Number 92-4-122-272-0513, generally located on 108th Street, between 72nd Avenue and Green Bay Road, into two parcels, which are each proposed to accommodate Towne Industrial I & II speculative buildings. I'll speak about this certified survey map first.

Tax Parcel Number 92-4-122-272-0513, is an existing 8.27 acre undeveloped parent property which has over 1,200 feet of frontage on 72nd Avenue and 108th Street and approximately 425 feet of frontage on Green Bay Road which is State Trunk Highway STH 31. The property is zoned M-1, Limited Manufacturing District which requires lots to be a minimum of 10,000 square feet with a minimum frontage of 75 feet on a public road.

Previously, on January 15, 2007, the Village Board approved a CSM involving essentially the same property to subdivide the then-Tax Parcel Number 92-4-122-272-0505 into two parcels,

Outlot 32 of CSM #2560 to be used for storm water retention and Lot 13 of CSM #2560 which is to be used for these two proposed Towne industrial buildings.

Both proposed Lots 1 and 2 are vacant as of now. Lot 1 is proposed to be 3.409 acres with 712.32 feet of frontage on 72nd Avenue and 108th Street. Lot 2 is proposed to be 4.8633 acres with 585.29 feet of frontage on 108th Street and 424.92 feet of frontage on Green Bay Road. Lot 2 will have no direct driveway access to Green Bay Road and municipal sanitary sewer, water and storm sewer are available for the development of the lots.

Exhibit 1 of the CSM indicates that there will be a 30 foot wide Storm Sewer, Shared Access Driveway and Maintenance Easement along the shared lot line to accommodate both properties. The Easement then angles to the northwest toward Outlot 32, the storm water basin.

Both lots meet and exceed the minimum lot size and area requirements of the M-1 District. The land division conforms with the Village's Comprehensive Plan and all other Village Ordinances.

According to the Village Finance Department, there are no taxes or special assessments currently outstanding on the properties. Any new construction is subject to the payment of impact fees of \$1.94 per one thousand assessed value for non-residential development.

Next I'll move onto the site and operational plans. The owner, Towne LakeView LLC, is seeking Site and Operational Plan approval for two speculative industrial buildings, one building 81,725 square feet to be known as Towne Industrial I, and a second building of 51,171 square feet to be known as Towne Industrial II on separate parcels that being Lots 1 and 2 of a proposed CSM which I just discussed, again, located on 108th Street between 72nd Avenue and Green Bay Road

Towne Industrial I and associated site improvements will be constructed on Lot 2 of the proposed CSM, and Towne Industrial II and associated site improvements will be constructed on Lot 1 of the proposed CSM. According to the applicant, both Buildings will be constructed concurrently.

Because these are both speculative buildings, there is no identified user as of yet. As information, any tenant that proposes to use or occupy 50 percent or more of these spec buildings will require Site and Operational Plan approval from the Plan Commission. Also, any tenant that requires a Conditional Use Permit will require Conditional Use Permit including Site and Operation Plan approval from the Plan Commission.

I'll discuss parking. Towne Industrial I building, according to the plans, there will be 96 employee, client and visitor parking spaces which includes 4 handicapped spaces provided along the east side of Building I, along Green Bay Road. An additional parking lot expansion accommodating 8 future parking spaces which would be a net gain are shown.

Towne Industrial II, according to the plans there will be 59 employee, client and visitor parking spaces which includes 2 handicapped parking spaces. Of course, that is located along the east and west sides of Building II adjacent to 72nd Avenue and adjacent to the shared truck court. An additional parking lot expansion accommodating 14 future parking spaces is also shown.

If and when a parking expansion is proposed, prior to the expansion, permits from the Village will be required. If the expansion parking areas are developed, the parking areas, as well as the associated maneuvering lanes, shall incorporate vertical concrete curb and gutter.

A shared truck court as I referred to is proposed to be located between the two buildings to service both buildings. Towne Industrial I is shown to have 19 truck docks, and the smaller building, Towne Industrial II is shown to have 11 truck docks.

As far as curbing goes, both sites' parking areas and maneuvering lanes, except the main area of the shared truck court, pursuant to ordinance shall be improved with concrete vertical curb and gutter.

Access to the site, employee, client and visitor access to the Building I site will be from a 108th Street driveway. Again, also employee, client and visitor access for Building II will be from 72nd Avenue. As shown on the proposed CSM, a 30 foot wide Storm Sewer, Shared Access Driveway and Maintenance Easement is proposed in order to serve both Lots 1 and 2. In association with the easement, a shared truck court is proposed to serve both properties as I referred to.

Screening and landscaping, pursuant to the Zoning Ordinance, street trees and other landscaping along the front of the buildings and around the perimeter of the parking areas is proposed. As information, there is a 20 foot wide Utility, Access and Maintenance easement adjacent to 72nd Avenue and 108th Street. Landscaping and berming shall be kept to a minimum in this easement area. Open space, both with and without the future parking spaces, both development sites meet the minimum 25 percent open space or green space requirement. You can see that in the two small little calculation areas that the applicant has provided.

Finally, zoning, wetlands, 100 year floodplain, the development site, both Lots 1 and 2, they're both zoned M-1 and there are no areas of wetland, 100-year floodplain or shorelands on the site. With that, staff does recommend approval of the CSM and the two site and operational plans for Towne spec Buildings I and II subject to the comments and conditions listed in our staff report which number up to 63 of them. With that, back to the Plan Commission.

Mike Serpe:

Chad, is this close to where Nitto Denko is going to expand their facilities?

Chad Navis:

Chad Navis, 104110 Corporate Drive, Suite 111, Pleasant Prairie. This is just across the street, kitty-corner if you will from the Nitto Denko facility. It is not, obviously, owned by Nitto Denko. If you kind of look at see the yellowish sites around there that's their campus area that they've got planned for development.

Donald Hackbarth:

Momper's Woods is south of that? I can't see it from here.

Tom Shircel:

The dark green area where Peggy is pointing to.

John Braig:

Peggy, could you bring back the site plan? You state that this meets a minimum of 25 percent open space. Is parking lot considered open space?

Tom Shircel:

No, it is not.

John Braig:

Because I look at that sketch I don't see 25 percent open space anywhere.

Tom Shircel:

The applicant's architect obviously calculated per CAD system the open space amount and those are the figures he gave us. Both sides would meet and exceed the minimum 25 percent open space.

John Braig:

Then the sketch must be in error.

Tom Shircel:

I can be deceiving.

John Braig:

I've looked at sketches and drawings all my life and I think I can recognize when the building and the parking place darn near takes up every bit of the property. I don't buy that there's 20 percent green space anywhere.

Tom Shircel:

We can have the applicant's architect double check those figures.

Thomas Terwall:

. . . delineate for us where they are. If they're putting a little bit of green space between the truck parking that ain't cutting it.

Tom Shircel:

Chad, can you extrapolate further on that?

Chad Navis:

We can go ahead and produce any calculation but it's been calculated out to the figures that have been provided to the Village staff.

Thomas Terwall:

If you could just show us where they are that would help me.

Tom Shircel:

You have that 20 foot parking lot setback around the entire perimeter of the property along the street so they're meeting that. And you've got the 40 foot building setback which they're meeting. Like I said, it's deceiving, but the figures they've give us for the eastern building, the Towne I they've given a green space ratio of 29.8 percent, and for Towne II, the western and smaller building, they've given a 32.5 percent green space. That's even with the future parking. So they went so far as to take that into consideration as well. But I'm sure Chad and Werner Briske's architect can—I don't know if you want a colored up plan to show but we can have them show us something definitely.

Chad Navis:

Our firm is Partners In Design which you're familiar with and Werner Briske is the project architect on it. Again, happy to re-illustrate the calculations if the staff desires, but they've been calculated as such.

John Braig:

I think as I'm looking at this we're presented with two different facts if you want to use that term, calculations and then the visual. I think we need some clarification if nothing else for the record.

Tom Shircel:

Commissioner Braig we can have then recalculate. And we also have the capability, our GIS department does, to verify those numbers as well. We can do that.

Wayne Koessl:

Through the Chair to Tom. Can you show where that green space is along that. I think that's what's confusing to him.

Tom Shircel:

Here's the actual property line, the dot-dot-dash, the dot-dot-dash, so you've got this whole area in here which is the 20 foot parking setback, and then here's the 40 foot building setback. You've got some areas in here obviously. You can see somewhat where these are along the north portion, the space in here and here and all along here. I can certainly understand where you might question that.

Thomas Terwall:

I'm not suggesting that we hold it up but I am asking for clarification.

Tom Shircel:

Sure, we can do that and we can have our GIS gentleman verify their numbers if you'd like.

Thomas Terwall:

Fine, appreciate it.

Wayne Koessl:

Mr. Chairman, I would move that we send a favorable recommendation to the Village Board to approve the certified survey map subject to the comments and conditions of the Village staff report of April 23, 2007.

Mike Serpe:

Second.

Thomas Terwall:

All in favor signify by saying aye.

Larry Zarletti:

Weren't we going to ask that there be a green space calculation as part of that?

Wayne Koessl:

I thought that was done already.

Thomas Terwall:

MOTION BY WAYNE KOESSL AND A SECOND BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CERTIFIED SURVEY MAP SUBJECT TO THE COMMENTS AND CONDITIONS OF THE VILLAGE STAFF. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

Mike Serpe:

Move approval of the site and operational plan.

Jim Bandura:

Second.

Thomas Terwall:

MOVED BY MIKE SERPE AND SECONDED BY JIM BANDURA TO APPROVE THE SITE AND OPERATIONAL PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered. Then the approval for site and operational plan for the second building.

Jim Bandura:

Move for approval.

Wayne Koessl:

Second.

Thomas Terwall:

MOVED BY JIM BANDURA AND SECONDED BY WAYNE KOESSL FOR APPROVAL FOR SITE AND OPERATIONAL PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM FOR THE SECOND BUILDING. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

Mike Serpe:

Tom, I'm going to be excused. I have to go to another meeting.

- J. **Consider changing the official street name of 103rd Court within the Sagewood Condominium Development to Sagewood Circle and changing the official addresses for Building 1 from 4655 103rd Court to 4655 Sagewood Circle, building 9 from 4666 103rd Court to 4666 Sagewood Circle and the temporary sales trailer from 4625 103rd Court to 4625 Sagewood Circle.**

Peggy Herrick:

Item J is to consider changing the official street name of 103rd Court within the Sagewood Condominium Development to Sagewood Circle and changing the official addresses for Building 1 and Building 9 and the existing temporary sales trailer in the Sagewood Circle.

On October 3, 2005, the Village approved the Final Condominium for Sagewood Condominiums wherein the 103rd Court was assigned as the official street name for the private roadway within the Sagewood Condominiums; and building permits have been assigned to building 1 as 4655 103rd Court, building 9 as 4666 103rd Court and the temporary sales trailer has been assigned the address of 4625 103rd Court.

The Village Fire & Rescue Department while performing an inspection within the development developed a concern with the street name of 103rd Court. The Department recommends that the private street be renamed to Sagewood Circle and to change the official addresses of building 1 from 4655 103rd Court to 4655 Sagewood Circle, building 9 from 4666 103rd Court to 4666 Sagewood Circle and to change the temporary sales trailer from 4625 103rd Court to 4625 Sagewood Circle.

On April 2, 2007 the Village Board adopted Resolution #07-17 to initiate the change and referred the change to the Plan Commission for review and recommendation. In addition, the Village Board set the required public hearing to consider the changes on May 7, 2007. If these changes are approved by the Board after holding the hearing they would go into effect in May, and all subsequent buildings that are built out there would be addressed off of Sagewood Circle rather than 103rd Court.

Thomas Terwall:

Are these buildings in existence today?

Peggy Herrick:

The ones that are being re-addressed are so there's two in existence plus the sales trailer.

Thomas Terwall:

But no occupants yet, is that correct?

Peggy Herrick:

Correct. This building and this building and the sales trailer is right here. This building actually did receive a verbal to occupy and that is their sales unit but none of these units have sold and the developer is aware of the proposed change and the effective of that change if it gets approved.

Thomas Terwall:

So we're not affecting the official addresses of anybody yet?

Peggy Herrick:

Just the developer.

Thomas Terwall:

What's your pleasure?

Larry Zarletti:

I have a question. Why is fire and rescue having a problem being with it being 103rd Court? I'm kind of missing that? Why do we need to make it a name rather than a number?

Peggy Herrick:

Because the circular road is an issue. Courts run north/south and the start of this Court runs east/west and it circles upon itself, so you either name it 103rd Court or you name it 46th Street.

Larry Zarletti:

I guess I just have a personal problem with all the different names for streets. It may be easy for the fire department to find at some point, but one of the things that I have appreciated about the Kenosha surrounding area and the entire County is it's all done by number. I mean you know that 200th Avenue is 45 and so forth and so on. You can kind of get your bearings from there. And if we get away from that and start naming more places by a name it just becomes really personal to Pleasant Prairie and a little more difficult for someone to try to figure out how they're getting around.

Peggy Herrick:

That's not our intent to start naming names, but when you have circular streets that's why we chose Sagewood Circle so if you're in Sagewood Condominiums you're in Sagewood Circle. So that's one of the reasons that name was chosen but we're not getting away from numbering streets. But in some instances that just doesn't work.

Larry Zarletti:

Was there a choice you said to call it 46th?

Peggy Herrick:

This could be 46th Street here, this could be 103rd Court and this could be 102nd Court. We could have three names on that one street if we kept the true numbering system.

Larry Zarletti:

I don't know.

Thomas Terwall:

The numbering system can be confusing, too. When I lived in Meadowdale Farms because that road curved I lived on 41st Avenue but my address was 4111 91st and Rick Schmidt lived right next door to me and his address was 9541 41st Avenue. So I was on 95th Street and he was on 41st Avenue and we lived right next door to each other. That gets confusing.

Mike Pollocoff:

The number system works really good on a grid and it doesn't work really good with curvilinear roads.

John Braig:

I'm in complete agreement with Larry. But when I first looked at this I said what the heck are we doing with this? This is up in Somers?

Peggy Herrick:

That was the Chief's comment, too. That was his comment.

John Braig:

If you look at it we call it 103rd Court. The avenue next to it is 47th Avenue. If anything, this should have been 46th Court or 46th Avenue, but it's confusing. I think the only alternative would be never to permit something like this to be built and that's not a solution either. But as I look at it I really think what we have is worse than what's being proposed. Does that make sense?

Larry Zarletti:

I understand why they want to change. That makes perfect sense that it can't be 103rd Court but I'm not in favor of it being anything but a number. I'm just a little weird, just a personal thing.

John Braig:

Move approval.

Jim Bandura:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE NAME CHANGE SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed?

Larry Zarletti:

Nay.

Thomas Terwall:

They can't accuse us of being a good old boys' rubber stamp, can they.

K. Consider Plan Commission Resolution #07-15 to initiate a Zoning Text Amendment related to outdoor storage associated with gasoline stations in the B-2, Community Business District.

Tom Shircel:

Thank you. This Resolution 07-15, the Village staff has received requests from gasoline station owners and managers for certain types of outdoor storage. As you know, our commercial districts do not allow for any type of outdoor storage. Whereby doing some recent liquor license inspections we've had these requests from gas station owners and managers for certain specific type of outdoor storage, that being these ice storage containers you see just at about every gas station outside that say ice on the side, and secondly for liquid propane or LP gas cages where they hold these reusable cylinders of LP gas. As I said, our zoning ordinance does not allow for any such outside storage.

So this resolution the Village staff is proposing to evaluate the operational standards and conditional use regulations in the B-2, Community Business District for particular certain types of outdoor storage for gasoline stations as permitted uses rather than conditional uses. So we're looking to further evaluate this through this resolution. With that, back to the Plan Commission.

Thomas Terwall:

You're not suggesting pallets of rock salt for example or pallets of wood chips and so forth?

Tom Shircel:

No, we are not suggesting that. Just specifically these two for now.

Thomas Terwall:

Are you going to be contacting the owners of the stations for input?

Tom Shircel:

I think most owners, to tell you the truth, would be in favor of this. I've already done a short survey of some gas stations both in Pleasant Prairie and along Highway 50 in the City and, boy, most of them have these ice storage bins as well as these LP cages for gas.

Thomas Terwall:

I just thought if perhaps you were going to talk to the station owners maybe you might inquire how it is that every single gas station in the State can raise their price eight cents a gallon within one minute of each other, because I think it would be helpful for our fire department to know what notification system they have that's so superior.

Tom Shircel:

I don't think that's part of this resolution.

Donald Hackbarth:

You're recommending the storage of outdoor liquor, is that correct?

Tom Shircel:

That's not part of this either.

Thomas Terwall:

What's your pleasure.

Wayne Koessl:

So moved, Mr. Chairman.

Donald Hackbarth:

Second.

Thomas Terwall:

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

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

L. Review and consider Chapter V, "Inventory of Existing Utilities and Community Facilities," of the Multi-Jurisdictional Comprehensive Plan for Kenosha County.

Peggy Herrick:

I will briefly go over this. I will not do the full presentation. Chapter V is the Inventory of Existing Utilities and Community Facilities. Development in Kenosha County is supported by private and public utilities that provide residences and businesses with electric power, natural gas, communication, water, sewage disposal and solid waste management facilities and services, and community facilities that provide educational, recreational, administrative and other services. This chapter inventories utilities and community facilities in the County and participating local governments in 2007.

Part 1 talks about utilities including sewage disposal, water supply, utility districts, storm water management facilities, electric power service, natural gas service, telecommunications service, solid waste management facilities. Map V-1 shows the adopted sanitary sewer service areas in Kenosha County. About 74,000 acres or 42 percent of the County were within the adopted sanitary sewer service in 2007. The planned sewer service areas shown are anticipated to be served by sanitary sewers in 2020. The cross-hatched areas on the map indicate areas served by sewers in 2000. About 26,400 acres or 15 percent of the County were served by public sanitary sewer in 2000. An estimated 133,800 residents or about 89 percent of Kenosha County residents were served in 2000 by sanitary sewer.

Each sewer service area conveys waste to sewage treatment plants. Table V-1 summarized existing conditions and design capacities of sewage treatment plants in the County. The City of Kenosha, the Villages of Paddock Lake, Pleasant Prairie, Silver Lake and Twin Lakes and the Towns of Bristol and Somers each operate sewage treatment plants. The Village of Pleasant Prairie's wastewater operation consists of two sewage treatment plants referred to as Pleasant Prairie Sewer District No. 73-1 and D although the majority of waste water is treated at the City of Kenosha's sewage treatment plan. By the year 2010, the Village of Pleasant Prairie plans to abandon both of its sewage treatment plants and direct all of its wastewater to the City of

Kenosha plant. Most of the area in the Town of Somers is served by public sanitary sewer which conveys waste to the City of Kenosha's treatment plant. However, a small portion of the Town located along the Kenosha-Racine County line conveys waste water to the City of Racine sewage treatment plant. The Town of Bristol Utility District No. 1 operates a sewage treatment plant that serves the western portions of the Town. The Town of Salem Utility District No. 2 operates a sewage treatment plant that serves portions of the Towns of Salem, Randall and Bristol.

Private on-site wastewater treatment: Kenosha County regulates private on-site wastewater treatment systems for any development in the County that is not served by sanitary sewer. There are several types of these systems including at-grade, convention systems, in-ground pressure, mound and holding tank systems. Permits were issued for 3,865 private systems in Kenosha County between 1980 and 2006, and the number and type of those systems are provided in this chart which is also in your packet.

Map 2 shows portions of Kenosha County served by public water utilities and private water supply systems and those areas where developed depend on the use of private wells. About 12 percent of the County was serviced by public water utilities in 2005. About 116,900 County residents, which is about 74 percent of the County population, were served by public water utilities in 2005.

There are six public water utilities in the County which serve the City of Kenosha, portions of the Villages of Pleasant Prairie and Paddock Lake and portions of Somers. Surface water from Lake Michigan serves as the major source of public water supply in the City of Kenosha, Village of Pleasant Prairie and Town of Somers. Ground water serves as a major source of water for the remaining portions of Kenosha County. Private water supply systems in the County served about 266 acres in 2005. These water supply systems typically serve residential subdivisions, apartment or condominium developments and institutions. Areas not served by public or private water supply systems typically contain suburban density single family residential development or agricultural areas which obtain their water supply from private wells.

Utility districts, the Town and Village Boards and the Common Council in cities of third and fourth class cities may establish utility districts to provide certain urban services. The cost of these services is paid by landowners in the district. The utility district has the authority to plan, construct and maintain systems for garbage removal, street lighting, water supply, sewage disposal and storm water management. Utility districts are also informed when a specific service is provided to only a portion of the town or the village rather than throughout the entire community.

There have been a number of districts formed for sanitary sewer. Specifically in Pleasant Prairie Utility District D and Utility District No. 73-1. In addition, Pleasant Prairie provides public water to generally the same areas that it serves by public sewer. A number of town utility districts have been created to provide street lighting to portions of the towns. Street lights are generally provided in hamlets throughout the town lighting utility districts.

Mike Pollocoff:

Back on the sanitary sewer, we have three districts, Utility District D, 73-1 and Lake Michigan.

Peggy Herrick:

We'll need to make that comment when we report back to SEWRPC.

Mike Pollocoff:

Lake Michigan is about 5,000 customers. Sewer D is about 400 and 73-1 is about 180.

Peggy Herrick:

It's called the Lake Michigan Utility District?

Mike Pollocoff:

Yes.

Peggy Herrick:

Storm water management facilities. The dispersal of urban land uses over large areas in the County and the accompanying increases in pervious areas increases storm water runoff, which must be accommodated by the stream network or by engineered storm water management systems. Such facilities may include curb and gutters, catch basins and inlets, storm sewer, infiltration facilities, storm water storage facilities for quality and quantity control such as dry and wet detention basins. Detention basins serve to moderate peak rates of runoff following rainstorms and wet detention basins further provide a permanent volume of water to capture and store pollutants.

Street improvements in the area with urban density development should employ curb and gutter and storm sewer facilities to carry storm water runoff. Roadside ditches and swales are generally appropriate for residential development with one acre or large lots. To collect the increased storm water runoff produced by some urban development, storm water storage and/or infiltration facilities may need to be constructed. These facilities consist of dry basins, wet basins, infiltration basins, trenches and swales and bioretention facilities. They serve to store and gradually release and/or infiltrate storm water. Street improvements in areas with rural density development and less impervious surfaces generally use roadside ditches and swales, culverts and overland flow pathways to carry storm water runoff.

The City of Kenosha has an extensive, although not all-inclusive, curb and gutter storm sewer system. Existing urban density development in portions of the Town of Somers and the Villages of Paddock Lake and Pleasant Prairie, Twin Lakes and Silver Lake are also served by engineered storm water management systems. In addition, the undeveloped areas of these communities and the rural areas of the Towns of Brighton, Bristol, Paris, Randall, Salem and Wheatland rely heavily on roadside swales and culverts to collect storm water and runoff. Many local governments, including the Village, require the use of detention basins to help control storm water runoff and meet the water quality goals specified in Chapter NR 151 of the Wisconsin

Administrative Cod, regardless of whether they use curb and gutter or roadside swales to convey storm water. Storm water management and erosion control ordinances and regulations in effect in the County are described and will be described in Chapter VI which will be our next chapter.

Electric power service, most of Kenosha County is provided with electric power service by We Energies. The We Energies electric generation facility is located in Village of Pleasant Prairie. The plant is powered by low-sulfur coal and typically operates 24 hours a day as a base-load plant. The Pleasant Prairie Power Plant is the largest generating plant in Wisconsin contributing 33 percent of the electric energy production capability to the total We Energies' generating system. We Energies also owns and operates the Paris Generating Station in the Town of Paris. This plant is a natural gas-based, peak-load plant used only during hours of high demand. The plant's contribution to the total We Energies' system is less than one percent. Electric power is also provided to the electric power system from Waste Management's Pheasant Run Landfill Gas-To-Energy facility. The Town of Twin Lakes and the western portion of the Town of Randall receive electric power service from Alliant Energy.

Natural Gas Service, this is provided within Kenosha County by We Energies. A major pipeline runs through Kenosha County. ANR Pipeline Company has an underground mainline that runs primarily east/west through the north portion of the County in the City of Kenosha and Towns of Brighton, Paris and Somers. A separate branch of the ANR pipeline runs through the Town of Wheatland. ANR Pipeline Company operates an interstate system of natural gas pipelines and provides natural gas to We Energies.

Telecommunications service, although there are many telecommunication service providers, there are only a few basic types of communication services include voice transmission services, plain data services, multimedia services and broadcast services. Wireless antennas provide wireless cell phone service. They were inventoried in 2005 as part of the regional telecommunications plan. Providers with wireless antennas in the County include Cingular, Nextel, Sprint, T-Mobile, U.S. Cellular and Verizon. This map indicates those locations. It also indicates locations that have sites with one antenna and two antennas so they show multi carrier sites as well.

Solid waste management facilities, solid waste facilities in Kenosha County include transfer stations, solid waste storage facilities, recycling facilities, processing facilities and compost sites. The average person in Wisconsin generates 4.7 pounds of trash and recycles 1.9 pounds of trash per day. In 2006, all solid waste in Kenosha County is either collected at a transfer station, recycling or drop-off centers or collected curb-side. Solid waste collected from all communities except Silver Lake, Twin Lakes and Randall is deposited in the Pheasant Run Landfill in the Town of Paris. The landfill is owned by Waste Management and has a total capacity of 21.4 million cubic yards. As of 2006 the landfill had about 4.1 million cubic yards remaining. A proposed expansion of the landfill is currently being reviewed by regulatory authorities in Kenosha County.

Solid waste from Silver Lake, Twin Lakes, Randall which collect with the Veolia Environmental Services for trash disposal is disposed of at the Mallard Ridge Landfill in the Town of Delavan in Walworth County. Another landfill in the County owned by We Energies accommodates boiler and coal ash created from a nearby We Energies electric power generation facility which is in the Village of Pleasant Prairie.

The next few slides specifically talk about utilities in Pleasant Prairie which I'm not going to go through. We covered a number of them. Chapter V also explains all the specific facilities and all of the other planning districts that are participating in the plan. Part 2 talks about community facilities which include government and public institutional buildings, public works facilities and services, police and sheriff services, fire protection services, emergency medical services, dispatching services, public and private schools, cemeteries, healthcare facilities and childcare facilities.

This map shows the location of government and public institutional buildings as of 2006. These buildings include courthouses, museums, federal and State and County offices, universities, colleges, municipal halls, libraries and post offices. In 2006 there were 12 municipal halls, 7 libraries and 16 post offices. Public facilities providing police, fire and other emergency services are identified in a different section which is shown on this map. It locates public works departments that are responsible for public vehicles, equipment, buildings, streets, highways, sanitary sewer, storm drainage, parks, cemetery and ground maintenance operations.

This next map shows locations of municipal and County police department facilities and their protective services in 2006. There are a number of police stations. City of Kenosha, the Village of Pleasant Prairie and Twin Lakes each have a 24 hour service. The Village of Silver Lake has a 20 hour service a day and Kenosha County provides service for the remaining four hours. University of Wisconsin Parkside has a police department which provides 24 hour service to their campus.

Larry Zarletti:

Peggy, I just have one—I think there's a correction to be made on V-6 that's pretty obvious. Where it shows yellow, areas served by local police and then there's the orange color, I think they're supposed to be in reverse.

Mike Pollocoff:

Yes, flip-flop.

Peggy Herrick:

Oh, the colors are wrong?

Larry Zarletti:

The colors are incorrect.

Peggy Herrick:

Yes, Jean has noted that on her copy that the colors are reversed, yes.

Mike Pollocoff:

I have one other one. In the Village under municipal facilities—

John Braig:

Water. The water utilities are mapped as incorrect also.

Peggy Herrick:

What map number is that?

John Braig:

V-2. The area north of 85th Street parts of that are on the Kenosha Water Utility.

Mike Pollocoff:

Yes. I also recommend that we include as a community facility the RecPlex. We do some government business out there.

Peggy Herrick:

Then Map 7 shows the locations of local fire departments. There are 12 fire departments serving the County in 2006. Many fire department personnel are cross-trained to provide both fire fighting, emergency medical and/or hazardous material handling. Most fire departments and emergency service agencies have mutual aid agreements in place with other departments if additional equipment or personnel are needed to respond to an emergency. The Village definitely has those in place as well.

This next map, Map 8, shows EMS service areas. In 2006 there were 13 emergency medical service areas in Kenosha County served by 10 EMS rescue departments and those are shown on this map. Dispatching service, there are four dispatch service centers or public safety answering points in Kenosha County that take emergency calls 24 hours a day. These centers are operated by Kenosha City/County Joint Service community service centers and Pleasant Prairie, Twin Lakes, and UW-Parkside Police Departments. All emergency calls go to the Countywide system which dispatches personnel or transfer calls where appropriate to a local dispatch center. The center handles calls pertaining to police, fire and medical emergencies.

Public and private schools, this map shows the location of public and private schools in 2006. College and university locations are shown on Map 5 and not on this map. There are 54 public schools and 21 private schools and 4 institutions of higher learning in Kenosha County. Enrollment in 2005 and 2006 school year 29,417 students were enrolled in public schools in the County; 3,394 students were enrolled in private schools; 663 students were home schooled in the County.

This next map shows the location of cemeteries in the County as of 2006. There are 34 cemeteries in the County encompassing about 223 acres.

Wayne Koessl:

Peggy, on cemeteries on page 13g it shows All Saints Cemetery as nine-tenths of an acre. I think it's larger than that.

Peggy Herrick:

Yes, that is probably incorrect. What page is that on?

Wayne Koessl:

Page 13g. It's the list of cemeteries at the top of the page.

Peggy Herrick:

I see it, yes, .9. That is incorrect. That will have to be checked.

John Braig:

Obviously not a product of the Village staff.

Peggy Herrick:

No, this was prepared by SEWRPC. The next map, Map 12, shows hospitals and clinics for nonspecialized medical services in the County in 2006. There are four hospitals that offer a full range of medical services including Aurora Medical Center, Children's Hospital of Wisconsin-Kenosha, Kenosha Medical Center Campus and St. Catherine's Medical Campus. Residents in the southern portion of Kenosha County may also receive their healthcare facilities from Lake County, Illinois, while residents in the northern portion of the County may also receive services from the facilities in Racine County.

Childcare facilities are shown on this Map 13. There are several different child facilities regulated by the Wisconsin Department of Health and Family Services. These include family childcare centers, group childcare centers and seasonal programs that provide experience for four or more children under the age of seven in an outdoor setting. In 2006 within Kenosha County there are 51 licensed family care centers, 63 licensed group childcare centers and two licensed daycare camps.

Then, again, this goes and describes all the different community facilities in the Village and the Towns that are participating in the plan. I will not go through that.

So in summary, this chapter provides an inventory information on existing utilities and community facilities in Kenosha County and participating local governments. Planning recommendations set forth in the utilities and communities facilities Chapter 13 are directly related to the inventory information presented in this chapter. Again, in the report it goes through

a summary of everything I just went through and I'm not going to go through another summary of the summary I just went through.

Thomas Terwall:

What's your pleasure?

Wayne Koessl:

I'll move approval with the changes.

Peggy Herrick:

Correct. There are some other typos in there, too, that we are recommending that they correct as well.

Donald Hackbarth:

I'll second. How as this data gathered? There's a ton of data here.

Peggy Herrick:

SEWRPC has several sources that they collect data from. They get a lot of information from us on a monthly basis to update their plan. Kenosha County continually updates plans. I know for the telecommunications they're constantly asking us for information when was this done, when was this done, give us a list of this. So we do provide them information throughout the year. So SEWRPC has prepared this and is preparing the Comprehensive Plan on behalf of the County and the nine participating municipalities.

Donald Hackbarth:

And how do we plan on using it?

Peggy Herrick:

This is a draft chapter of the multijurisdictional plan for Kenosha County. We then in turn will take the information they have put together and draft a plan to update our current Comprehensive Plan with all these new numbers and things of that nature. But we intend when this process is over with for the County to have a Countywide plan about this thick and the Village to update its plan and have a specific implementation plan that updates our current 1996 Comprehensive Plan.

Wayne Koessl:

One comment. The hour is getting late and we have a list of the cemeteries but not a list of the churches.

Peggy Herrick:

Is there not a chart in here for churches? I believe that there is.

Thomas Terwall:

I THINK WE CAN AGREE ON WHAT A CEMETERY IS. I'M NOT SO SURE YOU'LL GET AGREEMENT ON WHAT A CHURCH IS. WE HAVE A MOTION BY WAYNE KOESSL AND A SECOND BY DON HACKBARTH TO APPROVE THE PLAN WITH THE SUGGESTED CHANGES THAT WERE MADE. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered. Before we adjourn just a couple of comments. First of all, I was thinking tonight this has got to be the first time in at least two years that I'm sure of that all five members of the Village Board have attended the Plan Commission meeting and stuck it out and I commend you for doing that. I think there's a lot of information that you get here on items that you're going to make the ultimate decision on at the next Village Board meeting that you won't get the input at that meeting. I think the citizens of the community are well served by the fact that all five members of the Village Board attend the Plan Commission meetings. You're certainly not going to get the information in the *Kenosha News* because they don't stay either if they show up at all. I don't know if he has a press time of seven o'clock or what his problem is, but if the meeting lasts beyond seven o'clock there's no way in the world the *Kenosha News* is here. Does he call you tomorrow morning to find out what happened after he left? That's wonderful.

And my second comment is I'm sure some of the Plan Commissioners walked in tonight and when they saw Jean Werbie was not going to be here they thought this would be a short meeting. And I want you guys to go back and tell Jean that we didn't get out any earlier without her being here. So evidently it's not just Ms. Werbie.

John Braig:

I was going to make the comment that we can't blame Jean tonight.

8. ADJOURN.

Larry Zarletti:

Motion to adjourn.

Jim Bandura:

Second.

Thomas Terwall:

All in favor say aye.

Voices:

Aye.

Thomas Terwall:

Opposed?

Meeting Adjourned at 7:50 p.m.