

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
May 14, 2007**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on May 14, 2007. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessler; Andrea Rode; Jim Bandura; John Braig; and Judy Juliana. Larry Zarletti was excused. Also in attendance were Michael Pollocoff, Village Administrator; Jean Werbie, Community Development Director; Peggy Herrick-Asst. Planner/Zoning Administrator and Tom Shircel-Asst. Planner/Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CORRESPONDENCE.**
- 4. CONSIDER THE MINUTES OF THE FEBRUARY 26, 2007 PLAN COMMISSION MEETING.**

Wayne Koessler:

Mr. Chairman, I move they be approved in their printed form.

Andrea Rode:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY ANDREA RODE TO ADOPT THE MINUTES OF THE FEBRUARY 26, 2007 MEETING 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 tonight for Items A through E on the agenda, since those are all matters for public hearing, we would ask that your comments be held until that public hearing is held and that way your comments can be incorporated as a part of the record of that hearing. However, if you're here for Item F or if you're here to ask a question or 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. Anybody wishing to speak under citizens' comments?

6. NEW BUSINESS:

- A. PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN for the request of Mark Eberle P.E. of Nielsen, Madsen & Barber, S.C. agent for the properties generally located east of 63rd Avenue and north of STH 165 for a Conceptual Plan for the proposed Courts of Kensington development including 119 single family lots, six (6) outlots.**
- B. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT for the request of Mark Eberle P.E. of Nielsen, Madsen & Barber, S.C. agent for the properties generally located east of 63rd Avenue and north of STH 165 to rezone the properties for the proposed Courts of Kensington development from A-1, Agricultural Preservation District to R-4, Urban Single Family Residential District. The FPO, Floodplain Overlay District will remain.**

Mike Serpe:

Mr. Chairman, before you start I'm going to have to excuse myself on Items A and B. My wife is in real estate and she's working with Mr. Stanich on this project. So I'm going to have to withdraw.

Jean Werbie:

Andrea could come up and participate. Mr. Chairman I would ask that Items A and B be discussed at one time but separate action on the items be taken by the Plan Commission.

John Braig:

So moved.

Jim Bandura:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY JIM BANDURA TO TAKE ITEMS A AND B. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

Jean Werbie:

Mr. Chairman, the petitioner is requesting approval of a conceptual plan and a zoning map amendment for the proposed development of the properties generally located east of 63rd Avenue and north of STH 165 to be known as the Courts of Kensington. The Conceptual Plan proposes to create 119 single family lots and six outlots.

Under the Village Comprehensive Plan compliance, in accordance with the Village Comprehensive Plan, the Highpoint Neighborhood the area is classified as being within a Lower-Medium Density Residential land use category. This requires the lots to average between 12,000 and just under 19,000 square feet or more per dwelling unit. This allows for areas of the neighborhood to have larger lots while some areas to have smaller lots or be developed as with multi-family developments.

On January 27, 2007, the Plan Commission held a public hearing and approved Highpoint Neighborhood Plan Alternative #1, and on March 12, 2007, the Plan Commission held a public hearing and approved Highpoint Neighborhood Plan Alternative #2. The proposed Courts of Kensington Conceptual Plan complies with the Comprehensive Land Use Plan and the approved Neighborhood Plans.

Under residential development, for this project 85.57 acres of land are proposed to be developed into 119 single-family lots and 6 Outlots as shown on the slide. The single family lots range in size from 15,015 square feet to 45,383 square feet per lot with the average lot size of 19,106 square feet which is just under half an acre. Each of the lots meets or exceeds the minimum requirements of the R-4, Urban Single Family Residential District, with 90 feet of road frontage and all the lots have minimum depths of at least 125 feet. The entire development provides for a net density of 1.87 units per net acre.

Under outlots, Outlots 1 and 2, and Peggy is going to identify these on the slide for you, Outlots 1 and 2 are proposed to be Dedicated to the Courts of Kensington Homeowner's Association, and these will be for storm water, drainage, retention basin, access and maintenance purposes.

Outlot 3 is proposed to be Dedicated to the Courts of Kensington Homeowner's Association, Inc. for storm water drainage, retention basin, floodplain protection and preservation, access and maintenance purposes.

Outlots 4 and 5 are proposed to be Dedicated to the Village of Pleasant Prairie for Park and Open Space Access and Maintenance Purposes. And Outlot 6 actually further discussion is warranted with the developer and Kenosha Unified School District because this is an area that was identified in all of our neighborhood planning as to be a part of the Unified School District middle school site that we have planned for as part of our comprehensive and neighborhood planning.

For population projections at full build out, 119 dwelling units would provide approximately 325 persons; 75 school age children or 50 public school age children with this development.

Under the zoning map amendment, the properties are currently zoned A-1, Agricultural Preservation District. A portion is zoned FPO, Floodplain Overlay District. And, actually not in the notes but also a portion of the property is also zoned shoreland jurisdictional area. At this time the petitioner is requesting a Zoning Map Amendment to rezone the properties from A-1, Agricultural Preservation District to R-4, Urban Single Family Residential District.

Pursuant to Section 420-14 of the Village Zoning Ordinance, any rezoning of any parcel of land in the A-1 Agricultural Preservation District shall be in accordance with State Statute § 91.77. The Village Board may approve petitions to rezone areas zoned for exclusive agricultural use only after making each of the following findings pursuant to 91.77(1) of the Wisconsin Statutes.

1. Adequate public facilities to accommodate development either exist or will be provided within a reasonable time and that is correct.
2. Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them, and that will need to be a determination that is made.
3. The land proposed for rezoning is suitable for development, and development will not result in undue water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural resource areas. Again, that finding would have to be determined.

At the time that the Preliminary Plat is proposed Outlots 1 through 5 would be recommended to be rezoned PR-1, Park and Rec District, and the wetlands would be rezoned to C-1, Lowland Resource Conservancy District, unless the wetlands are proposed to be filled don't obtain—for the wetlands that are proposed to be filled, they would be put into one category. Those that are not filled would be put into the C-1 classification. It depends on whether or not the DNR and the Corp grant the permits.

In addition, the petitioner will need to request that the shoreland zoning designation be removed from the Village Zoning Map pursuant to the December 26, 2006 determination letter from the Wisconsin DNR that there is no navigable waterway on this property. That was something that was brought to our attention but was left out of the memo so that will have to be done as well. Further discussion related to Outlot 6 is warranted to determine the zoning classification for this Outlot. The 100-year floodplain is proposed to be amended. See comments below related to the 100-year floodplain is proposed to be amended with this project. I'm going to be talking about those comments relating to the floodplain next.

Under open space within the development, approximately 12.5 acres or 14.6 percent of the entire development site is proposed to remain in open space. That excludes the small acreage of wetlands to be filled. The open space within the development includes a public park, 100-year floodplain and other open space.

Under public parkland, the developer is proposing to dedicate Outlots 4 and 5 which is approximately 1.16 acres to the Village for a portion the construction of a bike/walking trail that

will connect Village Green Park located east of the development to the future Public Middle School Site and Highpoint Community Park northwest of the development. The developer will be responsible for installing the bike/walking trail within these outlots. We need to have further discussion with respect to what impact that this trail will have in crossing and going through the floodplain in that particular area.

Under wetlands, a total of 0.31 acres or just over 13,000 of the site have been field delineated as wetlands that were staked by Wetland and Waterway Consulting LLC on February 17, 2005 and approved by the Wisconsin DNR on April 5, 2005. As you can see on the slide, these wetlands are located in the northwest corner. It's an area that the developer is requesting to have filled. They're going through that process at this time. If the wetlands can't be filled, the Village zoning ordinance requires that structures be located a minimum of 25 feet from the wetlands on the property and 10 feet from wetlands on the property. However, NR 151 might require greater wetlands. So we need to get that determination made as to whether or not this pocketed wetland in the middle of this site is going to be filled or not.

Under 100-year floodplain, approximately 9.8 acres of the site is located within the 100-year floodplain in the eastern portion of the site as shown on the slide. It provides a good illustration of where these floodplains are located. No lots shall be located within the 100 year floodplain by ordinance and by policy by the Village of Pleasant Prairie. Therefore, the developer has indicated that they are going to be requesting a floodplain boundary adjustment. In other words, a cut and fill analysis. They'll need to create an equal volume of floodplain on the site in order to fill certain areas so that they can create buildable lots. The location of the 100-year floodplain can be changed pursuant Section 420-131 of the Village Zoning Ordinance. These changes do also need to be approved by the Wisconsin DNR and by FEMA, the Federal Emergency Management Agency, again, assuming that we've got equal volumes of floodplain that are being adjusted.

A floodplain boundary adjustment is proposed to remove the 6.845 acres of 100-year floodplain, and this would be from the lots as indicated in the staff memo. In addition the two small portions of 100-year floodplain on the adjacent property to the east will no longer be in the floodplain because once this property is filled then the lands just to the east would no longer have that water flowage because of the filling that's taking place.

In addition, the developer is not proposing to fill areas off site but is providing storage capacity for these two areas and the other floodplain proposed to be filled in a pond that will be constructed within Outlot 3. The larger floodplain area off site adjacent to Outlot 3 will remain unchanged and within the floodplain. As noted above, the location of the 100 year floodplain within Outlot 4 will need to be further discussed. Upon completion of the floodplain boundary adjustment approximately 2.98 acres of 100-year floodplain will remain on the property within Outlots 3 and 4. The will be open space areas.

The Developer has submitted detailed information related to the floodplain boundary adjustment to the Village and the Village has forwarded this information onto SEWRPC for their review. Since SEWRPC prepared the computer models for the Des Plaines River Watershed plan, they're the ones that are doing the analysis for the Village. Once the floodplain boundary adjustment has been approved by SEWRPC, five sets and reduced copies will need to be provided and we need to go through the floodplain boundary adjustment process. It's a formal public hearing by the Village Plan Commission and will need to be brought forth to the Village Board for their consideration as well.

Under other open space, approximately 11.34 acres of other open space will be located within Outlots 1, 2 and 3, including the floodplain in Outlot 3. These will remain as open space to be used for adjusting the 100 year floodplain and the storm water retention facilities in the development. The Developer's Engineer shall evaluate the development site, based on actual field conditions. He has done that and they have presented a storm water management plan which is being reviewed and approved by the Village. If for some reason after our final reviews that if additional retention basins are required, then the number of lots would need to be reduced in order to accommodate that floodplain and that storm water management.

In addition, and not included in the open space acreage is the required 35 foot wide' Dedicated Landscape, Access and Maintenance Easement Area. This is an area that's located along Highway 165. Just as you've seen with other developments like the Village Green Heights development, this is an area where we typically have berming and landscaping planting. We have it along the Meadowlands development as well to help provide that buffer and screening and noise separation between the highway and the future development.

A detailed tree survey was completed on the site and is shown on the Conceptual Plan. The plan indicates that some trees larger than 8 inches are proposed to be removed and the trees greater than 8 inches in diameter on Lots 4-9, 12 and 13 are proposed to be preserved. Now, there was a tree survey that was completed, and a couple of Plan Commissioners came into the office and obtained a copy of the tree survey, the colored version, and went out to the site. I think that we should have some discussion this evening as to what their findings were and what their recommendations are with respect to the trees on the site. There's not a lot of them but they are kind of grouped in the south central portion of the development.

Under public improvements, on 165 or 104th Street, 165 is classified as a state arterial street. The Wisconsin DOT is finalizing a Corridor Study of 165 and that extends from Highway 31 or Green Bay Road or Highway 32 or Sheridan Road. As you know, we've had three public informational meetings and we've had quite a bit of discussion with respect to the highway, the future width of the right of way, potential roundabouts and so on and so forth, and this plan reflects the recommendations of that study to date. That plan will be back to the Plan Commission and Board one final time. And this plan hopefully will reflect any changes or comments from that study.

The study upon its completion will indicate the amount of right of way that is needed for future expansion of the State highway as well as the restricted roadway access. As you can see, with this development the State is proposing that there only be one public roadway connection from 165 to this development. And actually there is a north/south roadway, 63rd Avenue, just to the west that is proposed to be closed and terminated in a cul-de-sac similar to what happened with 64th Avenue. Then their interconnection will be through this development or as it continues to the west through the Meadowlands development to access 165.

The developer shall verify in writing with the Wisconsin DOT if a traffic impact analysis is required. The previous developers west and east both needed to complete these studies. I'm not sure if they will just add to those studies or if they'll need to complete a separate TIA. We'll need to get some verification from them with respect to that.

In addition, the developer will be responsible for paying their fair share of the widening of Highway 165 at various intersections impacted along 165. It was estimated by the DOT and the

Village when Village Green went in that that estimate was at \$1,000 per unit, that would have those funds placed in a separate account for the future improvements to the larger intersections along 165.

A public roadway connection, as I mentioned, is proposed to be removed at 63rd Avenue. The developer would be responsible for removing all of the existing right of way that connects at this point to 165 as well as restoring that right of way. And if there are any driveways that need to be relocated, there might be one driveway that needs to be relocated, that driveway will need to be relocated and connected to the new 63rd Avenue cul-de-sac.

The staff reminded me that there was a situation with a new street coming in that we needed to re-look at the street addresses on the south side of Highway 165, and if any of those addressed no longer fall in the proper sequence now that we've got a new public roadway coming north/south into this development, that those street addresses might need to be reassigned. And there is one, the street address for the property located at 6131 104th Street would need to be changed to 6207 104th Street as a result of the new roadway being constructed. So, again, sometimes this happens when you introduce new roadways just because of the old addressing system that was assigned. The address correction would need to be initiated by the Village for consideration by the Village Board. The address change would need to be completed prior to the approval of the final plat.

In order to efficiently, effectively and safely move traffic into, out of and throughout the subdivision, 100th Street is proposed to be extended from the west, Main Street, a local collector street, is proposed to be developed within this Development which will eventually connect this development to the Village Green Heights Development to the east and Highway 31 to the west. A roadway connection to 63rd Avenue at 102nd Street is proposed between some existing homes on 63rd Avenue in order to connect the future development to the east, and 62nd Avenue is proposed to connect the development to the north. As you can see, what we've tried to do is we need to interconnect this subdivision to existing roadway systems that we have and make modifications more necessary. As you can see, Main Street is the big street that comes through this and it interconnects the Village Green neighborhood Main Street to this development and eventually will connect this all the way to Highway 31. You'll be seeing some of this as part of the neighborhood plan updates at the next Plan Commission meeting, but it's important that each piece be located in the right location and then constructed so that we've got these interconnecting systems. Main Street, as you know, will connect all the way from 39th Avenue all the way to Highway 31 which is Green Bay Road. So this is a development that's kind of in the middle and they'll need to do their connections to make sure that all those roadways interconnect.

Temporary cul-de-sacs will be required to be constructed at roadways where future connections to the vacant property exists. The location of temporary cul-de-sacs will need to be further examined as each stage of this development moves forward. If off-site easements are required for these temporary cul-de-sacs, the developer will be responsible for obtaining the temporary street access and maintenance easements from the adjacent property owners. The temporary cul-de-sacs will only be removed and easements vacated when the future development continues. The temporary cul-de-sacs shall meet the Village's cul-de-sac specifications except that no island would be required in the center of those cul-de-sacs and no curb and gutter. However, the cul-de-sac may be required to be paved. In most cases we have required them to be paved because it was not an immediate extension. The Developer would be responsible for the installation of the cul-de-sacs and the adjacent property owner/developer would be responsible for the removal of the easement and improvements if and when the adjacent lands are developed. Based on the

information submitted to date, stage 1 will not require any temporary cul-de-sacs. However, as we continue to move through the process and stages are outlined then we'll see whether or not any are needed.

The entire development shall be serviced by municipal sanitary sewer, water and storm sewer. In particular, municipal water will be extended into the development from 100th Street and 64th Avenue, and will be extended within 63rd Avenue and throughout the development and connect to municipal water in STH 165. Municipal water shall be extended in all roadways to the property boundaries.

Municipal sanitary sewer will be extended into the development from STH 165 on the south, 63rd Avenue and 100th Street on the west. Municipal sanitary sewer shall be extended in all roadways to the property boundaries. However, the entire site can not be serviced by sanitary sewer from 165, 100th Street and 63rd Avenue. There is a portion of the site, the northern portion, the second stage that needs to be serviced from the sanitary sewer in 93rd Street extending south. This will allow the Village to abandon the existing sanitary sewer lift station at 100th Street and 63rd Avenue.

Municipal storm sewer shall be extended in all roadways to the property boundaries. The storm sewer system will outlet into retention basins located within Outlots 1, 2, and 3. The Developer's Engineer has evaluated the development site, based on actual field conditions and has presented a storm water plan for the Village's review.

Off site improvements to 63rd Avenue and 100th Street: The Developer will be responsible for installing municipal water within 100th Street and 63rd Avenue. In this case, a 10-year right-of-recovery may be afforded to the developer for the installation of the water main improvements installed within 63rd Avenue and 100th Street, if, after holding a special assessment hearing, the project is approved by the Village Board. The actual costs for such improvements shall be provided at the time the final engineering is completed. Water connection by the adjacent property owners is not mandatory. The adjacent property owners would be required to pay the water special assessment costs only if they choose to connect to the municipal water system, and/or if any new homes are constructed, or if there any land divisions that involve a split. Then there would be a requirement. The special assessment public hearing for off site municipal water improvements will need to be scheduled by the Board related to these pending costs, and this is prior to or approximately at the same time that the final plat is considered, not after the final plat is approved. It needs to be timed so that it happens prior to or at that same meeting.

The developer shall also be responsible for improving 63rd Avenue into a full urban profile roadway with curb and gutter, storm sewer and roadway improvements. Portions of the roadway improvements in 63rd Avenue will need to be removed in order to accommodate this, along with that removal of the 63rd Avenue connection to 165 with the new cul-de-sac to be installed.

The public improvements shall be installed pursuant to Village specifications. The staff recommends the developer install granular backfill within 63rd Avenue so that Phase 1 and 2 improvements could be installed during the first construction year for the Courts of Kensington. This would allow for minimal disruption to the existing property owners on the west side of 63rd Avenue.

The Village will not require that the developer improve 100th Street to a full urban profile roadway unless the adjacent property owners request this improvement and agree to pay for the costs associated with this improvement. If the owners would like to see these improvements installed the developer would be required to design and install the improvements only after the Board has approved a special assessment hearing and has levied the assessments on these properties.

With respect to construction access, construction access for the installation of public improvements as well as home construction will be from 62nd Avenue at Highway 165. So there will be no heavy construction equipment that will be using 63rd Avenue or going through 65th Avenue through the Meadowlands Development. We want this to be the main construction entrance for the entire development.

With respect to the fiscal review, a fiscal impact analysis shall be completed by the Village staff for the proposed development as it relates to the amount of Village tax dollars collected from the development and the level of Village services required to serve the development. The Village staff is aggressively working on completing the analysis. As you know, we already had our first working session meeting to talk about the fiscal impact analysis, and I know that the IT Director is continuing to work on that analysis from the feedback that was received at our last meeting. The developer has willingly agreed to donate approximately 1.16 acres of parkland or portions of Outlots 1 and 2. I think it should be 4 and 5 for a proposed bike/pedestrian trail and construct the trail. Further discussion is warranted with the developer related to a cost sharing agreement or donation for the \$891 per lot to the Village to address shortfalls and funding fees collected for police, fire, EMS, public works and transportation for this development. I'm not sure if we've had any discussions with him regarding that \$1,000 that is also required as a transportation improvement fee.

With that, we do have two items on the agenda. Both are public hearings and so I'd like to continue the public hearings on this subdivision request.

Thomas Terwall:

We'll treat comments and questions on both matters at the same time. So if you have any comments or questions you want to make regarding this proposed development now is your opportunity to do so. We request you step to the microphone and begin by giving us your name and address.

Scott Barber:

Scott Barber, 10324 63rd Avenue. Obviously we're a little concerned with the on and off part of the road since it kind of like dies into the middle of our property right there at that corner of 63rd and 104th Street. The last developer that came through, when he did the road on that side he made it almost impossible for us to do any lawn maintenance on that side. And also we're kind of concerned with exactly how the road is going to come in through there, what they're going to do with that end of the property there. I noticed before you were talking about berming it and stuff which is okay, but also we'd like to kind of know exactly where the road is going to come through in that area because it does run right into our property.

Thomas Terwall:

Is your house the southernmost house?

Scott Barber:

Yes.

Thomas Terwall:

You're right on the corner?

Scott Barber:

Yeah. Also, I'm hoping that they're going to leave 165 in a little better condition than the last guys did, because that was kind of a mess. It still is a mess. An industrial lawnmower can maybe get through there but I can't get through it with one of mine. Also, one of our concerns is are we going to have to hook up to water seeing as how our water shutoff is on the 165 side? You've addressed the 63rd Avenue side that they didn't have to connect, but we're wondering if because ours is on 165 if we're going to have to connect on that.

Thomas Terwall:

Are you on a municipal system now?

Scott Barber:

No, we're still on a well.

John Braig:

But you have a lateral stubbed in?

Scott Barber:

Yeah, we have a lateral there.

Thomas Terwall:

They wouldn't have to hook up now, would they, Mike?

Mike Pollocoff:

No, the water main that went down 165 was for the TIF District. That water was put down there and an assessment was levied on the parcel, and it's a corner so the short side, which would be the frontage on 63rd was forgiven already. So the outstanding assessment is on the 165 side. So there's no requirement to hook up. That assessment was put on prior to the most recent Public Service Commission order. The current orders have a ten year frame on them and the older ones

don't. They just go on. It builds up whatever the interest cost is between the time we put it in and when that bond is paid off. That's the ultimate price of that main. So Mr. Barber is caught between two worlds.

But he also has opportunities that other people don't have. It could be more advantageous for Mr. Barber from a dollars and cents standpoint to hook up to the 63rd side because that's the short side. If he did that towards the end of the ten years and pay that fee, and then he wouldn't be subject to the assessment on the 165 side because he already has water. Those are little oddities in the Public Service Commission rules that are out there. But he's in a unique situation. Maybe he'd rather be unique someplace else but that's just how it lands.

Thomas Terwall:

The cul-de-sac for 63rd Avenue that's going to be installed none of that will be on his property, is that correct?

Mike Pollocoff:

No.

Thomas Terwall:

His property will not be affected?

Jean Werbie:

His driveway.

Mike Pollocoff:

That's in the right of way.

Thomas Terwall:

Your driveway is on the south side of your house is it not?

Scott Barber:

It's on the east side. But according to that, I don't know and it's kind of hard to see, but it looks like we're kind of in the easement area with the driveway. It kind of looks like the road is going to run right through the middle of my property but I'm sure that's not the way it is.

Mike Pollocoff:

It will be kind of the way the other street is on 64th. His driveway had to be lengthened to tie into the cul-de-sac. So actually Mr. Barber's property will get a little bigger after the vacation occurs on that road. Then that has to be added onto his property. Part of it I guess would go to the new lot created to the east. So it would look different. But at the end of the day you actually wouldn't lose any property. You'd be picking up more property.

Thomas Terwall:

And who's responsibility is it to pay for that driveway?

Mike Pollocoff:

It would be part of the street construction. We have to provide through the developer Mr. Barber access to the street. He has no control over it. It's happening beyond his control.

Thomas Terwall:

Any other questions?

Scott Barber:

No, I think you pretty much answered them all. I was concerned, too, about the construction using 62nd but it sounds like you've got that addressed already. Do you have anything else you want to talk about? I guess that's it.

Thomas Terwall:

Thank you. Anybody else? Is there anybody else?

Jean Werbie:

If the developer would like to make a presentation this would be a good opportunity.

Mark Eberle:

Mark Eberle, Nielsen, Madsen & Barber Engineers from Racine. I guess first of all I'd like to say regarding 63rd Avenue what we would like to do is once we get a little further along with the engineering is set up a public information meeting with all the homeowners on that roadway and on 100th Avenue. We can sit down and show them exactly how the new roadway is going to affect their property.

I can tell you right now that the new curb and gutter line on the west side of the road is going to be roughly down the existing ditch line so that's about how close it's going to get to the new homes. What I'd like to do is get through one round with the DOT, make sure they're happy with the setbacks, with the cul-de-sac, one round with Bob Martin and then we can set up that meeting.

(Inaudible)

Mark Eberle:

Yes. I'd be happy to answer any other questions you have.

Jean Werbie:

Mark, is it likely that you are going to be needing sloping easements from the residents on the west side?

Mark Eberle:

It does not look like it at this point, no. Due to the drainage on that roadway we may have some behind the curb inlets to accept water. There's some points on the south end where it will not all come over the curb but we should not need any easements.

Thomas Terwall:

Anybody else? Anybody else?

Maureen Meyer:

Maureen Meyer, 6025 105th Street, but my property comes out to 165 from the south. Go ahead, there you go. Peggy is doing it. My concern is what's coming along on 165. Like my neighbor, I'm concerned about the construction. They left a mess of 165 the last time. I'm concerned about the amount of traffic coming through there, and how close are we to 165 being finalized in terms of the highway itself and where all of this ends up? This is a huge number of houses compared to what's there. The development that's to the east of it which would be to the right here already dumps enough traffic onto 165 if you try to get through there in the morning. I'm concerned about now we're going to dump all of this, too. So, first of all, I guess I need to know where are we with 165 and the State, and then how does this affect all of this? And, lastly, what's going to happen with all this construction traffic which apparently is in my front yard? And there's wetland right along that front highway. That's all nice and soggy right there along 165.

Thomas Terwall:

Can you speak, Mike, to the 165 project?

Mike Pollocoff:

You've talked to them more recently than I have.

Jean Werbie:

The State intends to bring some revised plans to us after the final environmental documents have been completed, and they had told me sometime this summer that they were going to finalize the plans and put it in the queue. That being said, Vita has indicated all along that we're still 10 to 15 years before traffic warrants away from improvements to Highway 165. They will not do any improvements until the traffic warrants it or it gets queued up in a State DOT project. And they still had that at least 10 to 15 years away.

Mike Pollocoff:

Part of the reasonable, and not that what Jean's saying is unreasonable, but I think the reality of it is that section of highway is in difficult condition structurally. So it's probably going to get some level of improvement at an interim level whether that's milling of the road and resurfacing and adding on some more asphalt, until the traffic counts warrant going up to that next level of improvements.

John Braig:

Is the ultimate for 165 a four lane divided roadway?

Mike Pollocoff:

Right, in this section it is. So we'll know really what that looks like here as Jean indicated later on what that profile looks like. Before that, but as far as when it gets built it will be a while. But they can't leave it in the condition it's in so they need to do some maintenance to the road just for the condition it's in given the traffic that's on it right now.

Maureen Meyer:

Because the construction is going to pound up that section and it's wetland on both sides. It's pretty soft. So I'm concerned about that. Thank you.

Thomas Terwall:

Anybody else? Anybody else? Hearing none, I'm going to open it up to comments.

Jean Werbie:

I would just like to have the developer comment on the homes or the type of homes that they're looking to put in here, or if they intend to sell lots. I'd like to have them comment a little bit on the declarations. I think this would be a good time.

Thomas Terwall:

Which Mr. Stanich is going to do this?

Todd Stanich:

Todd Stanich, Stanich Development. As far as the declarations are concerned I didn't bring a copy of them.

Jean Werbie:

I can share mine.

Todd Stanich:

What we tried to do is stay consistent with what's happening in surrounding neighborhoods. We took as far as the size of the homes and the quality of the construction and that type of thing we basically emulated what the Village Green Subdivision has done. We are not going to--this subdivision is not intended for our exclusive use as a builder. It will be an open subdivision for lots of different builders to come in and build.

Thomas Terwall:

Will you have plan approval?

Todd Stanich:

As far as?

Thomas Terwall:

If I hire my own developer do you still have final approval?

Todd Stanich:

Yeah, we have architectural control over it, and we've outlined what the expectations are. Again, they are consistent with what's happening in the Village Green neighborhood so that should flow through that area.

(Inaudible)

Todd Stanich:

Exteriors, hang on, let me find it.

Jean Werbie:

One of the things that Village Green did was they required a certain percentage of masonry materials on the front of the home, and I didn't know if that's something that you're going to continue to do is require that on the front of the home, or is it on a percentage around the home? You have a number of lots that are abutting or you can see from multiple street sides. So I just didn't know if it was something that you're going to be a little bit more flexible with. Rather than have 100 percent on the front maybe 25 percent on each side or something to kind of break up from being able to see just the back of the home.

Todd Stanich:

We've looked at the surrounding area including Village Green, Meadowdale, that type of thing. We don't feel that--the Meadowdale type of restrictions may be too restrictive for this type of neighborhood, so that's not quite the level that we're looking for just considering the volume of

lots that we have in here and also we have Meadowdale down the street. So we're not quite at that level. I think it's more consistent—as far as that type of thing is concerned, as far as the exterior requirements, this is not in its final form by any stretch so we're open to discussion.

Thomas Terwall:

I guess where I'm going with this is are you going to allow aluminum or vinyl siding?

Todd Stanich:

I think we do have a provision for vinyl siding being allowed, but there is a requirement that X amount is going to be required to be some type of masonry product whether it be actual brick, stone or the fiber cement type of siding. What we've experienced so far and what we promote as our product typically has the fiber cement board as kind of the base level of what we're doing. We're not going to require it at this point, but I think being the core builder in here we're going to set the pace at that level and entrust that the others will follow that. The architectural control committee, which at this point is my father and I, we do have discretionary authority to ensure that the qualities and values of the neighborhood are consistent.

Jean Werbie:

One of the other things that I noticed is that you kind of increased a little bit the square footages for the home sites?

Todd Stanich:

Relative to Village Green?

Jean Werbie:

Yeah, just a little bit. They did build larger homes but you actually upped the square footages to over 2,000.

Todd Stanich:

Yes, the base.

Jean Werbie:

And you don't see a problem with that with the markets in this area?

Todd Stanich:

No.

Jean Werbie:

We're seeing the averages at almost 2,200 or 2,300 anyway in the Village, but I just noticed that the numbers are just a little higher. That's on page 6.

Todd Stanich:

We're at 1,900 for a single story and 2,200 for a multistory building. 60 percent, if you go to 2,200 it's not going to be like a split ranch type of thing, 1,100 and 1,100. We're requiring at least 60 percent of it be on the foundation level so it would be at least a 60/40 to give some dimension.

Thomas Terwall:

Two car attached garage?

Todd Stanich:

It actually exceeds what a normal two car garage is. A two car garage is typically a 20 by 20. 24 by 24 is what our typical requirement is for a garage. And that's to ensure that people can get their stuff in the garage as opposed to being out in the neighborhood.

Jean Werbie:

I have two other questions that I had raised. Sometimes developers like to put entry monuments in to announce or to identify the development. Is it your intention to construct those monuments and then eventually have the homeowners association maintain those?

Todd Stanich:

Yes. On the entrance of 165 is where—

Jean Werbie:

But you're not going to be doing them at all your entrances?

Todd Stanich:

No. The intent is to have the entrance on 165 to have a nice monument sign with a good landscape setting and that type of thing. We were talking about, and I don't know if you're familiar with the fountains in front of Bellagio, we were talking about that a little bit, but I can't get it to fly with the Chief.

Jean Werbie:

One other question I had was if you have it open to other builders are you going to restrict so that other than yourselves that one builder can't buy all the balance of the lots? Someone can't buy 100 and you only have 19? Otherwise I'd like to talk about just getting a monotony provision in the declarations.

Todd Stanich:

Our intention is not to have one of these national homebuilders come in and buy 90 percent of the lots. That's not our intention at all. I don't have any objections to putting in some redundancy provisions right in the declarations. I think that protects all of us. I don't have a problem with that at all.

Thomas Terwall:

(Inaudible)

Todd Stanich:

No comment.

John Braig:

I have a question. According to the tree survey there's a large number of trees that are going to be retained. Some are indicated to be less than perfect nursery specimens and might be removed. Is it your intention to remove all those that are so indicated as fair or poor, or would some of those be retained is possible?

Todd Stanich:

Out intention with the trees if you guys are familiar with that area there's just a really nice highland kind of area up here.

John Braig:

A perfect park place.

Todd Stanich:

Our intention is to retain as many of those trees as possible. They're beautiful. I think it adds value to the subdivision. Our intention is to leave as many as we possibly can balancing that, of course, with the fact that some roadways do have to go in order to make the whole development make sense.

Donald Hackbarth:

Before I'm willing to say yes to this thing I looked at that color coded thing. I was very confused as to really what trees were going to go and what trees were going to stay. I would like to before that area is touched or anything is done with it I would actually like to walk it again and see the trees that you plan on taking out. One of the things that was confusing to me, and what lot is that, Lot 8, it looked as though the three trees were going to stay which would mean that I don't see a provision for a home to be built on that lot. Like I say, there was a confusion as I looked at it. There was a confusion in the color coating and how they were designated on your tree survey. I'd like to walk it again and I'd like you to show me which trees not only walking through it again

which trees are going to be taken down, why and its condition, and I would also like to see it on this plan right here.

Todd Stanich:

Okay. I think Mark can probably speak to the tree issue a little more than I can.

Mark Eberle:

Sure.

Donald Hackbarth:

We've gone through this before, haven't we.

Mark Eberle:

We have. We actually spent a great deal of time when we did the layout of this section trying to work that cul-de-sac in. We kept moving it around so we had that row of trees just outside the property line. And based on this plan right now I only show right here five trees that would be coming out to put in public improvements. There are some other trees, again, depending on how the homes are situated in here, there are a couple trees, maybe this one, maybe that one, maybe one for a driveway that would need to come out of here to get the homes in there. But that would be done on a per lot basis and not a part of the overall development plan.

(Inaudible)

Mark Eberle:

Lot 8. Is this 8? Again, I would assume just by looking at it that this tree in the center would probably have to come out. Again, we've only shown the trees that need to come out for the public improvements. We can look at it in a little more detail.

Donald Hackbarth:

I would like to walk it and identify the trees again. My way of thinking is to identify—you're right, that's a beautiful piece of land. It's beautiful trees. I would like to walk it again to see the trees that you're suggesting being taken out, just actually physically see the tree and then map it on this map right here to say this one goes, this one goes, or these stay, because I'd like to see that. That's just too pretty a piece of land to—

Mark Eberle:

We can definitely do that.

John Braig:

As I understand it, you're saying that five trees are scheduled for removal, period. The remaining trees that would be removed would be at the discretion of the property owner?

Mark Eberle:

Correct. We have five trees that would need to come out to build public improvements.

Peggy Herrick:

Let me clarify. I did the color coding. Just because there are a lot of trees on their tree survey study that show that they were in poor condition, so what I did was I highlighted the trees in yellow that they propose to be removed. Those are the five that he pointed out with the X's on them. Then the ones in the orange were listed as poor condition on his tree survey report.

Donald Hackbarth:

Who did that?

Peggy Herrick:

They did the report. I color coded the map that shows that those were poor.

Mark Eberle:

Actually, in every development we've been doing in the Village we hire Arbor Images out of Burlington. They go through and we tag every tree, we located it, they come out and give us a description of each one. They did it on our Bain Station project and a couple others. So they're very good at looking at the trees and knowing what state they're in.

Peggy Herrick:

So I just color coded this based on their tree survey that the orange were in poor condition, the blue are in fair condition and the two that are in green might be additional ones that need to be removed because they're in the right of way. There's two of them in the north end and one in 165.

Mark Eberle:

This one up here is that the one you're talking about?

Peggy Herrick:

Yeah, in the green.

Mark Eberle:

That one is directly behind the curb which we tried to preserve.

Peggy Herrick:

And the one in 165.

Mark Eberle:

Up in here in the DOT right of way, what we would preserve until they took it down.

Peggy Herrick:

Correct. Then there were just a few that were less than six inches and those were in pink. So I just did the color coding so I thought it would be easier when you looked at the map which ones were in poor condition instead of trying to find all those on the map.

Donald Hackbarth:

I don't want to disagree with what they're saying about the trees. But on the other hand an oak tree might be in poor condition as you may look at it compared to a maple tree or something, and that oak tree, quote, in poor condition may last another 100 years. It may stand another 100 years.

Mark Eberle:

That's correct and that's why I did not show—some of these are in the so-called poor condition but we did not show taking them out. We would only take out the five that need to come out.

John Braig:

Don, what's your attitude towards the box elders?

Donald Hackbarth:

Build a boat with them, I don't care. The other comment I have is living on 165 I don't know where DOT is, but if Vita says it's 10 to 15 years I highly doubt it's 10 to 15 years. Because in the morning when I get up and I look at 165 and ML, that traffic is backed up so far. I mean I could not get out of the driveway unless someone was gracious enough to let me in because it's backed way past our driveway. There's 10 or 15 cars that will back up in the morning.

Jean Werbie:

And I understand that. Even as recent as about a month ago the DOT had contacted me as to whether or not we had done any signal studies on 165. No, we had not done any, and whether or not the developers have done any and I said no. So I think as part of their re-look at things at least right now they're identifying if it's not going to be a roundabout where would there possibly be a need for a signal in order to move the platoons of traffic and allow for those breaks in the traffic for the feeder streets to get out.

The other thing that's kind of unique to this is we are building eventually a parallel east/west local arterial, main street, that will connect from 39th Avenue all the way to Highway 31. So the

intention is that a lot of the traffic that is coming north and south from the new subdivision will jump onto Main Street and then take that all the way out to Green Bay Road as opposed to everyone coming down to Highway 165. Then there's also the opportunity for them to go north to 93rd when those interconnecting roads are completed as part of our master planning, which we have a number of developments as you know that are on the books that will connect those roads to 93rd Street to the north. So not all of the traffic is going to jump down to 165. Again, within that 10 to 15 years I think there's going to be multiple opportunities for you to take Main Street east or west as well as 93rd Street from these subdivisions north.

Donald Hackbarth:

I agree with that and that's a good idea, but I agree with Mrs. Meyer, too, that Main Street is not affected by anything I don't think east of ML.

Jean Werbie:

Again, Main Street is going to connect to ML and it's also going to connect to 39th Avenue. So there might be some opportunities for people who don't necessarily want to come all the way down to 165 but to take a more scenic road to 31.

Donald Hackbarth:

What I'm saying is from 39th east or wherever the traffic is coming from, like I say, in front of our place it's backed up, and I don't see them saying I'm going to go north on 39th to hit main street if it's going to come to 39th and then go east that way. They're going to stay on 165 and the traffic is going to get more and more and heavier and heavier.

Jean Werbie:

It will and we have projections that it will.

Donald Hackbarth:

I don't see this lasting 10 to 15 years. I think it's going to be earlier.

Jean Werbie:

I agree.

Wayne Koessl:

Thank you, Mr. Chairman. I'm going to address Peggy's marking the yellow and the blue and doing a great job on there. I can't see keeping any of the yellow or blue trees at all. Once a person puts a house in there and they have a tree sitting on their property that's 35 percent dead now, how are they going to get a bucket truck in there to whack that tree down? It's just crazy. I think all the yellow and blue trees ought to just go.

Mark Eberle:

We would be happy to walk the property with you.

Wayne Koessl:

I've walked it twice already. When you have a tree that's hit by lightening, you have one that's got a dead hollow face—

John Braig:

I walked that site, too, and my reaction was the 30 percent dead wood was I won't say overstated but it was not conservative by any stretch of the imagination.

Wayne Koessl:

That's a differing of opinion, John.

Jean Werbie:

I just want to comment that once we identify which trees are ideal to stay I think there should be a building pad area identified and all the other trees should remain. If there's a legitimate reason for them to come down, but just because you want to tweak something this way or that way I think no different than other subdivisions they need to identify building pads and whoever builds there needs to build within that building pad. Unless it's a diseased or dead tree they should probably remain on the site.

Mike Pollocoff:

Mr. Chairman, I think the other thing we need to get on the table and make sure we have an understanding and actually an agreement with the developer on is in the first case the required contribution for the 165 improvements. The Village hasn't budgeted to pay for the developer's contribution for the money that's going to help pay for the interchange improvements and future widening on 165 that we required of the other developers along 165.

Then the other item as well is the contribution to the Village under fiscal review, the \$891 per lot. This money goes to pay for snow plows, fire and rescue on an incremental or portion basis. We don't have the resources to pay for the additional. The Village budget is used to pay for replacement. If the developer is not inclined to do that then my recommendation would be we send this back to staff to review until those details can be worked out.

We're also going to need to define the financial relationship or I guess the ground rules between the developer and the School District and the Village as to what's going to go into that portion of the school site. If we can't come to an agreement on that we need to redo the neighborhood plan so we'll need to step back and take a look at how we structure that. The developer is entitled to get their money back and they're entitled to a return, but the school district is going to have to pay money for improved land, but I'm not sure that we can require them to pay retail and we can't require the developer to give it. So we're in a little bit of a box on that. But on the other hand if we can't come to any agreement then the neighborhood plan is shot and we have to wind

everything back up anyway and bring the Highpoint neighborhood back and look at redoing the neighborhood plan. So those are three fiscal matters that are important to the Village.

The developer does have the option, based on what we've seen as far as the fiscal impact analysis that the staff's working on is to wait for that process to run through its completion to see how this would increment out under that new evaluation. Now, that does a couple things. Once that happens the impact fees disappear and we deal with each development at this conceptual stage to tell the developer we believe this is the cost of the development to us over and above what we'll collect on property taxes. Unless you can agree to make that payment then we're going to have to stop because once the developer proceeds beyond this point they've accrued some rights that protect them from any charges and we can't go back after it. If those financial arrangements aren't agreed to at this point the Village is unable to go back at a later point and say we need to have this handled.

Thomas Terwall:

Am I wrong? It was my understanding that those are incorporated as an integral part of this agreement. If this is adopted it was my assumption that was included. My first question to you is staff prepared to stand behind the numbers as presented in this report?

Mike Pollocoff:

Staff is prepared to stand behind the requirements for the \$1,000 for the 165 and the \$891 for the Village improvements. We don't have a number, and maybe the developer has a number for the school land. I think we need to agree on a methodology as to how that's going to get charged. That one is up in the air. All I can tell the developer is I know it's not going to be on a cost per lot basis because we're going to require the developer or the School District to make some payments for improvements on that site as well. So the developer is not going to have all the expenses but they're not going to have all the revenues either. It can't go both ways. So that one aspect we don't have agreement on. If we don't have agreement on the school site, again, that starts unwinding the neighborhood plan.

John Braig:

I think it would irresponsible on the part of the Commission to approve something that could put the Village financially in a negative position . . . pass the burden onto the rest of the community. We don't even have the ability to raise the additional revenue.

Mike Pollocoff:

I can only speak to the fees at the Village which is the two items that Tom addressed, the 165 fee that the State is going to hold us responsible for and the \$891. As far as the amount with the School District that is premature because that hasn't been arrived at, but on the other hand the financial exposure for that is for the neighborhood plan as much as anything. So I'm not sure they're prepared to say how much they want. But beyond this point from a financial standpoint it's a point of no return once we approve it.

Mark Eberle:

I am familiar with the \$891 deal and we have no issues with that as far as agreeing to that. The \$1,000 transportation fee I'm not familiar with that at all. In fact, this is the first time I've heard of that. I don't know if you guys have had any discussions about that.

Doug Stanich:

My name is Doug Stanich with Stanich Development. As far as the \$1,000 goes on the transportation I had had some discussion about that and I don't have a problem with that either. The third issue, so issue number one, issue number two no problems so you can feel very restful on that. The third issue is the school. What we're dealing with there is we're dealing with the potential of obviously seven potential lots on there. And just taking a look down the road by the time we get to something to that particular area is that those lots might be in the \$125,000 to \$150,000 range. Let's just say \$125,000. For an example we're talking somewhere in the vicinity of about \$900,000 worth of potential lots.

Obviously we want to be good citizens, too, and we want to be fair on something like this. And the same thing I would want from you, too, is that we're willing to do something and I've had conversation with Pat Finnemore and I believe he was in and had a discussion with you today. He mentioned he was coming in to talk to you today, and he and I bantered this back and forth. I told him our position on this. We want to be good citizens, but at the same token we want to be treated fairly also. Every other school site in this City has been purchased by the School Board. We're not asking for them to pay full retail price on something like this but we would want something that would be fair and equitable for us. What that is I can't name at this particular junction. That's something that we can work on between our conceptual and the time we come in for the final.

The main thing that I'm concerned with, and I don't want to kick this thing back and have us sit and have to work through these things. We can work through these things as we're working through this development. But we are in agreement and we will work with the School Board on this.

Thomas Terwall:

In addition to the Stanich parcels involved for the school site what other lands are involved?

Mike Pollocoff:

There's the Dabb's property directly to the north. There's the Simon property to the northwest. I believe that's it.

Jean Werbie:

I've got it right here.

Mike Pollocoff:

Everybody has signed off on the neighborhood plan such as it is. I think the Simon Group has the—

Thomas Terwall:

And what arrangement is there between Simon and the Unified Schools?

Mike Pollocoff:

Simon is dedicating.

Jean Werbie:

Peggy is going to outline what they're dedicated. It's a large wooded area that is going to be part of the community park. So we've got community park, we've got middle school and we've got park. So they've got quite a bit of acreage. I want to say it was in the 20 acres plus that they were going to be dedicating. Instead of putting homes or condos in it they were going to dedicate that whole woods area.

Thomas Terwall:

And who else is going to do this?

Mike Pollocoff:

Dabbs. When you think back when we worked on the neighborhood plan we increased Dabbs density so that they weren't going to be compromised anywhere. But, again, they are going to sell their land to the school district but it would put them in a better position to be able to sell the land if they were able to increase their density. Dabbs is dealing with dedicating the majority of the school site. And as well I think they have park and school.

(Inaudible)

—:

. . . is there a contribution to the school?

Mike Pollocoff:

Part of it is going to the school and part of it is going to the Village.

Jean Werbie:

And part is going to be purchased.

Mike Pollocoff:

And part will be purchased.

Donald Hackbarth:

Because I think the comment that I brought about those properties was with the issue are they going to get cheated with lower property value. And then Finnemore I think it was said no, we look at the surrounding area and we say if that's what it is per acre that's what they get for it.

Mike Pollocoff:

The Village is going to look to acquire some parkland from Dabbs rather than dedication. Some of it will be dedicated, but when we acquire property, and the School District is no different, from a fiduciary standpoint we're not permitted to pay anything more for the land than what it should be valued at. Although I appreciate where Mr. Stanich is coming from. He's saying he has seven lots but respectfully he doesn't have seven lots. He doesn't have seven lots until the Village provides him with seven lots. So what the value is based on it's improved land, it's got the potential to develop. The utilities are there. It's immediate. Mr. Stanich is he going to have to put in the improvements on that lot on that street, the curb and gutter? Well, if he's there first he may have to, but he's entitled to have that be calculated in the value.

So when the District or us, if it was us, we're going to say what's the value of this property in a comparable sense to the abutting properties. But that won't be on a lot by lot basis. When that appraisal is done, again, it's going to take into consideration the fact that the only reason those lots are available, that land is available because the Village approved a plan and the school and the park were an integral part of that plan. No developer, whether it's a CSM lot or a major development really has any lots unless the Village creates those lots and gives them to them and that creation of those lots is premised on the neighborhood plan which shows some public acquisition of property.

So Mr. Stanich's property is going to need to be acquired on this, but the School District can't buy it as though it was farmland. That's not reasonable because the land around here is improved on one extreme. On the other extreme is Mr. Stanich can't sell the lots to the District as though he was selling them to John and Susie Q. Public who were coming in and buying a lot to build a house on. We're telling that ahead of time. Don't plat those lots. The improvements are going to have to be allocated out.

Thomas Terwall:

How soon is the school system is going to be prepared to proceed?

Mike Pollocoff:

I think it really depends on how it builds out. They've said 10 years or more but they don't know. If the area builds out, I guess the best example would be White Caps. White Caps was 10 to 15 years before they actually put that school in.

John Braig:

Wait a minute. Are you saying he can't develop or sell this property, it has to be sold to the Unified School but Unified School can wait 10 or 15 or 20 years until they buy it?

Jean Werbie:

No, they would buy it but they may not put a full school there until they have all the land acquired to do that.

Mike Pollocoff:

That's not to say it might not come without some hiccups because Kenosha is under a common school district. They're going to have to go to referendum so it might not happen right away. So to the extent that risk falls to the developer that ends up increasing—I mean I hope the School District wouldn't do that because all it does is increase their price that they ultimately pay as time goes on.

Donald Hackbarth:

Are you comfortable with the

Mike Pollocoff:

I'm comfortable as far as the municipal stuff. That's what I have true control over. I guess what we need to hear from the developer is that they're comfortable in reserving that section of property, the three acres for the school site, and that there's going to have to be a negotiation on that price for that. I don't want anybody to leave here thinking I'm losing seven lots because you really don't have seven lots.

Doug Stanich:

Okay, you got me. So well put. Actually we are saying the same thing and we understand that. We know that's going to be a school site. Yes, it isn't platted for seven lots but it does have the potential of seven lots. You would have to agree with me on that. But we understand that it isn't going to be that. What I'm saying is we want to do something that would be fair and equitable based on the time that we do it. I think that's the way we need to approach it.

(Inaudible)

Doug Stanich:

We don't actually have those on the plat. It's just the school site and outlot right now. So I'm comfortable with that. Obviously we have to negotiate and come up with a formula that would be adequate and fair.

Mike Pollocoff:

Ideally for the School District they should move to buy it before he does the second phase. That's fair.

Thomas Terwall:

I guess that's my position. If the schools drag their fee that's going to cost him as far as I'm concerned. I can't expect Mr. Stanich to sit here holding the bag from now until whenever.

Mike Pollocoff:

And they've done that. You think about the piece down by Tobin Creek Subdivision for that elementary school. They've purchased that site well ahead.

Doug Stanich:

I don't know what your conversation with him today was but I know we had talked about it. He said I'm going to present this during the summer. We may even consider doing something very, very soon on it. So it's hard to say. It's going to depend on when they're willing to do it and make the decision.

Mike Pollocoff:

At least in the Village, and I don't know about the City or Somers, but within the City they've been aggressive on purchasing the land they need well ahead of time.

Jim Bandura:

Mike, correct me if I'm wrong. You were essentially kind of like asking those lots be identified on the plat as possibly being dedicated to the school?

Mike Pollocoff:

The plan there showed right now that that's not platted with lots, but the neighborhood plan that we've adopted and the Comp Plan shows that as being school. That's what we have right now and as not residential.

Donald Hackbarth:

With all the discussion here I think I'm more comfortable with it now and I move approval.

Andrea Rode:

Second.

Thomas Terwall:

MOTION BY DON HACKBARTH AND A SECOND BY ANDREA RODE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CONCEPTUAL PLAN FOR COURTS OF KENSINGTON SUBJECT TO THE VILLAGE

STAFF COMMENTS AND CONDITIONS AS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered. (Inaudible)

Wayne Koessl:

I'll move approval, Mr. Chairman.

Judy Juliana:

Second.

Thomas Terwall:

MOVED BY WAYNE KOESSL AND SECONDED BY JUDY JULIANA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING MAP AMENDMENT FOR THE COURTS OF KENSINGTON AS OUTLINED IN THE STAFF MEMORANDUM.

Jean Werbie:

With the condition that both the floodplain overlay district and the shoreland district will remain the same at this time. And when they come back to amend the floodplain they can amend and remove that shoreland based on the DNR's comments last December.

Wayne Koessl:

Mr. Chairman, those are my words exactly.

Thomas Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered. Jean do you have any . . . (inaudible)

Jean Werbie:

I don't think there will be any problem, no.

John Braig:

Before we proceed I'd like to make an additional comment. Mr. Stanich had a tree survey done and we discussed it and it was very nice and appropriate. Just west of this there is a parcel of land that had a lot of trees on it and several dozen have been removed. Now, Mr. Stanich could have come here with every tree cut down. I think it's time to get our tree ordinance off the back burner and develop something that before we have wholesale cutting of trees the staff and the Commission is aware of it and approved it. It's between old 31 and new 31. There's a chance we would have approved wholesale cutting of it, but I don't think we want the citizens of Pleasant Prairie to just go out and wholesale cut down trees without somebody approving it and agreeing with it. Was the staff aware that those trees were being cut?

Jean Werbie:

Yes.

Thomas Terwall:

Before they were cut you knew?

Jean Werbie:

Yes. It was in an area that's identified for commercial B-2 development. We've been working with the developer for about three and a half to five years on this site. All of the concepts that we've seen and all the neighborhood plans show that those trees would be removed although they weren't discussed in detail. And because of the extensive grade changes, 10 to 20 feet on that property, there's no way that those trees could have remained. There were some that were diseased, but at least three or four of them could not be kept if the development that the Village Plan Commission and the Board wanted to see happen there. And that actually is coming up to you on May 29th, the next meeting.

Donald Hackbarth:

When it comes to trees . . . (inaudible) . . .

John Braig:

I agree. I don't mean to be critical of the staff. There's a high probability that these trees would have to be removed and we'd agree with the whole thing. You've changed it slightly by saying that you were aware of it so I can appreciate that a developer just didn't come in and wholesale cut down trees without anyone knowing about it. But I think my real interest is we should get the ordinance off of the back burner and come up with something.

Jean Werbie:

I understand. I know they were trying to do a controlled burn on that house and the trees in proximity to the house were a problem. So there were a number of contributing factors to those particular trees.

Mike Pollocoff:

One of the things is we really—as Commissioner Braig indicated, until we have an ordinance that the staff can apply we're kind of stuck between a developer who, and you have one here in the audience who knows what the Commission is going to be looking for, and if the staff doesn't have the hammer to say no, and to be honest with you most developers have been coming in and doing the due diligence. That gives us some more latitude or at least it gives everybody the same game plan to work with.

Thomas Terwall:

(Inaudible)

Jean Werbie:

Can you pull your microphone closer because I'm not sure we're picking it up.

Thomas Terwall:

Sure, I'm sorry. Let's move ahead to Item C.

Mike Serpe:

Could I say one thing? This is the first time in 18 years I've sat in the audience and observed, and I think the audience has legitimate concerns when they say they can't hear you. Microphones are over here or here. I'll tell you put these things close to your face. It's very, very annoying. It was difficult to hear most of you.

C. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT 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.

Jean Werbie:

The next item on the agenda is a public hearing and consideration of a zoning text amendment 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.

In association with the recent April 2, 2007 Village Board adoption of Ordinance 07-09 and Ordinance 07-10 that created Planned Development District No. 1, PDD-1, 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, the Village staff recognized the need to amend certain sections of the Zoning Ordinance and you did some of these at the last Plan Commission meeting. We have a few more for you this evening pursuant to our Village Attorney's advice. This next one is to Section 420-56F. and Section 420-57B.(1) of the Village Zoning Ordinance. Again, 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 #07-06, whereby a portion of that Resolution, specifically 1.(c), initiated the process to clarify the role of development agreements in the site and operational plan review and approval process.

As background information, on April 23, 2007 the Plan Commission recommended approval, and on May 7, 2007 the Village Board approved amendments to these same two sections which clarify the roles of development agreements in the site and operational plan review and approval process. These additional amendments to these two Sections are intended to further clarify the role of development agreements in the site and operational plan review and approval process.

The two amendments are outlined for you below. First, 420-56 F., the attorney recommends inserting in the first sentence thereof the phrase including, without limitation, satisfaction of all applicable conditions precedent established by provisions of Chapter 395 of the Village Code) between "ordinance requirements" and "and will comply". Then there's a second change that the attorney recommends, 420-57 B.(1), again to include similar provisions in the ordinance.

This is a matter for public hearing. I'm not sure if anyone has any additional comments to these further clarifications.

Thomas Terwall:

Are there any lawyers that would like to comment? Seriously, this is a matter for public hearing. Is anybody wishing to comment? Hearing none, I'll open it up to comments.

Donald Hackbarth:

Move approval.

Andrea Rode:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY DON HACKBARTH AND SECONDED BY ANDREA RODE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING TEXT AMENDMENTS AS PRESENTED. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

D. PUBLIC HEARING AND CONSIDERATION OF ZONING TEXT AMENDMENTS to consider an amendment to Section 420-119 K.(4) of the Village Zoning Ordinance related to Operational Standards and to Section 420-119 D(1)(c) of the Village Zoning Ordinance related to Conditional Uses in the B-2, Community Business District.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, this is a public hearing in consideration of zoning text amendment to consider a change to Section 420-119 K.(4) of the Village Zoning Ordinance. This relates to operational standards, and also an amendment to Section 420-119 D(1)(c) of the Village Zoning Ordinance related to Conditional Uses in the B-2, Community Business District.

On April 23, 2007 the Plan Commission approved resolution #07-15 to initiate a Zoning Text Amendment to re-examine certain types of outdoor storage for gasoline stations in the B-2, Community Business District.

Over the last several months, the Village staff has received requests from gasoline station owners/managers for certain types of outdoor storage such as and specifically ice storage containers and liquid propane gas cages. Gas station owners/managers have noted that these types of services and uses are important to the vitality of their businesses. Currently, the Zoning Ordinance does not allowed for any outside storage in the B-2 District.

The Village staff completed a survey of several gasoline stations in both Pleasant Prairie and the south side of the City of Kenosha. It was found that some gas stations in Pleasant Prairie already have these types of outside storage in the forms of ice storage containers and LP gas cylinder cages. Additionally, it appears as though a majority if not all of the gas stations that we looked at in the City of Kenosha have ice storage containers and LP storage cylinder cages.

The following table summarizes the result of the Village staff survey and indicates the locations and sizes of existing outdoor ice storage containers and LP gas cylinder cages. As you can see on the slide, BP Connect has ice storage containers and so does Shell which is located in the City; Truesdell on Highway 50 in the Village has one; Shawn's Shell in the Village has one; Speedway in the City has one; PDQ in the City has one; PDQ in the Village requested one; Phillips 66 has one. So, as you can see, we already have a number of situations that have already developed in the Village and some in the City.

Here's some pictures of what they look like. The first one is BP Connect. In some cases they've kind of shielded them a little and put them on the sides of the building. In some cases they're in the front of the building. That one is on the side. This one happens to be in the City in the front.

Shell in the City again. Truesdell has theirs in the front of the building. Shell in the Village has theirs in the front facing Highway 50. Speedway which is in the City is on the side of that one. PDQ in the City has theirs on the street side facing 39th Avenue. Phillips 66 in the Village they actually have theirs in the front of the building.

With respect to LP gas storage you can see the table that Tom has put together. Shell in the City, Truesdell in the Village, Walgreens in the City. We had one in the Village and we sent a letter and they've removed it. This one is in the City. Speedway in the City, PDQ in the City which is on 80th Street. Here's some pictures of the one in the City, LP. There's two different sizes, the single storage versus the double storage. This one at Truesdell is a double. This is a smaller one that's a double that's Walgreens in the City. Again, double in the City on 80th Street. Then there's one at Speedway, a smaller one. PDQ in the City has one next to the ice. So, as you can see, most of the gas stations, at least in Pleasant Prairie and on the south side of the City feel the need to have the LP storage and the ice storage facilities.

As you can see, the staff has put together an amendment for the Plan Commission and the Board to consider. The ordinance amendment reads as follows: No outside storage or display of merchandise is allowed except that for gasoline station uses a maximum of one, and then there's dimensions, outdoor ice storage bin and one liquid propane cage shall be allowed per parcel. Also, except pursuant to Subsection D(1)(c) of this Section. The ice storage bins and LP storage cages shall be located against a wall of a principal structure. First of all, we don't want to see any of them free standing is our recommendation. They shall not be located in front of a window or a doorway. If you go back through some of those slides of the pictures some of them were located in front of windows. This is of particular concern to the police department. We don't want any that are blocking any portion—

Thomas Terwall:

But the . . . window is okay?

Jean Werbie:

Well, let me continue. Actually, the Chief is recommending that we establish some setbacks from the doorways as well as from the window. Again, his concern is that someone could crouch down next to them near a window and they could either do something to open the glass, because again we've only got one 24 hour gas station, I think we have just one, but it's closed during the hours from 12 to 5, so somebody could be crouched down next to it or somebody could be right next to the door crouched down as a lookout for somebody else. So it's really becoming an issue for safety which is our concern more so than for convenience of a customer having to walk ten more feet to get to that ice or that LP cage.

The outdoor ice storage bins and outdoor cages shall be maintained in a state of good repair. I guess what Tom found when he did his survey is that many of them started to rust and look in disrepair and the paint was chipping and so on and so forth, so that's when they really become a nuisance and a problem for us is that they have to be maintained. If they're not maintained then they look lousy and then the whole front of the building kind of is attracted to that particular use. All LP containers shall be stored inside cages so we don't want any of them outside or freestanding. Signage will be allowed on outdoor ice storage bins and LP storage cages but it

needs to be limited to what's in there. They can't be advertising cigarettes and all sorts of other things or attaching signage to these types of storage areas.

Also, what I've noticed in other areas in the City that plastic banners, streamers and other signage, again, they should not be attached to these types of containers. So this has been a request made by some facilities, gas stations that don't currently have them and others that illegally have them but we came across these as part of our liquor license inspections this spring. So I'd like to open it up for continued discussion.

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? Go ahead.

Mike Serpe:

Jean, I don't disagree with what we're proposing here except when it comes to LP storage outside I question putting those where a car could still go over a parking ramp and into an LP storage tank. Many buildings have been hit. People their foot falls off the brake and goes onto the gas and hitting an LP tank and causing it to explode could be quite dangerous.

Jean Werbie:

I agree. And every single one of them it looks like they're located--

Mike Serpe:

Away from the traffic area?

Jean Werbie:

No, they're right in the path.

Mike Serpe:

That's exactly right. So keep them out of the way of where a car could hit them.

Donald Hackbarth:

The other thing, too, is I would strongly recommend that they not be in front of any window because, again, with this if that explodes, if somebody hits that, you know where that explosion is going to go? It's going to go into the building. The other thing, too, is in the event of fire if there's something blocking the door, somehow these firefighters got to get into the building and they're going to break a window. If there's something standing in front of the window they can't get into that building.

Jean Werbie:

Good point.

Donald Hackbarth:

I would insist they not be in front of a window at least. My other thought if you put it up against a brick wall at least if it was hit and it exploded it wouldn't go into the building. It would flash against the brick. Personally I think it should be around the corner and it's unsightly in front of the building anyway.

Jean Werbie:

I agree 100 percent. There was one comment raised that then they need to have a store attendant go out down the sidewalk and go around the building. I don't know if that was because of safety or the what the situation is because they could be open until midnight. So, yes, in fact the one place that asked us that didn't put one out there first was PDQ and so we had found a good location on the west side that would not be unsightly, would not be an issue, and they could both be there. They just would need to make sure that if they go out that there's someone attending the front area and that it was safe for them to go out there and do that. I think they pay first. I'm not sure exactly how it works but you're right that's an issue. Truesdell and a number of the others here they have it right in front in front of the windows.

John Braig:

Propane is locked up but aren't some of the storage devices actually vending machines?

(Inaudible)

Jean Werbie:

All are locked.

John Braig:

But they're vending machines?

Jean Werbie:

No. The clerk has to come out and unlock them once they've paid and you take it from there.

Mike Serpe:

Jean, just a thought here and it comes in with signage I guess. If we're going to allow the storage of LP tanks away from the traffic pattern and really out of the sight of the customer we can allow them to put LP gas available?

Jean Werbie:

They can put an unlit sign in their windows. They can do that certainly. But what we're saying is we don't want to have cigarettes for sale, firewood for sale. We don't want all those types of signs strung on these particular units or containers. Most people once they see them they know exactly what it is, but if they don't see them on the side, if there's unlit signs in the window and the front counter people usually ask do you have LP or ice. It's something people usually ask. And if they see those signs it should be okay. We just don't want additional banner signs on the building and lighted signs and things like that.

Mike Serpe:

Do we have to adjust this ordinance to make sure LP tanks are stored outside of any traffic area, away from any traffic area?

Jean Werbie:

We would need to write some type of change, amendment to this.

Mike Serpe:

Do we do that now? Do we do that subject to?

John Braig:

Subject to.

Jean Werbie:

So you don't want someone to be able to drive up into it but if they pulled along side of it?

Mike Pollocoff:

There can't be perpendicular parking.

Jean Werbie:

It has to be parallel parking versus perpendicular is that what you're saying?

Mike Serpe:

And parallel or perpendicular if the guy is drunk he's going to hit it anyway.

John Braig:

The ordinance says no outside storage or display of merchandise.

Jean Werbie:

Right.

John Braig:

The only difference between these devices here and a newspaper rack is size. Are we regulating newspaper racks?

Jean Werbie:

They're not allowed.

John Braig:

They are not allowed, period?

Jean Werbie:

Nope. And there is one gas station that currently has them that they're in violation right now as well.

Jim Bandura:

Jean, Mike and I were talking, we were talking about just if we have to protect it put a bollard in front of it. Make it a stipulation if it's going to be in front, some type of vehicle protection be installed. I wouldn't think it would be that hard to core concrete and put it in there.

Jean Werbie:

That is something we did talk about and that's certainly an option. But it's whether or not that bollard goes in the parking space or on the sidewalk. Then if we put it on the sidewalk, and I'm not sure if Tom put it in here, but we had some concerns about unobstructed handicapped accessibility access. So if the handicap spaces are down here and the ramp is there and they have to try to get down that sidewalk, well, now I've got a cage, an ice machine and bollards. They're not going to be able to get their wheelchair through there.

(Inaudible)

Jean Werbie:

And I would think that it would be, but I want to make sure the parking space is long enough to accommodate the bollard. There are some things that I think that's a good point that we should maybe put in here to consider.

John Braig:

It is a valid consideration because I stew every time I go to one of our major supermarkets because all summer long they've got some dumb fool stand or shed out on the sidewalk and

everybody that walks around it has to step into the roadway. How the City ever permitted that I just can't fathom.

Mike Serpe:

We haven't had anything seriously happen as far as an explosion of LP tanks hit by cars in the City that I can remember. I understand why we're trying to propose this. Maybe we should look at this a little further before we give it approval here. For example, if a station wants to sell LP and there's absolutely no other place but the front of the building to put it right in front of the parking, then I think what Jim brought up is legitimate in bollards on. So I think we have to be able to try and accommodate as best we can. And there's going to be a possibility that maybe some just won't be able to do it.

John Braig:

Look at Ace, theirs is way far away from the front of the building.

Donald Hackbarth:

Can we have Tom or somebody go out and take pictures of these places or where they might be installed so we can kind of see the logistics of where these things might go that would not interfere with traffic? Because right now we're looking at pictures of where they are now. Maybe by getting a better concept of where they could put it, it would be helpful for us to make a decision.

Jean Werbie:

Sure.

Mike Serpe:

One other as long as we're on this topic, on the south side of Ace Hardware before Greystone came into play their gas meters were back there not subject to any traffic or anything, just out of the way. Now, they're lined up perfectly with 46th Avenue. And if somebody for whatever reason either loses the brakes, intoxicated or reckless driving and hits a gas meter you have a commercial development now that might have to be handled rather quickly. So we may want to look at protecting that.

John Braig:

And the kind of accident you're talking about is not that unusual. I still think of the car that we had dip into Lake Andrea one winter night.

Mike Serpe:

So moved.

Jim Bandura:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY JIM BANDURA TO APPROVE THE AMENDMENT TO SECTION 420-119 K.(4) OF THE VILLAGE ZONING ORDINANCE SUBJECT TO THE VILLAGE STAFF COMMENTS AND CONDITIONS.

Voices:

Aye.

Thomas Terwall:

Those opposed? So carries.

E. PUBLIC HEARING AND CONSIDERATION OF ZONING TEXT AMENDMENTS to consider an amendment to Section 420-123 G. of the Village Zoning Ordinance related to Setbacks in the M-1, Limited Manufacturing District.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, this is a public hearing and consideration of zoning text amendments to consider an amendment to Section 420-123 G. of the Village Zoning Ordinance related to Setbacks in the M-1, Limited Manufacturing District.

On December 11, 2006 the Plan Commission approved Resolution #06-28 to initiate amendments to the Zoning Ordinance as it relates to the M-1, Limited Manufacturing District.

Since the development of the LakeView East and West Corporate Parks, the Village and WisPark LLC, the developers of LakeView, have worked jointly with the Village in the development of the LakeView Corporate Park. The development of LakeView also included the recording of the LakeView Corporate Park Declaration of Development Standards and Protective Covenants to which all properties in LakeView are to adhere to and comply with.

As with all developments, they must comply with all applicable Ordinances and Codes of the Village as well as all applicable State and Federal laws. The Village staff enforces the Village Ordinances and Codes and depends on developers and associations to enforce their respective deeds and covenants. Most of the developable industrial portions of Lakeview are zoned M-2, Heavy Manufacturing District, and a handful of LakeView industrial parcels are zoned M-1, Limited Manufacturing District. The Village had not yet made changes to the M-1 District as the greater setbacks set forth in the Covenants were being regulated and enforced by LakeView.

The Village staff recommends that to maintain the integrity and consistency of the developments within LakeView which is now under multiple ownership, that the Village M-1 District principal

structure street, side and rear setback regulations should be modified to reflect the LakeView Covenant restrictions.

So within the M-1 District the street setback is 30 feet from nonarterial street or private roads, the shore setback is 75, the wetland setback is 25 feet, the side is 25 feet and the rear is 25 feet. Now, within the LakeView covenants the setback is 65 feet for the street yard, 75 feet for shore yard and 45 feet for both side and rear yard.

It has come to the attention of the Village that some LakeView parcels were recently sold with the caveat that certain portions of the Covenants were being modified, such as street setbacks. Since the Plan Commission December 11, 2006, it has been the intent of the Village staff to come back for these amendments, again, for the consistency out there.

The M-2 District building street setback to nonarterial roads is 40 feet. Although this 40 foot setback is less than the 65 foot setback required by the Covenants, the Village has been consistent and comfortable with this minimum 40 foot street setback. The Village staff believes that nearly all of the existing industrial-type buildings in LakeView have street setbacks of at least 40 feet. The concern is that there is currently 30 foot minimum as being identified in the Corporate Park. So basically the staff is recommending that we increase the setbacks in the M-1 District to reflect the LakeView Covenants for consistency and basically fair play for all of the vacant lots that remain out in the Corporate Park. And this is a matter for public hearing.

Thomas Terwall:

This is a matter for public hearing. Is anybody wishing to speak? Anybody wishing to speak? Anybody wishing to speak? Hearing none I have a question. Is the only M-1 and M-2 areas in the Village in the LakeView Corporate Park? We don't have any M-1 or M-2 zoning anywhere else?

Jean Werbie:

We have some M-1 and M-2 in certain areas that we talked about back in December of '06 that we were going to be coming back with a comprehensive wide rezoning to bring all those parcels into their likely designations based on the Comprehensive Plan. So there are some. I want to say that there's about seven or eight other areas in the Village.

Thomas Terwall:

(Inaudible)

Jean Werbie:

That's correct.

Donald Hackbarth:

Years ago when we started working on the industrial park was coming in you said that other industrial parks slam their buildings closer together if we wanted a campus setting if I recall?

Jean Werbie:

Correct.

Donald Hackbarth:

Is this kind of consistent with that idea of the campus setting?

Jean Werbie:

Yes.

Donald Hackbarth:

Move approval.

Mike Serpe:

Second.

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 TEXT AMENDMENT. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

F. Consider the request of Howard & Evelyn Stamm, property owner, for a Certified Survey Map to divide the property located at 2209 116th Street into three (3) single-family parcels.

Jean Werbie:

Tom on my staff worked with the Stamms on this one extensively, so just in case there's some questions I'd rather have him up at the microphone as well.

Tom Shircel:

Thank you. The petitioner is requesting to subdivide Tax Parcel Number 92-4-122-361-0005 into three single-family parcels.

The zoning of the property is R-4, Urban Single-Family Residential District. Pursuant to the Village Zoning Ordinance, the R-4 District requires lots to have a minimum lot area of 15,000 square feet and a minimum lot width of 90 feet on an improved public road. The minimum street, rear and side setbacks for a house in the R-4 District are 30 feet, 25 feet and 10 feet respectively. Pursuant to the Village Land Division and Development Control Ordinance, both lots are to have a minimum lot depth of 125 feet. Additionally, the rear wooded of the parent property is zoned C-2, Upland Resource Conservancy District. No structures shall be located within the C-2 District.

As for the CSM itself, Lot I is proposed Lot I is unimproved and is proposed to be 18,357 square feet in area. Lot I is proposed to have 95 feet of frontage on 116th Street and approximately 193 feet of lot depth.

Lot II is also unimproved and is to be 18,357 square feet, the same as lot I, with 95 feet of frontage on 116th Street and approximately 193 feet of lot depth.

The proposed Lot III, which is a corner lot, is proposed to be 27,308 square feet in area with 135.26 feet of frontage on 116th Street and approximately 200 feet of frontage on the future 22nd Avenue. According to Village records, Lot III is improved with a 1,020 square foot, single-family ranch-style dwelling originally constructed in 1953 and a 624 square foot detached garage.

As far as sanitary sewer is concerned, the CSM depicts an existing sanitary sewer manhole near the northeast corner of Lot I. Associated with the manhole is an 8-inch sanitary sewer main and related 20-foot wide sanitary sewer easement. This easement traverses the northern portion of the proposed Lot I and potentially extends onto the northwest corner of Lot II as you can see on the slide on the wall. The easement location shall be shown on the CSM when revised.

A portion of Tobin Creek, a DNR-determined navigable waterway, traverses the extreme northwest corner of the proposed Lot I. The Ordinary High Water Mark elevation and location of this portion of Tobin Creek, as determined by the DNR, shall be noted on the CSM and the associated minimum 75 foot setback for structures shall be noted on the CSM when it's revised.

There are two existing sheds on the parent property located on the proposed Lots II and III. Because these sheds will become nonconforming with the proposed CSM, these sheds will either need to be relocated or razed. If the sheds are relocated onto Lot I or Lot II prior to the principal structure, which would be the single-family dwelling is constructed on either Lot, then as a condition of the Village Board CSM approval, that they shall have a time period of 180 days from the date of Village Board CSM approval in which to construct the single-family house in order to keep those detached structures on the property in conformance. If the sheds are relocated within the Village, the required permits are required.

Environmental, the subject property is not located within the limits of the 100-year floodplain and does not contain any wetlands. As noted, a majority of the parent property is located within the 300 foot Tobin Creek shoreland jurisdiction.

For municipal water and sanitary sewer, the existing house at 2209 116th Street on the proposed Lot III is currently serviced by municipal water and sanitary sewer. In addition to the 8-inch sanitary sewer main in the northern portion of Lot I, both municipal water, a 12-inch main and sanitary sewer, an 18-inch main, are located along the north side of 116th Street. When new

single-family dwellings are constructed on the now vacant Lots I and II, the dwellings will be required to connect to both municipal water and sanitary sewer. A licensed utility contractor or a licensed master plumber will need to install the laterals at the owner's expense. Lateral connections to the public sewer and water mains shall be bored underneath the 116th Street pavement; there shall be no open cutting of the roadway. The applicant should contact the Village Utility Department to verify any existing lateral locations.

An additional 17.03 feet of 116th Street southern ½ right-of way is being dedicated with this CSM to bring the total 116th Street southern right-of way to approximately 50 feet.

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

Pursuant to a May 2, 2007 fax from Roger Koessler of We Energies, there is an existing 12 foot wide utility easement on the proposed Lot I. According to We Energies, the centerline of this easement is located 103.65 feet west of the proposed west right-of-way line of 22nd Avenue. Dedications and Easement language shall be added to the CSM pertaining to sanitary sewer, streets and utilities. And that information has been provided to the surveyor to include in the revised CSM.

Storm water, prior to the issuance of zoning and building permits for new dwellings, each Lot must receive Village grading plan/storm water drainage plan approval. The Lots meet and exceed the minimum lot size and area requirements of the R-4 District. The land division conforms to the Land Division and Development Control Ordinance, Village Zoning Ordinance and all other relevant Ordinances or requirements of the Village. With that, I'll turn it over to the Plan Commission.

Thomas Terwall:

Just for clarification there were four or five references made to 116th Avenue.

Jean Werbie:

It's 116th Street.

Tom Shircel:

Yes.

Mike Serpe:

Tom or Jean, when we approve these splits are the property owners subject to the fees that we charge developers in place of impact fees, the \$891?

Jean Werbie:

No, we have not done that.

Mike Serpe:

Is there a reason?

Jean Werbie:

We would need to discuss it with the property owners and have a separate agreement but we have not done that.

Donald Hackbarth:

My question then is what is the \$1,400?

Jean Werbie:

\$1,490 is the current impact fee. The \$891 is a contribution that's to be made by developers.

Donald Hackbarth:

What's the difference?

Thomas Terwall:

You're saying the \$1,490 is

Jean Werbie:

The home builder pays the \$1,490 at the time of building permit, and the \$891 is paid by the developer at the time of closing on the lot.

Donald Hackbarth:

So the \$1,490 is also assessed or the developer has to pay it per lot?

Jean Werbie:

It's a fee that is paid at the time the building permit is obtained. So whoever builds pays the \$1,490.

Mike Serpe:

But, again, what Mike was saying we don't ask for a contribution of \$891 for an individual?

Jean Werbie:

We have not to this point.

Donald Hackbarth:

I don't know. I think that should be considered. You've got to be fair across the Board if it's a developer or an individual property. This is three lots.

Jean Werbie:

And one has an existing home so it will be just two.

John Braig:

I think as a matter of practice we should do it. Obviously on this one I think it's too late because things are going. But I think anything that comes in the future should be considered.

Jean Werbie:

I guess I have a couple of questions and I should have asked them sooner of my staff. Is 22nd Avenue being dedicated by the property owner?

Tom Shircel:

Yes.

Jean Werbie:

It's not been dedicated yet?

Tom Shircel:

To my understanding through the CSM it would be dedicated.

John Braig:

And that has a slight curvature there, right?

Jean Werbie:

I guess where I'm going with this is if there's an existing right of way that is there then the Village needs to entertain a variance because the public improvements would not be put in. But if you're saying that this is actually not right of way yet but it's under private ownership, I guess that's something we need to check real quick. They bought it as an outlot?

(Inaudible)

Jean Werbie:

Do we know?

Tom Shircel:

Mr. Bushweiller do you know the answer to that question? Could you come to the microphone? The question is the 22nd Avenue right of way on the east side of the Stamm property has that been dedicated to your knowledge?

Mr. Bushweiller:

I don't exactly know because in talking to you I thought that was something that the developer had already set aside for the lot. When I had first talked to you that was already cut out of that property and that was basically already set aside for the developer to do that and we had to know that and accept that at that time.

Tom Shircel:

And I believe we looked at the Village cadastral maps, the County cadastral maps, and that's how we came to that conclusion.

Thomas Terwall:

This subdivision wouldn't be legal without that, correct? You couldn't create these three lots if you didn't have that dedication?

Jean Werbie:

Right. And the situation is that it's not labeled as a dedicated public street.

Tom Shircel:

And that was one of the conditions of approval that that be labeled as dedicated.

Jean Werbie:

But if it's not under their ownership to dedicate and it's owned by a developer, I guess I'm not sure that it's accurately shown on here. So it's not owned so it's not shown as public street. Then there's also a piece up here that goes into the right of way. I guess I'll just need to—we'll probably need to reflect this as—

Thomas Terwall:

(Inaudible)

Jean Werbie:

Well, but it's not under their ownership to dedicate. What I'm saying is we can't label this as the staff notes as a dedicated public street because they don't own it to dedicate it, and Lakeshore Developers owns it.

Thomas Terwall:

(Inaudible)

Jean Werbie:

We can because they will have the required frontage on 116th Street. So that will be okay, but I guess maybe we need to have a different type of note placed on here, future right of way to be dedicated by adjacent landowner or something to that effect. Because technically this is not a corner lot yet because of the dedication not being there. So we will just have to change the note.

Mike Serpe:

What's going to flag that when it comes forward? How are you going to know that?

Jean Werbie:

It's owned by Lighthouse Pointe Developer and if that subdivision goes forward they're required and obligated and they currently have a valid preliminary plat and they will need to dedicate this right of way to the Village.

John Braig:

It's going to happen just not now. It's out of his hands.

Jean Werbie:

I just needed to understand the ownership because otherwise this property owner would need to get a variance because we're not putting in the public improvements. Well, it's not even a dedicated right of way. It means we have to change the label and he won't need a variance at this time, but Lighthouse Pointe still understands and knows that they have to dedicate that road right of way, and Lot III still has the required street frontage so that shouldn't be a problem. We just need to change the label and make sure that it's clear that he's not abutting dedicated road right of way yet on the east side.

John Braig:

In effect you can ignore the 22nd Avenue as even there. This is just a simple parcel of land.

Jean Werbie:

I think we need to note it on the CSM. We'll come up with the appropriate language and we'll just need to have that modification made before it goes to the Board.

Mike Serpe:

I move approval with the notation that Jean is talking about.

John Braig:

Second.

Thomas Terwall:

IT'S MOVED BY MIKE SERPE AND SECONDED BY JOHN BRAIG TO APPROVE THE CSM SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM WITH THE COMMENTS TO BE ADDED RELATIVE TO 22ND AVENUE. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

7. ADJOURN.

Mike Serpe:

So moved.

John Braig:

Second.

Meeting Adjourned at 7:04 p.m.